

Women and Islam

SHIRIN EBADI

Ladies and Gentlemen, Dear Audience,

I am happy to have the opportunity to be present in your gathering. The country of the Netherlands brings the idea of democracy and justice to my mind. In the Netherlands, as in Europe as a whole, the role of religion in politics has decreased from the period of the Renaissance, while democracy and freedom have gradually expanded. This is a blessing of which many other countries are deprived. In much of the eastern world, and particularly in the Islamic countries, the relation between religion, democracy, human rights, and women's rights remains the source of many political disagreements. Religion and democracy have been the subjects of ongoing disputes among philosophers and scholars. Some believe that human beings are the creation of God and as such certain duties are imposed upon them. Accordingly, whatever rights humans may have, are granted by Divine commandments. Likewise, it is the Creator who dictates their obligations; majority opinion cannot be the legitimate source of any rights or obligations. This religiously oriented philosophy holds that when a society is overwhelmed by perversion and decadence, a prophet would be sent to earth to show the right path to the misled majority. Followers of this religious school of thought observe the world through the eyes of their ancestors and do not tolerate any belief except their own. They do not concede a larger role to the elected representatives of the people, civil law, and parliament in determining rights since the majority could be on the wrong path. Rather, all legislation, they believe, should be based on Divine rules.

Shirin Ebadi was Iran's first female judge and served as president of the Tehran city court from 1975 until the revolution of 1979. She was a founding member of the NGO, Association for Support of Children's Rights in Iran, and was instrumental in the reform of Iran's Child Custody law. As a lawyer, writer, and advocate, Ebadi has defended the rights of intellectuals, women, children, and refugees. The international recognition bestowed on Ebadi as the first Muslim woman and Iranian to receive a Nobel Prize has re-invigorated the fight for human rights and democracy in Iran and far beyond.

The ISIM invited 2003 Nobel Peace Prize winner Shirin Ebadi for her first formal visit to the Netherlands where she met with members of NGOs, government officials, scholars, students, and activists from 15-17 April 2004. On 16 April she gave a lecture at the Nieuwe of Littéraire Sociëteit de Witte in The Hague entitled, *Human Rights, Women and Islam* which is presented below in abridged form with some audience questions.

In most Islamic countries there is a misconception that Islam is incompatible with democracy and human rights. Moreover, their governments impose particular ideological meanings to Islam and reject alternative meanings. In such countries, religion becomes a governmental tool. Anyone opposed to these governments' interpretations of Islam risks being branded an "infidel" and "enemy of Islam"; a tactic used to

silence political opposition and discourage and intimidate ordinary people from expressing disagreement and dissent. Critics of those autocratic regimes can find themselves lost in a whirlpool of various charges, and their fear of being labelled infidel may discourage them from any form of protest. This is the way that such autocratic governments hide behind the mask of Islam and continue their oppression and cruelty in defence of its name.

Islam and the rights of women and children

The situation of women in many Islamic countries is unacceptable. Islam values women, evidence of which we find in the words and acts of Prophet Muhammad himself, and in the Holy Quran. Why is it, then, that in many Islamic countries the blood money for a woman is half of that for a man? Why are men allowed to have several wives? Why are women not in charge of their own destinies, especially after their marriage when, under the excuse of obedience, their human identity weakens. In some of these societies women are even considered merely as a means to procreate, and the degree of respect accorded to them corresponds to the number of sons they produce. However, the status of women differs from one Islamic country to another; some enjoy more favourable conditions and some still live under the conditions of thirteen hundred years ago. The essential question is: which one represents the real Islam?

The legal position of children in many Islamic countries is also not acceptable. Children are mainly considered as objects, though valuable,

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On the one hand you advocate a universal discourse of human rights that is not restricted by religion or culture. Yet, on the other hand, you also argue that in Muslim societies it is important to reinterpret Islam to support democracy and human rights. Is it necessary to ground human rights within religious discourse and law?

