

Shirin Ebadi's Nobel Peace Prize Highlights Tension in Iran

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The decision to award the 2003 Nobel Peace Prize to Shirin Ebadi, the intrepid Iranian human rights lawyer and former judge, took everyone by surprise — not least Ebadi herself. On the morning of October 10, when the award was announced, the Nobel winner was about to leave Paris, where she had been attending a conference on Iranian cinema, and the news forced her to postpone her departure for Tehran. In Iran, meanwhile, news of the award seems to have stumped conservative forces in the government, who initially tried to ignore it. State-run radio stations controlled by the conservatives waited hours to announce the prize, before finally according it the briefest of mentions at the end of an afternoon news bulletin. The newspapers and websites of Iran's reformist movement, however, instantly hailed the announcement in Oslo as the international community's recognition of the peaceful struggle of Iranians for democracy and human rights.

Much coverage of Ebadi's award has speculated on the message being sent by the Nobel committee to the Bush administration: contrary to the implications of Washington's "axis of evil" rhetoric, reform in Iran must come from within. Ebadi herself underscored this message when she spoke out against Western intervention. But more important in the short term may be how her Nobel Peace Prize, by highlighting contradictions in the Islamic Republic of Iran and within the "reformist" camp, strengthens a particular set of forces in Iran's long and arduous transition from theocracy to democracy.

TWO RECEPTIONS

When Ebadi arrived at Tehran airport on October 14, she received a hero's welcome. Several non-governmental organizations and independent associations, such as an association of writers and a group of lawyers, had formed a welcoming committee headed by Fariborz Ra'is-Dana, an outspoken secular reformist. A crowd of many thousands, mostly women sporting white headscarves (covering one's hair is obligatory in Iran) and holding white flowers, filled the terminal and the roadway leading to the airport. On the tarmac, Ebadi was met by members of the welcoming committee, as well as two of President Mohammad Khatami's deputies, and several members of the Parliament (Majles), including all the women members. Zahra Eshraqi — granddaughter of Ayatollah Ruhollah Khomeini and wife of Mohammad Reza Khatami, brother of the president and leader of Mosharekat, the largest reformist party in the Majles — placed a garland of flowers around Ebadi's neck.

The next day, *Jomhuri-ye Islami*, the most hard-line conservative newspaper, blasted Eshraqi's

gesture as a betrayal of her grandfather, and declared that Khomeini would certainly have condemned his granddaughter if he were alive. Eshraqi was surely manipulated by her husband, who, in a desperate attempt to save his embattled party, had forced his wife into making the despicable gesture, the newspaper concluded. In a telephone interview with the reformist online journal Emrooz on October 19, Eshraqi defended her action, attributing the criticism to the patriarchal mindset that “for everything, women get orders from their husbands” because they lack the power of discernment. In the week following the human rights lawyer’s warm reception at the airport, Friday prayer leaders denounced Ebadi and her Nobel Prize from every pulpit in Iran. In Qom, the heart of clerical power, a statement was read out linking the award to the continuing attempts of foreign powers to weaken the Islamic Republic. The Nobel Peace Prize for Ebadi was, the statement told the congregation, “the latest plot of the Global Arrogance [the current variation on ‘the Great Satan’] to undermine Islam.”

EXEMPLAR OF STRUGGLE

Such diverse reactions to Ebadi’s prize are clearly indicative of the tensions that divide her country, where Islamism — that is, the use of Islam as an ideology and the demand for application of Islamic shari’a as the law of the land — has lost its popular appeal. The 1979 revolution, which merged political and religious powers in Iran, transformed “Islam” from an ideology of opposition into one of state power. The post-revolutionary state embarked on the enforced Islamization of law and society, a process which had especially severe consequences for women. In practice, the implementation of shari’a amounted to mandating an “Islamic” dress code for women, enforcing gender segregation in public spaces, dismantling the legal reforms of the deposed Pahlavi regime and applying an outdated patriarchal model of social relations, defined by pre-modern Islamic legal texts, in courts dealing with penal cases and family disputes. The results were so out of touch with women’s aspirations, not to mention the realities of Iranians’ lives and their sense of justice, that 20 years later they helped to unleash a popular reform movement, major currents of which seek a withdrawal of religion from its fusion with state authority.

