

A STUDY ON SOCIAL RIGHTS OF IRANIAN WOMEN IN THE LIGHT OF ISLAMIC POLICY

YUSRA KHANAM

Abstract: Women are acknowledged as the Heart and Brain of the family and if they become dysfunctional the whole body collapses. If the women treated menacingly then such mutilation will sink the entire world in the darkness. This paper investigates the rights and position of women in Iranian societies with the boundaries of the family. It will highlight on the Iranian society as a whole. It will also focus on the various aspect of the family like marriage, divorce, inheritance, maintenance and the vis-à-vis women. How does an Iranian family treat womenfolk? Are the family laws beneficial or unbeneficial to Iranian women? This short paper will shed light on these issues and study the current position of women in social spheres, comparing this to the situation prior to the Islamic Revolution.

Key words: Family rights, Islam, Iranian women, Revolution

Introduction: Iran is an Islamic society and there are many misconception and prejudices related women and Islam. Gender difference is a common allegation made against Islam. But Islam is the first religion on the earth which provide the equal position to women as men and promote the rights of women. In Islam, women occupy a proper place in the orbit of social issues, they are not deprived of social movements and taking benefit from social rights. Allah says in the Holy Qur'an:

O mankind! Reverence your Guardian. Lord, who created you from a single nature, his mate, and from them twain scattered (like seed) countless men and women; - reverence God, through whom ye demand you mutual (rights), and (reverence) the wombs (That bore you): for God ever watches over you. (Al-Qur'an; 4:1)

The outlook of the Holy Qur'an related to family relations is not of type that a number of the people live under one roof merely to exist. This sacred book looks at the family in the form of a social gathering in its full form. It rather takes it such a potential society that has high objects to obtain. It is for this reason that it has established some particularities of a family of the believers in God.

Women and family in Iran: Iran is approximately three epochs old. Earliest Greeks denoted to Iran as Persia. The land of Iran is that area where peoples have maintained their special way of life through centuries. The Iranian society like many other Islamic societies has always been mainly dominated by a traditional Islamic culture, but Iranian women have had a long and rich history since thousands of years. With the exemption of the upper and middle classes, the majority of women followed the traditional Islamic norms, including wearing of *hijab* in the public sphere and were confined to execute the familial tasks of a wife and mother.

Safety and soundness of the society is related to the soundness of the family. The reason is that family is

the place where the future generation grows and women in the family are regarded as the fountain head of love and affection. These are women who have grown up the pious persons under their care human values and perseverance. Therefore the progress of Islamic society is not possible without the benefit of the healthy and vibrant family in the country. The rights of family are an important issue for debating the social right of women. Social right, to an extent, are those rights which an individual enjoys as a member of the society and with personal and professional activity or using ones property leaves important on the society. In a broader sense the social rights are a chain of those rights which have been recognized as a means to remove social and economic injustices against the individuals. These injustices stem from the social and economic conditions dominating the society and the atmosphere in which an individual is living.

Any study of women's condition must take into account the concrete culture context within which they are instead. It's the role of culture in molding and influence social relation that significant forms attitudes, beliefs and norms of the society. Islamic culture within the Iranian social setting has been the determining influence in the creation of an environment in which the role of the male domination has been tightly interwoven in social relation.

In the beginning of the Pahlavi regime, the reform in the conditions of women, which actually had an obsessive and superficial aspect, attracted the government attention. In the Pahlavi regime, women enjoyed relatively freedom. They also acquired higher academic, cultural and social activities. Thus the women showed more activities in the affairs and matters of society. Hence they participated in different official and government positions and profession. Though, because of the impact of western culture and existence of consumer culture, the

women passed more time in their dresses and make up of their appearance.

As regards Iranian women, the main assumption will be that the modernization of Iran has changed the position of the women in the society. Modernization is defined as the processes of change in the polity and social structure that have accompanied westernism and the reformism in the country. This will be tested through an examination of the role of religion and family on the position of women. Thirty five years have lapsed since the Islamic Revolution of Iran come to a successful end. During this period important events have taken place in Iran. In all these events the Iranian women has taken part along with men to create history and defend the objectives of the Islamic revolution. After the success of the Islamic revolution, Imam Khomeini determined the status and position of the women in Iranian society. He describe the presence of women as an active and constructive group in the Islamic democratic system of Iran. He emphasized upon the need of the women's activities in the field of science, culture, society etc. he said:

"Women is equal to men. She is free like a man to select her destiny and field of activity."