Why am I saying religion, religion, religion all the time? The necessity arises from the fact that one sixth of the population of the earth are Muslims. And these people have certain beliefs they do not want to abandon. Yet they do not want their beliefs to be abused and misused by others, such as by governments that do not apply the principles of democracy and justify it on religious grounds. Many people, whether we like it or not, like to preserve the religion of their parents; of their ancestors. We should not tell Muslims, as the leaders of many dictatorial regimes do, that they have to choose between democracy and Islam. We should tell Muslims, "you can hold onto your religion. It is very good. Nobody is going to bother you. But do not forget that the key to heaven is not within the reach of the government or the ruler. It is not with them. The relationship of everybody with their God is in their heart and God has never said that somebody has to oppress us. God has never said that our property has to be taken from us by

force." Therefore, we have to be mindful of the fact that since we are Muslim, we must not necessarily be cheated. Therefore, we must approach certain issues through religion. If you are confronted with a nonreligious population you would not have to talk about religion. But in Iran and many other places in the world the necessity to reason through religion is a necessity. It exists.

Some Muslims have responded to the many injustices committed against the third world, and Muslim societies in particular, with violence and a discourse of terrorism. How do you see this response?

First, I should say that I believe that terrorism and violence should be dealt with severely. But having said that, we must ask if arresting and punishing terrorists has decreased terrorism in the world? Or, is it the case that, unfortunately, terrorism increases on a daily basis? We must ask, "From where does terrorism originate?" Terrorism has two bases: fanaticism and ignorance, and injustice. When a person, a group, a nation is oppressed and has no one to come to its aid and, moreover, is also ignorant, then it starts a fire in the world. I would like to recite a poem here from Hafez to illustrate this point: "O wine bearer, please give wine in a cup of justice to the beggar so that there is no calamity

belonging to the father and the paternal family. Unjust laws guide the issue of children's rights. For example, if a father or grandfather kills his child, even wilfully, he can be exempted from punishment. The age of marriage, moreover, is unsuitably low, and in some countries fathers can marry their daughters off even without their consent. Everyone is aware of the damaging aspects of underage marriage.

Such laws need to be reinterpreted and reformed. Many informed Muslims believe that it is necessary to understand the essence and general spirit governing Islamic rulings, and on the basis of reason, which is one of the sources of legislation in (Islamic) Holy Law, provide for more suitable laws. The word of God should be understood with the help of the intellect. Religious interpretations from five hundred years ago cannot be applied to situations of today. Reinterpreting Divine law is not heretical; on the contrary, it is precisely the correct way of truly implementing God's religion.

Overcoming cultures of patriarchy and ignorance

Patriarchal culture, not religion, is the root cause of inequality between the sexes and the reason for the lack of freedom and democracy in much of the eastern world, particularly the Islamic countries. Both men and women preserve, defend, and perpetuate patriarchal culture. Women, who themselves are the victims of such a culture, also play an active role in reproducing it. The paternal culture is passed by mothers to their sons, the same way haemophilia is transferred by the mother to her male child. Islam, in its essence, is based on respect for human dignity. Yet Islamic governments are not inclined, for different reasons, to offer an interpretation of Islam that is compatible with human rights, individual and social freedoms, and the principle of democratic participation in government. Therefore, the general culture and the political culture in Islamic countries are in need of evolution and legislative change. Laws should correspond to the spirit of Islam and the requirements of the times.

Education is the most important step in cultural change. Muslims should be educated about the fundamentals of Islam in a correct and sensible manner. They should be made aware that it is possible to be Muslim, and to respect and put into action the principals of human rights and democracy. If such an education were widespread among Muslims, their governments would be forced to respect the rights of their people. Muslim intellectuals must, through all means possible, find access to the Muslim masses and participate in their education. It is imperative that the intellectuals reinterpret Islam, because if they criticize the policies of Islamic governments from outside a framework of Islam, they are not going to attract the masses of people. Therefore, we have to make Muslims aware that the key for paradise is through an Islamic movement based on pure motives and understanding of Islam, not through terrorist activities. The one billion Muslims who make up one sixth of the world's population of the planet earth value their reli-

