

# An Investigation of the Status of Women with Respect to the Presidential Position in Islamic Republic of Iran

By Poopak Dehshahri\*

*One of the fundamental rights of women is the right to be present in socio-political arenas and to assume minor and major managerial positions. Fortunately, in IRI, women have succeeded by proving their abilities and competencies to achieve many such positions. The constitution of IRI has recognized the equal rights for women in terms of social engagement and in assuming social and political positions and responsibilities, as well as the equal right to vote, elect, and have a candidacy for being elected for many social professional and political opportunities. However, as is apparent from the provisions of Principle (115) of Constitution, concerning the qualifications to assume the important and sensitive position of presidency, as the highest ranking position below Supreme Leader, gender criteria have been involved, and, as a consequence, women are not eligible to occupy the presidential position. Such understandings of the Principle (115) take root more in religious beliefs and jurisprudence. The present study is aimed at considering the jurisprudential aspects of the problem and tries—while affirming the competencies of the women, and eliminating the wrong illusions—to deal with the potential ways to provide the grounds for presence and engagement of the mighty women in social arenas.*

**Keywords:** political participation, assuming presidential responsibility, Constitution, jurisprudence

## Introduction

Islam entered women shoulder to shoulder with men into various arenas of spiritual and material life, including commercial, scientific, cultural, artistic, and social responsibilities, etc., and equally valued their attempts and efforts in different dimensions of life, and declared such truth in a highly praised statement:

إِنِّي لَا أَضِيعُ أَجْرَ عَمَلٍ عَامِلٍ مِنْكُمْ مِنْ ذَكَرٍ أَوْ أُنْثَىٰ مِنْ بَعْضِكُمْ مِنْ بَعْضٍ<sup>1</sup>

“I will never devalue the labor of any worker from you, whether be a man or woman. Also the Lord considers the women equally responsible as men, making them liable for their deeds.”<sup>1</sup>

Surah Foselat, verse 41, reads:

\* L.L.M Public Law, Department of Public Law, Shiraz University, Shiraz, Iran.

<sup>1</sup> Sura Al-Emran, Verse 195.

مَنْ عَمِلَ صَالِحًا فَلِنَفْسِهِ وَمَنْ أَسَاءَ فَعَلَيْهَا وَمَا رَبُّكَ بِظَالِمٍ لِلْعَمَلِ

“Anyone of you who—whether be a man or woman—performs competent and good deeds will see the benefits, and the one who performs evil deeds shall see the consequences, and the God shall never be oppressive to the peasants.”<sup>1</sup>

This same truth has been stipulated in another verse:

كُلُّ نَفْسٍ بِمَا كَسَبَتْ وَرَهِينَةٌ

“Any living person be a man or woman is liable to his / her deeds.”<sup>2</sup>

Similarly, the same as men who acquire benefits from their business, women also are considered as the owner of the fruits of their business in the glorious Quran, when it says:

لِلرِّجَالِ نَصِيبٌ مِمَّا كَسَبُوا وَلِلنِّسَاءِ نَصِيبٌ مِمَّا كَسَبْنَ

“For the men shall be what they acquire from business and for the women shall be what they obtain from business.”<sup>3</sup>

And He also reiterated:

أَلَيْهَا مَا كَسَبَتْ وَ عَلَيْهَا مَا كَسَبَتْ

“For the woman shall be what she gets from business and shall be against her what she acquires from her deed.”<sup>4</sup>

From Islam’s perspective, women, like men, can benefit from all aspects of life and social rights, and can assume all social tasks. Men and women are two pillars of the human society that constitute one social unit with its own function. There is no impediment in the way of women, in terms of material and spiritual life, except for some slight cases; and both men and women shall be responsible for individual and social issues, and privileges have been recognized with respect to gender, and faith and piety have been considered the only criterion for superiority among them:

إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاهُمْ

“It is that the most pious of you before God is the most close to God.”<sup>5</sup>

Hence, the distribution of political and social positions and responsibilities is subject to the ability, knowledge, skills, competencies, and worthiness of a person, without respect to gender. However, the prohibition and limitations previously put in the way of women in no way takes root in their gender or

<sup>1</sup> Surah Foseilat, verse 41.

<sup>2</sup> Sura Modasser, Verse 38.

<sup>3</sup> Sura Nesa, Verse 32.

