

*By Simin Royanian. Original version 2003-06-27; revised 2005-03-25.*

Women did not have all their rights under the Shah. Sharia Law was the law in Iran prior to 1979. The Islamic Sharia law was the basis of family, marriage and women's rights in Iran. As an example, the law permitted men to have four permanent and as many temporary wives as they wanted. Custody of children was in the hands of the father and after his death, in the hands of the male relatives on the father's side. So if the couple were divorced, even after the death of the father, the mother would not get custody.

The woman had to have written permission from her husband to travel. Since inside the country, one does not need to show an ID to travel, this permission was required for traveling outside the country. Citizenship was only through paternity. An Iranian man's child from any woman would become an Iranian citizen automatically. An Iranian woman's child from a non-Iranian would not be eligible for citizenship.

All these laws and many more were in place in Iran. Due to the rise of women's rights movements around the world, including Iran, certain advancements were being implemented gradually such as the right to vote, which was established in Iran in 1963.

One law (the "family protection law") that was passed in late 1970's required married men to get permission from their permanent wife, or wives, to acquire another permanent wife. This did not apply to temporary wives.

After the establishment of the Islamic government in Iran, a move was made to expand the Sharia law further. The outcome of the "fundamentalist" interpretation of Sharia in Iran, though not as harsh as in Saudi Arabia or that of the Taliban, did include the exclusion of women from judgeship, the imposition of Islamic code of dress on women, and inclusion of strict Sharia rules in the judiciary. These meant that some punishments for crimes were to comply with the Islamic tradition as interpreted by the ruling hard liners. It is important to realize that almost all countries with majority Moslem population follow some interpretation of Islamic law in their laws.

The new rulers, however, emphasized the early Islamic tradition of inclusion of women in civil and political life. The voting right for women was maintained and women were encouraged to participate fully in all forms public life. Consequently a very complex and sophisticated system of inclusion and exclusion were developed. Meanwhile two types of women activism were developed. One was by the women who support an Islamic government but believe in a different interpretation than the hardliners, and the other by secular women. The secular women also practiced two forms of struggle. One was by women who published and worked in the legal interpretation of Sharia to promote a more liberal view. The other were the women who worked through long and difficult non-cooperation, refusing to comply with the dress and behavior codes in social life, thus testing and pushing the limits.

As a result of the combination of all these efforts within and in opposition to the system women have made progress in many areas. Today, female students form more than half of the entering class in Iran's universities. There are many more women in Parliament than there ever were during the previous government; there is a well developed birth control

program in place which received an award from the UN about five years ago.

According to UN WHO statistics, infant mortality and teen-age pregnancy rates in Iran are much lower than those in most third-world countries. For the last two years several women's organizations have publicly celebrated March 8th as International Women's Day in Tehran and other cities around the country. Now, there are women publishers and all-women publishing houses, printing books and pamphlets on women's issues from secular and even left points of view.

All of this in spite of, not because of the form of government in Iran.