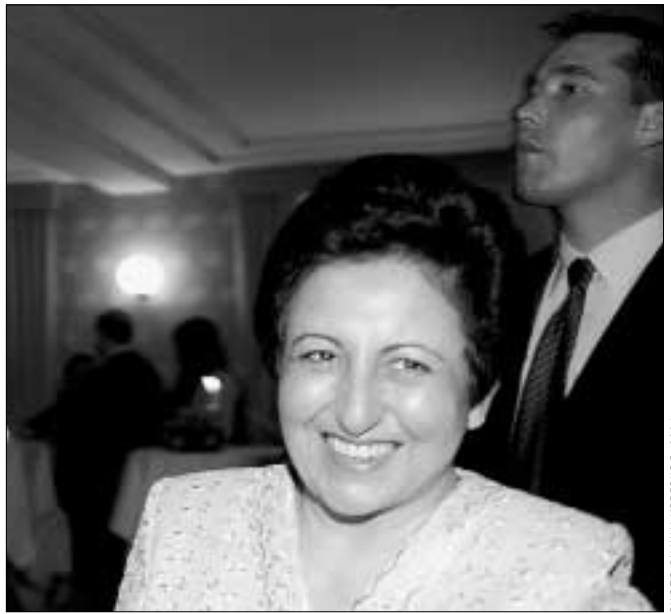


PHOTO BY WIM VREBURG, 2004

gion and want to preserve it, and also have the merit to live in better conditions.

Paradoxically, those who want to wage war [in the name of Islam], do invoke incorrect interpretations of Islam. Such people try to argue that Oriental civilization and especially Islamic civilization is inherently unrelated with Western civilization and the conflict between the two is unavoidable. Islam is not a religion of terror and violence. You can be sure that if a person is killed in the name of Islam then the name of Islam has been abused. Islam should not take the blame for the incorrect actions perpetrated by individuals or groups, just as the wrongs committed by individuals in the war in Bosnia cannot be said to be the fault of all Christians. The Jewish religion should not be blamed for those Israelis who ignore the various resolutions of the United Nations [and commit injustices against the Palestinians]. We must separate the mistakes made by human beings from the faith and civilization to which they belong. Civilizations are not in conflict with each other, for they share many common denominators. Let us speak of those common denominators, not the discords. We should not try to justify war for no one will come out of such a calamity with pride.

**Shirin Ebadi,
The Hague,
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in the world." Hafez wrote these words centuries ago because he understood that injustice causes people to start riots. Some politicians see their interests served in moments of ignorance and fanaticism without thinking about the future.

I will repeat again that my heart feels pain every time I remember 11 September. I sincerely sympathize with the victims of that tragedy. But you must bear in mind that the United States helped the Taliban come to power. When the Taliban took over Kabul, the first country to recognize them was America. Working with dictatorial governments brings about such tragedies. Unfortunately, we saw a few months ago innocent people killed in Spain. The world has become a global village. Any incident affects the others. We should not take a back seat. When a country is burning in the flames of war, if the people of a country need help, then we must not remain indifferent. It is possible that one day, the flames of injustice may affect you too. The day when that tragic incident took place in Madrid, it was a product of an injustice that the Taliban had committed against the Afghans and at that time no one came to the aid of the Afghans. We must look at the events in the world as joined together and not as separate.

How can we in the West help Muslims to promote the kind of positive Islam you advocate?

How can you help the Muslims? The most important assistance that we expect of you is not to blame religion for the wrongdoings of some of its people. After 11 September, an extremely tragic incident which hurt us very much, a [difficult] situation has come about for Muslims throughout the world. A very small group of people committed a horrible crime, and in their act abused the worldwide name of Islam. My most important request as a Muslim is that before looking at each other in anger we pause and think within ourselves; think what has really happened. Many Muslims are suffering from both their own governments as well as from the incorrect judgment the world has about them. The most important help you can give us is to love each other as we used to do twenty years ago before this talk of the "clash of civilizations" which is not a good theory. We should not ignorantly adopt theories that bring about wars.

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PHOTO BY WINN VREBURG, 2004

Piet de Klerk, Ambassador at Large for Human Rights, Shirin Ebadi and Asef Bayat, The Hague, 16 April 2004

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How do you view the future of Iran?