Socio-cultural status of Iranian women, one has to study about the family and familial dynamics. In this context, various aspects of family including marriage, divorce, inheritance, maintenance etc. are to be described Iranian civil laws which were first ratified in 1928 with the establishment of the modern judiciary system, following the constitutional Revolution of 1905-1911, are mainly based on the Islamic laws (Shariah). The laws regarding marriage, divorce, children's guardianship, inheritance and in general those dealing with the relationships between men and women, are all 'sharia' laws.

Marriage: In Islam, marriage is considered to be a contract between two consenting adults rather than a religious sacrament, a vow of love, loyalty, and fidelity. Traditionally, parents arranged the marriages of their children.

The Iranian clergy see marriage as a desirable institution which enables father to transfer the control of their alluring daughters to strong husbands. This process is said to prevent both corruption and to stave off all threats to "revolutionary morality". The state policy on marriage focused on the construction of marriage as the only legitimate site of sexual pleasure and reproduction and its universalisation. Marriage in Iran was traditionally a religious contract, pronounced by the clerical judge until 1926 when the civil code was adopted by the Government. The civil code accepted the religious contract with few amendments but emphasized that it should be registered in the Government registration offices.

Women's Rights in Marriage: The following rights accumulate to a woman after her marriage.

- She has a share to receive "Mehr" (in cash or kind) which she could claim at any moment.
- She is entitled to receive maintenance within her husband means.
- She has a right to her personal wealth and can dispose it off at her sweet will.

However, in the contract of marriage, women are always at the losing end. Man is always the head of the family and has exclusive right and control over sexual intercourse with his wife. He is to be obeyed, fed and looked after by his wife. The off springs are named by him and are kept under his guardianship. He can inherit his wife's wealth under certain conditions. If the wife disobeys her husband, she is not entitled to maintenance. Men always stay in a commanding position and the fear of being divorced or otherwise disadvantaged keeps her in bad marital bargaining position. Further, the practice of polygamy has a demoralising effect on women and on the family.

Government Policy in Iran on the Institution of Marriage

For the protection of family and public morality the state adopts certain policies on marriage as under:

- **Dropping the Age of Marriage:** The civil code of 1926 stipulated the minimum age for marriage as fifteen completed years for girls and eighteen completed years for boys. However, Paidar writes it is 13 for women. She writes, "Although the civil code specified the minimum age of thirteen for women, in practice, it is left to the judge to decide whether a woman was mature enough to marry.
- **The Practice of Polygamy:** The abolition of the Family Protection Act removed the existing restrictions on polygamy which required a man to obtain permission from his first wife or from the Court before embarking on the second marriage. Removal of this restriction means according legal sanction to desiring males to go up to four wives without legal barrier

Divorce: Ayatollah Khomeini insisted that divorce belonged to men by rights and it is mentioned in Article 1133. So the question was to settle man's absolute right to divorce with that of the family needs and to prevent destitution. Lawful history had in the part registered the shattering results of men's absolute right to divorce. Articles 1121-1132 gave the reasons under which women could ask for a divorce. A massive campaign against this one-sided and (most of the times) uninformed male decision was, launched by some Islamic leaders and women's organisations to improve women's right to divorce within the limits of sharia. The demand was to transfer the right to divorce from the individual man to the Court of law.

The establishment of special civil Courts limited men's right to register divorce in Notary public offices on mutual consent. However, this practice was observed as unislamic and the proper Islamic course was to let it solved through Islamic judges who know and can decide on Islamic rights and responsibilities of husband and wife.

The recognised grounds of divorce by woman partner to the marriage were insanity, impotency, desertion, imprisonment of the husband etc. Besides these, the protagonists of women's rights demanded few more grounds of divorce which were later included in the civil code. In 1985, a standard marriage contract was introduced, to be signed by both man and woman which included some conditions under which a woman could initiate divorce.