This reform movement emerged in the aftermath of the 1997 presidential election, when Iranians voted en masse for Khatami, a cleric who ran on a platform of tolerance and the rule of law. Since then, the reformists — both inside and outside the structures of the state — have been trying to forge a democratic and pluralist political culture, aided by a vocal press but in the face of intense and at times violent opposition from conservative theocratic forces. The demand of women for equality and gender justice has been an integral part of the reformist movement. Shirin Ebadi is a prominent voice among those who are trying to reconcile Islam with discourses of democracy and human rights.

Ebadi’s life in many ways exemplifies the struggles of women in Iran in the years since the 1979 revolution. Born in 1947, she graduated in 1969 from Tehran University’s Faculty of Law, and later became one of the first women judges in Iranian history. She lost her post in 1979 when the post-revolutionary regime launched its program of Islamization of institutions. At the time, clerical wisdom argued that women were unfit to be judges, as they were too emotional to render decisions based on reason and legal principle. In 1984, Ebadi took early retirement and began working for private legal firms. She obtained a license to practice as an attorney in 1992, and soon emerged as the leading figure in the Iranian human rights movement. Along with other women, in 1994 Ebadi founded the Society for Protecting the Rights of the Child, which has lobbied the parliament to introduce legal reforms in line with the UN Convention on the Rights of the Child. In 1997, she was the lawyer for the divorced mother of Aryan, a six year-old girl who died in her father’s house after being abused by her stepmother and brother. For years, Aryan’s mother, who had evidence of the

abuse, had petitioned the courts for custody, but she had been denied because the courts' interpretation of shari'a granted custodial preference to the father in cases of divorce. The case aroused public outrage, allowing Ebadi, in effect, to put these restrictive custody rules on trial. The trial led to amendment of the custody law in 1998.

Ebadi has also defended a number of victims of human rights violations, taking up cases that few other lawyers would have dared to touch. In 1998, she represented the families of dissident writers and intellectuals who had been serially assassinated by "rogue elements" of the Ministry of Information, and in 1999, she sued on behalf of the family of a young man who died when police and plainclothes militia stormed a Tehran University student dormitory in July. Her outspoken defense of human rights has antagonized the Iranian judiciary, the primary institutional arm of rigid conservatism in the regime, and hard-line jurists ordered her arrested in June 2000. Accused of producing and distributing a videotape that allegedly "disturbs public opinion" by implicating certain senior officials in atrocities against reformist personalities and organizations, she was tried in closed court, given a suspended sentence and banned from practicing law. An appeals court later reduced her sentence to a fine.

A STATE AT WAR WITH ITSELF

Ebadi's Nobel Peace Prize comes at a time when the reform movement in Iran is under a great deal of pressure. The public has lost hope and patience with Khatami and his allies in government and the Majles, who have failed to fulfill their campaign promises. The reformist front's political and legislative moves to bring tangible change in the structure of power have so far been frustrated by those who safeguard the theocratic side of the state — especially the judiciary, who see themselves as answerable only to Ayatollah Ali Khamenei, Khomeini's successor as Supreme Leader, and the Council of Guardians, an elite group which, though unelected, has the authority to vet or veto all legislation passed by the Majles. The Council has vetoed 90 percent of the laws proposed by the Sixth Majles since it convened in June 2000. Among the rejected bills were proposals to change the restrictive press laws, ban the use of torture in prisons, raise the minimum age of marriage, abolish the unilateral right to divorce for men, expand women's access to divorce and, most recently, join the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), a cause for which Ebadi also fought. The frustration of the reformists has created not so much a stalemate, or even a "dual state," as a state at war with itself, where members of the unelected bodies controlled by the Supreme Leader see their survival in power as contingent on preventing the elected bodies dominated by the reformists from carrying out their agenda.

At stake is the legacy of the 1979 revolution, and at war are two different notions of Islam based on two different readings of its sacred texts. One is a legalistic and absolutist Islam, premised on the notion of "duties," which makes no concession to contemporary realities and the aspirations of Muslims. The other is a pluralistic and tolerant Islam, premised on the notion of "rights" as advocated by modern democratic ideals.

