Human Rights, 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 politics 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; major- ity 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.

On 16 April she gave a lecture at the Nieuwe Littéraire Sociëteit de Witte in The Hague entitled, Human Rights, Women and Islam which is presented below in abridged form with some audience questions.

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 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. The result is 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 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, and far beyond. They are not in charge of their own destinies, especially after their marriage. They are deprived of the right to receive a Nobel Prize or any other prize. They are treated as a means to procreate, and the degree of respect accorded to them corresponds to the number of sons they produce. Even in those societies where women are not considered merely as a means to procreate, the degree of respect accorded to them is still not the same as that accorded to men. In many Islamic countries, women are not in charge of their own destinies, especially after their marriage.

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 justice to religious grounds. Many people, whether they 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.”

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Political Participation & Activism

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 without even 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 religion 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.

How can 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 ignorantely adopt theories that bring about wars.

Continued on p.32
Continued from page 31

The Hague, 16 April 2004

Shirin Ebadi and Asef Bayat, Piet de Klerk, Ambassador at
Continued from page 31

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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 situa-
tion of human rights in today’s Iran. The Government of Iran,
in the year 1975 (AH 1354) joined the International Covenant
of Civil and Political Rights and the International Covenant
of Economic and Social Rights, and remain, until today, signato-
ries of those Covenants. Therefore, we are committed to
abide by those Covenants. Yet, unfortunately, we have laws
against Iran’s international commitments such as discrimina-
tion 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 discrimina-
ty 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
has been stipulated that criticizing the constitution is pro-
hibited. How can it be possible for a professor teaching con-
stitutional 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 candi-
dates were disqualified. These actions are against the inter-
national commitments of the Iranian Government. A country
should either not accept an international protocol or, if it ac-
cepts 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 gov-

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 fascinat-
ed by justice without understanding exactly what it was
that I wanted. From as early as seven or eight years old I re-
member many occasions when walking down the street I
would stop to intervene in other peoples’ fights. If two chil-
dren 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 be-
tween 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 Min-
istry 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 sec-

PHOTO BY WIM VREEBURG, 2004

How do you deal with those who oppose you?

I do not have a party or organized group. The only weapon
care for. I am only one human being, I am independent, and
other way. Freedom of expression is one of the issues that I
policies to invade other countries, is through dialogue. I al-
ways 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!

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.

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