

A CASE STUDY OF HUMAN DEVELOPMENT OBSERVING ISLAMIC STANDARDS IN IRANIAN SOCIETY: WEMON'S PROGRESS IN LEGAL PROFESSIONAL CAREERS

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Abstract: The pattern of human development in women's affairs in a religious and revolutionary society such as Iran can be read as a model based on Islamic standards which may be considered restrictive by some. Legal affairs, both in legislative area and in legal educations and careers are good examples of this participation in a developing country. Women occupy an increasing number of job opportunities as judges, lawyers, advocates, and attorneys and a great percent of university students rush for legal educations. In this essay, we do not aim to speak merely by numbers and graphs, but to show that how the Islamic society can extend the field for women's development and reconcile the value-driven public view with the social necessities. In this paper, based on a research program about HD in Iran, in addition to the documentary official statistics and social surveys, there will be an analysis regarding the qualitative growth of women's conditions and the effect of their presence in legal areas on development at a large scale, considering three aspects of a) the effect on legislative power and parliamentary movements regarding the enactment of laws discussing women's civil and social rights; b) a collectively flow toward institutionalization of women's rights and for conceptualizing related rules; and c) different attempts with the purpose of promoting educational standards for women in contesting career fields.

Keywords: Human Development, Women, Legal Affairs, Iranian Society.

I. PREFACE

Preparing a ground for women's participation in the areas which are related to constitutional and administrative law can be considered a great leap in human development particularly in developing countries. Modern day societies specially developed ones are in a progressive contest

regarding the participation of women in constitutional and administrative affairs. In this way, employing women in governmental and ministry positions becomes a remarkable factor of development and pioneering political advance.

II. IRANIAN PERSPECTIVE TO WOMEN'S CONDITION

A short view at the Middle East countries and the developing countries as a whole reveals that Islamic Republic of Iran has a good place regarding the presence of women in ministries, parliamentary membership, higher management posts, and governmental affairs. Though, considering the global indicators of women's employment and social participation, we will agree that our country has a long way in its face to reach a point in women's development at least among the developing countries that deserves it,¹ but it has truly cited that the progressive attention of government to foster the possibility of the women's employment in higher managerial positions and in administrative areas.

This is a great step forward. Since according to Islamic Law, there is no limitation for women to work in different positions and various careers, and their social participation is welcomed. In accordance to this view, in the well-programmed processes of institutionalization of women's right to have social dignity, a total approach to guarantee these rights have always been the main theme of development programs. The Iranian Constitution confirms that delegating social and administrative responsibilities to women must not be a mere formal action.² In a

¹ According to the "United Nations Human Development Program" (2008) the rate of Iranian women's employment was about 52% in comparison to other Middle East Countries, which is more than twice comparing the 1990 rate (21%).

² Article 21

four programs of the economic, social, and cultural development of the country each one arranged for a five-year period ending to 2025, it is estimated that these developmental objectives regarding women's employment and participation will be achieved.¹(Kemal, 2006)

Under the general trend toward women's participation the number of the women attending the parliament in every period has been increasing, more women have been employed in higher managerial posts, worked as police officers, and many educated women graduated from law schools and universities are now working as judges, consultants, and attorneys.

A general view on the employment of women in Iran shows that under the current situation educated and skilled women have now a great chance and an equal right to apply the jobs related to the constitutional and administrative affairs. They have the chance like men and as equal as the man in the related field to attain the professional jobs. The patriarchic pattern of employment in which the father or husband could prevent women from working outside is no more the dominant norm.

One of the themes we aim to discuss about is the problem of the compatibility of modern standards of human development with Islamic rules. So far the question of development is concerned, the analysis of political and social thought of Islam would be necessary in defining women's role in all areas of development. Basically, there is no prohibition or restriction in Shari'a to work like a man and to appear in various social scenes. The constitution of I.R. Iran, taking into grant all civil and social rights for women confirms that women should have the dignity compatible with their human nature along with men. Principle 20 declares: "Every individual member of the nation, whether female or male, shall have equal protection under the law, with due observance of the Islamic principles, to all human, political, economic, social and cultural rights.

In Principle 21 women's rights for enjoying equal chance for employment and social participation have particularly stressed by the law, as it says: "The government is obliged, with due observance of Islamic Principles, to guarantee women's right in every respect, and to provide for ... the favorable ground for the fostering of women's personality...".