Iranian women have won the right to divorce on the following courts:(a) If the husband does not compensation her maintenance for more than six months and if there is no possibility that he will pay and similarly his inability to fulfil the obligations of married life and ensuring the rights of his wife for that period;(b) Mischievousness and maltreating wife and if wife is unable to bear this misbehaviour she can claim divorce;(c) If the husband is in distress from addiction to alcohol or drugs;(d) If the husband neglects wife or family life without any reasonable ground continuously for more than six months;(e) And if the husband takes another wife without permission of first wife or unjust behaviour towards her.

Child Custody: The concept of custody has a double meaning in "shiiShariat". The first meaning refers to legal guardianship (*Velayat*). Articles 1199-1203 gave the financial responsibility for children in all times to the father and paternal grand-father in his absence. The second meaning refers to fostering (*Hezanat*) that is caring for offspring for a fixed period of time without possessing legal guardianship. Fostering is a natural right of the mother to take care of her descendants which is in circumstance of a girl child up to the age of seven years and in case of a male child up to the age of two years.

During the Iran Iraq war the custody law was defied. Darhgalib, a Deputy in the Majlis pointed out that, "Countless of the offspring of our martyrs not only lose their father but also become victims of a custody law which separates them from their mothers". The campaign to liberalise the custody right was granted by the Council of Guardians and accordingly a bill was introduced which was passed by the Majlis.

Islamic policy on women's Inheritance: In the relation of the inheritance, the Iranian civil court specified that daughters should inherit half of what sons did (Article 907). Mother would inherit one-third of their child's estate and father two-thirds

(Article 906). They also did not inherit everything that men could. Women could not inherit land and were only entitled to a share from the sale of property and not the property itself (Articles 946 and 947 of the Civil Code). After the revolution, some clerics criticized the traditional interpretation of inheritance rights of women and suggested that Shariat can be interpreted more usefully so that women's right to inheritance can be at par with men's inheritance right. However, the situation is yet unsatisfactory.

Mehr (Bride Price): The question of women's 'mehr' is also far from being satisfactory. Bride price or 'mehr' is a contractual amount to be paid after consummation of marriage but generally, it is paid by the men on divorce. One of the common problems, therefore, was its depreciating value. Another problem was that since the value of 'mehr' had to be within the means of the husband and in accordance with the previous living standards of the wife, may be poor women who married poor men could only ask for a modest sum.

Despite their right to claim 'mehr' upon divorce, it is subject to withdrawal and abuse. It can be lawfully withdrawn if the woman willingly gave it up in return for her husband's agreement to divorce. It is a very common ground to negate the right to mehr. Divorce statistics demonstrated that a large number of divorces were due to social problems such as poverty, crime and addiction. In these circumstances, even if a woman had a worthy 'mehr', its extraction from the husband at the time of divorce was an unreasonable expectation.

Maintenance on Divorce: Iranian women are entitled to maintenance or '*nafagheh*' upon divorce according to *Shii-shariat* under two circumstances: the first within the period of '*eddeh*' or the waiting period after divorce which is around three months and second when a woman is in lawful custody of her children out of the wedlock. This can also be withheld on the ground of woman's immorality or refusal to have sex with her husband. Women who were above child bearing age did not receive anything from their husbands. The sorry state of affairs of women on divorce was brought to the fore several times by women activists and moderate clerics but the idea of marriage compensation did not become law. However, the state has come forward with the Security of Unprotected Women and Children Law for the benefit of destitute women and children.

Conclusion: The circumstances of women's rights in Iran during the past three decades can be best described by this statement: that the change in the situation of women has been one step forward and two steps back or two steps forward and one step back. Islamic revolution in Iran has tended to reinforce the traditional norms about women performed their traditional roles of mother and

wife. In the present political scenario, when a graduate of law is all set to become India's first woman President, Iran does not allow its women to become either President or a lawyer. After having the right to vote in 1963, women have even contested the Presidential elections. Women are a strong constituency in Iran and need to be satisfied in order to garner votes. In June 2001 Presidential elections, President Khatami said "we have to try to increase the

role of women in decision making in politics and society. Women are not second class, they are no less than men". He had been a victim of imposition of paradoxically opposite role. Sometime treated with dignity and respect and sometime overloaded with religion conservatism. She looks like pendulum between two poles.