It is this tolerant and pluralist Islam with which Shirin Ebadi, as a human rights lawyer working outside the structures of state power, is aligned, and it is this Islam for which she went to prison. With the Nobel Peace Prize in her portfolio, Ebadi is now a formidable force for the conservatives to confront. They can no longer prosecute her with impunity. Her voice can give a boost to human rights campaigners — as it already did when she called for the release of political prisoners upon stepping off the plane at Tehran airport — and to the reform movement that has fallen into such a critical condition. The prosecution of outspoken reformists and the closure of their publications have not only failed to contain the public desire for fundamental reform, but have highlighted its urgency

and necessity. Khatami, not wanting to rock the boat by challenging the Supreme Leader, has lost more and more of his supporters and associates. The emerging split between impatient reformists and Khatami, with his gradualist strategy of parliamentary maneuver, was underlined when the president described Ebadi's Nobel award as "not very important."

Instead, religious and secular reformists, for whom democracy and human rights are the priority, are coming together to separate the institutions of religion from those of the state. Religious thinkers, such as Abdolkarim Soroush, Mohammad Mojtaba Shabestari, Mohsen Kadivar and Hasan Yousefi Eshkevari, are laying the theoretical foundations, in Islamic terms, for such a separation. Eshkevari has been in jail since August 2000 for taking part in the Berlin Conference that April on the future of reforms in Iran, where he openly rejected clerical rule and the idea that imposition of the veil on women in Iran is "Islamic." "An Islamic state," Eshkevari says, "cannot but be democratic and the present regime in Iran is no longer Islamic." He was charged with apostasy for "denying the essentials of religion" — an offense that can bring the death penalty. The Special Clergy Court — which now acts as an inquisition — tried Eshkevari in camera and eventually sentenced him to seven years in jail.

STORIES YET TO BE TOLD

It is true that Khatami and his remaining allies have suffered many political setbacks, after failing to achieve a shift from the theocratic to the democratic in the basis of the Islamic Republic. As a result, they have lost the trust and support of the general public. But they have succeeded in one important respect: they have demystified the power games that were for so long conducted in a religious language, and they have exposed the way Islam and the shari'a have been used instrumentally to justify autocratic rule. This success is central to what the reformist movement in Iran is about — changing the terms of reference of Islamic discourses. The reformists in the Majles have gone a long way toward this goal, by separating Islam from despotism and Islamic law from patriarchy, and by creating an Islamic discourse that is democratic and respects the human rights of the people.

When Shirin Ebadi was forced to step down in 1979, the Iranian judiciary lost an honest and competent judge because of a central assumption in orthodox interpretations of Islamic law that women are "defective in intellect." Though in modern times this assumption is no longer openly defended — and, since 1992, women once again serve as judges in Iran — such prejudice against women still informs many other laws administered in the name of Islam and is alive in the minds of many clerics. The Friday prayer leader in Urmiyeh, Hojjat ol-Islam Hassani, who always speaks his mind, had the courage to utter it when he joined the clerical chorus condemning Ebadi's award. "The Global Arrogance," he told his congregation in his Friday sermon on October 17, "calls this 'defective-in-intellect' lady, with her criminal convictions and her secular thoughts, a 'jurist' and gives her the Nobel Prize."

As is its wont, the reformist press merely printed Hassani's pontificating without comment. Another piece of news, reported on October 1 on reformist websites, again without comment, reads: "Hamideh Hassani, daughter of Urmiyeh's Friday prayer leader, died in the hospital. She committed suicide by setting herself on fire in the family's private orchard. She was married with children. Hassani appeared on the local TV station, and said that, as suicide is forbidden (haram) in Islam, he would not take part in any funeral ceremonies held for his daughter." The two news items are not apparently connected. But there is a thread that links them: the intolerance and lack of compassion, even for one's own daughter, of some ruling clerics, and the despair of young women trapped and silenced by patriarchal tradition. The work of Shirin Ebadi, and the protection granted her by the spotlight trained upon winners of the Nobel Peace Prize, will make it easier for the world to hear the

voices and learn about the pain of those Iranian women, like Hamideh Hassani, whose stories have yet to be told.

P.S.

* From MERIP:

<http://www.merip.org/mero/mero102703.html>

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