The developmental programs that have been enacted during the last 20 years arrange well-designed constitutional and legal frameworks for women's participation and their social activities. The recent international reports as well as the national assessments show an increasing growth in this area.

¹ According to the predictions of UN Human Development Reports, the above-mentioned rate will be about 81.3% in 2025 for IR Iran, and it means that it will be among the first five countries of the region.

No one can prevent women from any kind of works that they may choose considering their abilities and capabilities. Iranian Legislator as in all other systems of law recognizes the right to employment according to one's wish regardless of sex issue. Article 28 of the Iranian Constitution clearly states: "Everyone is entitled to choose and select his or her desired employment, as long as it is not against Islamic principles, public interest and does not interfere with the rights of others. The government is duty bound to create jobs for all able bodied individuals equitably and according to the needs of the society."

III. VIEWING CURRENT TRENDS

Now, about %60 percent of students who are allowed to enter public higher educations are girls. If we want to assess the women's current position in social scene and the rate of their participation in work market the two factors of deliberate delay in marriage age and growing interest to higher education among girls can be explained in this way. Higher education and arising marriage ages between women result in their desire to attend in work markets and obtain economical independence. (Ahmadi Ghomi,2008) This can be viewed as a general trend among women to reach the place in the social arena and administrative scene that they deserve it. Increasing of women participation in works, following remarkable increase of their attendance in higher education centers, is inconsistent with traditional structure. (Ibid.)

Generally there are two groups of activities that demonstrate the different kinds of women's participation more saliently. Firstly, their success in achieving at high level management posts, in such a way that it can be concluded that a fundamental movement toward flourishing the talents of women has been outlined in constitutional law. The twenty-year programs of the economic, social, and cultural development, observing this fact, oblige the government to provide the employment chances for both men and women equally. In the light of this general outline, many women successfully attained such positions as membership of the parliament, ministry, directing of important governmental organizations. As a matter of fact, in the realm of politics, women became increasingly visible by the mid-1990s. The 1995 and 2000 parliamentary elections not only resulted in more women members of Parliament but also in the emergence of a new movement toward the betterment of women's status. Educated women appeared in the public sector, particularly in health, education and (to a lesser extent) public administration. (Moghadam,2004)

The second group which is our subject of interest and must be considered a critical point in human development refers to legal professional jobs

occupied by women during this process of promotion.

IV. ISLAMIC STANDARDS OF WOMEN'S DEVELOPMENT

The Islamic Republic of Iran considers the employment of women from the viewpoint of Islam, which puts great importance on the family, as the main building block of the society and the major institution that can pass on a country's culture and ideology to the next generation.

Another issue which is also a major index in the economy and development of every society is the home tasks that every woman engages in. Unpaid productive work such as home works and child care ought to be included in satellite national accounts and economic statistics.

When it comes to development and its indispensable effects we face the undeniable facts of traditional and religious limitations in such societies as Iranian one. Human development related to women's rights and in particular their professional careers, suffers from three kinds of societal and cultural considerations reflected in Iranian Constitution, Civil Code, and Islamic Law (*Sharia*).

Firstly, Iranian Constitution stresses on the values that might be regarded when providing social and economic rights for women. For example, if there is occasionally a conflict between a woman's job and her task to care her children or the family affairs which can be interpreted in different ways the priority is with the family tasks and the husband may prevent her from employing.

Secondly, Iranian Civil code as in regulating couple's rights and pledges gives priority to man's wish in such issues as deciding for the place of living, divorce, family expenditures and the employment of his wife.

Thirdly, Islamic rules oblige the Iranian legislator to regulate his enactments according to *Sharia* and this means some limitations for women's progress. These obligations may cover some aspects of women's participation however there exist an intellectual and up-to-date understanding of Islamic teachings among Iranian officials. Though the basic differences drawn in Islam between man and woman alone seem enough to be misused by anti-Islamists against Islamic thought, the Islamic societies have proved these differences not to be serious hurdles in the way of women progress.

Though different development programs have focused mainly on the afore-mentioned rights to be provided for women, they must be according to Islamic standards concerning woman's status. At the first glance it seems that the structural and formal limitations imposed on women by legal authorities may hinder their progress but official data and the records of international institutions apparently show that social changes and the attempts of governmental

agencies along with different local movements have prepared a ground for this progress.

Given to the vast development of higher education in the country during the recent years and the presence of women in universities in a large percent, in near future labor market will face with a huge demand especially by women. This may be due to the two main factors. On the one hand, a great number of young women who graduate from the universities invade the market. On the other, economic conditions requires women to engage in economic activities and to attempt for more income because men will not be able to afford their family livelihood.