With reference to how I see the future of Iran, I have said on many occasions that I am neither a politician nor a leader of a political party and do not wish to enter the government or power structure. I am a human being like you and I only work in the field of human rights. I can speak to you on the situation of human rights in today's Iran. The Government of Iran, in the year 1975 (AH1354) joined the International Covenant of Civil and Political Rights and the International Covenant of Economic and Social Rights, and remain, until today, signatories of those Covenants. Therefore, we are committed to abide by those Covenants. Yet, unfortunately, we have laws against Iran's international commitments such as discrimination based on gender. In a country where 63% of students at universities are female, that is, the number of educated women exceeds that of educated men, according to its laws the legal testimony of two women is equal to the testimony of one man. This society does not remove these discriminatory laws.

We have discrimination on the basis of religion. According to the civil rights regulations, if a person who is non-Muslim, for example a Zoroastrian or a Christian, dies, and among his relatives, however distant, there be a Muslim, that Muslim will inherit everything thereby depriving others of inheritance. We have laws that harm freedom of speech. In our Press Law it has been stipulated that criticizing the constitution is prohibited. How can it be possible for a professor teaching constitutional law at the Faculty of Law to be prohibited from criticizing the law? We have a law that, unfortunately, allows the Guardian Council to vet the qualification of candidates before parliamentary and presidential elections. During the seventh parliamentary elections (in early 2004), many candidates were disqualified. These actions are against the international commitments of the Iranian Government. A country should either not accept an international protocol or, if it accepts it, should abide by it and implement it. We expect the Government of Iran to fulfill its international obligations.

Do you think there is a chance for democracy in Iran, an Islamic republic?

I believe in democracy. Democracy means that the government should represent and respect the will of the people. If the people demand a separation between religion and government, then we must respect their wishes. Respecting the will of the people is not against Islam and has

many precedents in Islamic history. The problem is that some philosophers and some ruling government officials are not willing to acknowledge the rights of the people for democracy. The problem is not Islam. If all people want the same thing, separation of religion from government, then this should not be a problem.

When did you develop the desire to fight injustice and where has this tendency led you?

My dear friend, I think that everybody is born with certain characteristics. From my very early childhood I was fascinated by justice without understanding exactly what it was that I wanted. From as early as seven or eight years old I remember many occasions when walking down the street I would stop to intervene in other peoples' fights. If two children were fighting and one child was being beaten by the other, I would just get involved and help the one who was being beaten up without even understanding the story between them. Many times I was beaten up myself because of this intervention. This spirit made me choose to go to law school. It was this same spirit that drove me, after I finished my studies at law school, immediately to work for the Ministry of Justice and then I started working as a judge.

I believed that through the profession of being a judge I could realize my dreams for justice. I was a judge for many years, but after the 1979 revolution they said that women could not remain judges anymore. They made of me a secretary in the same court where I had been a judge. Well, of course, it was not tolerable for me and I left. I gradually began to protest in writing and speech. Due to all my activities, my license to practice law was suspended for seven years. When I finally got my license I opened my own law firm and was pulled in the direction of human rights. I have worked—and continue to work—for the defence of the politically accused and also those accused of media offences.

How has winning the Noble Prize changed your life?

The Noble Prize has given me a chance to be more vocal. The people of Iran and the people of the world can hear me more clearly and for this I am very grateful to this prize. After having been awarded the Noble Prize, I have been able to highlight pressing issues in Iran. Iran is a country which is contaminated with landmines. Three million hectares in the South-West and West of Iran are contaminated with landmines, a situation which has led to villages being abandoned, land becoming uncultivable, and people dying and suffering terrible injuries. After being awarded the Noble Peace prize I started an NGO for the purpose of training people how to deal with areas that are contaminated with mines. This NGO has been one of the impacts of the Noble prize in my personal life.

How do you deal with those who oppose you?

The way I deal with people who oppose me, such as those who disagree with my condemnation of the United States' policies to invade other countries, is through dialogue. I always have a discussion and dialogue with them. There is no other way. Freedom of expression is one of the issues that I care for. I am only one human being, I am independent, and I do not have a party or organized group. The only weapon that I have at my disposal is a pen and a tongue which is very long. It can talk a lot!

The original transcript of Shirin Ebadi's talk was translated into English by Zahra Navidi.