References:

1. Prakasha.N, Women Empowerment Through Mnreg Act -With Special Reference To Krishnarajanagar Taluk Of Mysore District; Human Rights International Research Journal : ISSN 2320-6942 Volume 3 Issue 2 (2015), Pg 47-50
2. Al-Qur'an, Chapter 4: 1.
3. J. W.Limbert, *Iran: At war with history*, United State of America: Westview Press. Inc., 1987, p1.
4. Dr. Piyal Basu Roy, Gobinda Rajbanshi, Kantha Stitch and Its Impact on Rural Women; Human Rights International Research Journal : ISSN 2320-6942 Volume 2 Issue 1 (2014), Pg 131-134
5. Maryam Poya, *Women, work and Islamism*, New York: Zed Book Ltd, 1999 P.3.
6. Dr. U.K. Kulkarni, Psycho-Social Problems of Women Teachers Working In Schools and Colleges of Vijayapur District; Human Rights International Research Journal : ISSN 2320-6942 Volume 3 Issue 1 (2015), Pg 147-150
7. M. Lepidus, *A history of Islamic societies*, London: Cambridge University Press, 2002, p4.
8. Dr. S. Somalingam, Status Of Women In Gross Root Politics - A Study Of Khammam District In Telangana State; Human Rights International Research Journal : ISSN 2320-6942 Volume 3 Issue 2 (2015), Pg 55-59
9. Soorat-i-Mashoor-i-Muzakerat-i-Majlis-i-Barrasi-i-Nahai-i-Qanun-i-Asasi, Vol. 1, p.188.
10. Maryam Poya, Op.cit. p.3.
11. Abdullahi Bala Ado, Muazzam Abubakar Salihu, Idris Yusuf, An Analysis of the Cold War and Its Effect on International Security; Human Rights International Research Journal : ISSN 2320-6942 Volume 3 Issue 1 (2015), Pg 160-163
12. J. W. Jacqz, (Ed.), *Iran: past, present and future*, New York: Aspen Institute for Humanistic Studies, 1976, p.210.
13. Maryam Poya, Op.cit. p.14.
14. *Jaygah-i-Zandar Andisha-i- Imam Khomeini*, 4th edition, 1376, p83.
15. Dr. Baishalee Rajkhowa, Aruna Deb Roy, Women Empowerment: A Study On The Implementation Of Higher Education In The Rural Areas Of Assam; Human Rights International Research Journal : ISSN 2320-6942 Volume 3 Issue 2 (2015), Pg 43-46
16. Farah Azari, *Women in Iran*, London: Ithaca Press, 1983, p10.
17. Geetaa Thakur, A Study On Factors That Plays An Important Role In Women Empowerment- In India; Human Rights International Research Journal : ISSN 2320-6942 Volume 3 Issue 2 (2015), Pg 1-3
18. Parvin Paidar, *Women and the Political Process in 20th Century Iran*, New York: Cambridge University Press. 1995, p.108.
19. Parvin Paidar, Op.cit. p277.
20. Dr Santosh Ajit Singh, English & Globalization— Business English—The Challenge For Academic Institutions/ The Need Of The Hour/ The New Currency; Human Rights International Research Journal : ISSN 2320-6942 Volume 3 Issue 2 (2015), Pg 114-116
21. Ibid. p278.
22. Ibid. p110.
23. Ibid. p110.
24. R.Vidya, Women In Indian Politics- Key To Development ; Human Rights International Research Journal : ISSN 2320-6942 Volume 3 Issue 2 (2015), Pg 23-25
25. Azari, Farah. Op.cit. p13.
26. Paidar, Parvin. Op.cit. p10
27. Ibid.
28. Ibid.
29. Ibid. p112
30. www.tharwaproject.com
31. Mohammad Fahimkohdamany, Women Empowerment In Afghanistan (Education, Leadership And Challenges) ; Human Rights International Research Journal : ISSN 2320-6942 Volume 3 Issue 2 (2015), Pg 117-121

Yusra Khanam/ Research Scholar/ Depart. Of Islamic Studies/
Aligarh Muslim University/Aligarh, 202002/