V. WOMEN AND LEGAL CAREERS

Watching Iranian society as a model of an Islamic developing country reveals that the legal professional careers are considered as a new scene of social participation among women. Iranian woman is decided to prove herself as a modern woman who can reconcile her national and religious identity along with actualizing her capabilities to assume professional tasks.

Muslim thinkers confirm that there is no difference between man and woman to assume any kind of professional works in any level. Although some Islamic regulations point to some differences about legal affairs between men and women, this can not prevent us from referring to the fact that there is no job or task in the professional domains that women deprived from assuming it because of their creation.

Employment of women in increasing numbers in such professions as managerial, political, administrative, and legal careers has always been a critical factor for both assessing the rate of development and deciding the place of women in social arena and in start programs. These key factors in the process of women's progress in Iranian society are noticed by governmental authorities. But how much they have been successful in actualizing the outlook of developmental programs should be estimated from different reports. Basically, educated women from law schools show their interest into two categories of legal professions, working as local judge or prosecutor, and legal consultants, attorneys, family advisors and activists in social work.

VI. LEGAL JOBS

Generally, there are many requirements for a normal person to be eligible to work as a judge or even a legal advisor. These conditions are such that almost exclude women from assuming these posts. Special knowledge about the Islamic jurisprudence, logic, *Koranic* Sciences, and to be fluent in Arabic language are among these qualifications. But in recent years we have witnessed a great deal of reformations in these traditional restrictions. Now,

there are not any limitations for women to study law and enter the governmental and non-governmental organizations as legal advisors and consultants. Judiciary system and the association bar devote an equal part of their delegates for attorneyship to women.

Regarding the judgeship of women there have been some limitations. But currently, due to some legal reforms and the new rules approved by the parliament in recent years, women can work in the different ranks of judgeship and judiciary affairs. There had been lasting debates about the possibility of judgeship by women among Muslim jurists.

Some of the Muslim scholars believe that the idea of equality and the sameness of man and woman, stems from *Kuran* and *Imams* Traditions. (Morovati&ZargooshNasab,2008)

According to many *Kuranic Verses* and the sayings transmitted from *Shia Imams*, one can conclude that there is no logical or reliable proof against the women's ability to work as a judge. (Ibid.) It is perhaps by reliance on such view that the government and the parliament modify their attitude and accordingly we have some women that are now working in different parts of judiciary system.

VII. LEGAL CONSULTANTS, ATTORNEYS, FAMILY ADVISORS AND ACTIVISTS IN SOCIAL WORK

Human development particularly regarding women's rights and their employment can be evaluated in every society according to factors of legal knowledge and awareness and the rate of social participation. In modern day societies, it is considered an undeniable fact that the power can be attained through knowledge and information. A case study about the role of women's legal knowledge in the process of their social participation and their progress in attaining the desirable status and job opportunities suggests a correlation between this knowledge and social and organizational progress. (Eftekhari&Rajabpour,2008)

Many female students entering local and national universities claim that they are pursuing their interested subject matter to be more acquainted with their social rights and to get their real status in society. Some professional legal careers such as judgeship and attorneyship and working in the high rank organizational positions may satisfy this need.

Moreover, most studies dealing with women's affairs stress the fact that in the area of social participation, such elements as legal knowledge, job satisfaction, and organizational solidarity play an important role in their progress.

As a matter of fact, Iranian society and the developmental programs regarding women have gone further from mere recognizing women's social and cultural rights. Government, noticing the necessity of codification of the essential issues related to women's

status is leading some formal steps and reforms in the legislature process.

General approaches that had been held during the two decades after Islamic revolution and were based on religious tradition about the women's careers are disappearing.

VIII. CONCLUSION

The legal, cultural, economical, and social reforms in relation to the women's rights and affairs may be viewed as a long process in which the basic and main steps forward have been made.

Even the Iranian legislator now agree that the presence of women in Legal and judicial areas is a need. This need can be viewed from two perspectives. The first one is the social viewpoint that considering the personal capabilities men have no privilege over women. The second view is that of women who attempt heavily to prove themselves by examining various means such as social movements, showing their critics against some inequalities, and presenting themselves at social scenes.

Human development regarding the women's role in this seen is a process which is tried in Iranian society, A process of participating, right protecting, invading labor market and at the same time value-driven solidarity.

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