<sup>4</sup> Sura Baqara, Verse 286

<sup>5</sup> Sura Hajarat, Verse 13

their intrinsic and natural impairments or deficiencies—perceived by some—but for other reasons such as: 1) incorrect interpretations of jurisprudential criteria; 2) considerations arising from specific conditions of the era; 3) wrong cultural and social traditions and customs; 4) unjustifiable prejudices; 5) lack of self-recognition and negligence on the part of women; 6) patriarchy and injustice by the men; 7) a lack of knowledge and awareness as to the legal, social, and canonical basics of women rights; 8) cultural weakness; and 9) quoting the contents of non-accredited hadiths as the religious order by the uninformed individuals.<sup>1</sup>

The above factors caused women to be pushed further down the social order and deprived them of assuming social and political responsibilities. But the tide has now turned back and the conditions and factors limiting women in social and political arenas have changed. In cases where they are qualified religiously and in terms of political awareness and knowledge of world issues, as well as executive abilities, women must be entitled to the right of social and political responsibilities and positions, including presidential positions. As late Imam Khomeyni has said: “Islam engages the women in aspects of social life. The woman must participate in Islamic predeterminations of the country and proportionate with such a growth, she must assume responsibilities.”<sup>2</sup>

### **Necessity of Women’s Participation in Higher Managerial and Governmental Rankings**

During the initial expansion of the Islamic Revolution in the year 1357, women participated in massive demonstrations and there was a new awareness that their role in the society should not be limited to the activities they usually do in their house; instead, pouring into the streets besides the men as Muslim and Iranian was their duty.

Undoubtedly, the most reliable documents on the Islamic Revolution and its developments can be found in Imam’s words. Imam mentioned the role and importance of women’s presence in the creation and establishment of the Islamic Revolution. His words, including, “we have this victory from the women, before we had it from the men”, or “the Iranian women have greater share in this movement than the men,” are indicative of the determinant role of the women’s presence and activities in the years that led to the triumph of the Islamic Revolution and the years after.<sup>3</sup>

Although before the Islamic Revolution, Iranian jurists and interpreters did not seriously propound women’s social presence and sometimes issued Fatvas declaring such presence as unlawful, during the advent of the Revolution such Fatvas were removed from the practice circle without being criticized, and the women took part in the demonstrations; not only did the jurists and religious-political leaders fail to take stance

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<sup>1</sup> Janaati (2001).

<sup>2</sup> Eftekhari (2001).

<sup>3</sup> Kadivar (2006).

against their presence, they instead emphasized the necessity of such presence; accordingly, the cultural context for the continuation of their presence and their empowerment was nurtured. However, the attitude survived in some religious circles and in associations relying on its proponents who had decision-making power in all the official and non-official stratum of the ruling body, and continued to hinder the women presence in high managerial levels.<sup>1</sup>

Political participation is a fundamental requirement for the people and the political system. The presence of women in different arenas of decision making will lead to better decision making for improving women's status and addressing women's issues by themselves, which could help in resolving such problems.<sup>2</sup>

It should be noted that, in this regard, women have not occupied higher ranking positions in power and revolutionary or political institutions proportionate to their active presence in the political struggle that led to the triumph of the Revolution. The cause for this deprivation is to some extent "cultural," remaining from the past, so that women's real value has always been hidden and concealed. Women have always been oppressed throughout history, and Islam is the first school defending women's rights and has revived women's real rights; but we are those who are able to implement it completely.

The truth is, women constitute a sizeable minority in decision making centers. The female presence in the Council of Ministers, Islamic Consultative Assembly, Judicial power, Armed Forces, Ministry of Foreign Affairs, and other centers involved in decision making, is virtually weak, although the Constitution allows women to attain the highest political positions; from a legal perspective, there is no impediment for women to become Minister, Governor-general, or Mayor; that is, the law has not determined any obstacle standing in the way of women obtaining executive positions. Accordingly, we cannot tell that women have any legal restrictions in regards to working in any of the power centers. It is possible that personal preferences are adhered to, but they are not law, and this is because of "culture" that needs to be changed gradually through time.<sup>3</sup>

There are obstacles in the way of female participation in political activities. The achievement of full political involvement of women faces numerous impediments, some of which are discussed below:

### *Mental Barriers*

- Internal disbelief in their capabilities on the part of women;<sup>4</sup>
- Insensitivity on the part of the women to the necessity for female participation in different arenas;<sup>5</sup>

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<sup>1</sup> Eftekhari (2001).

<sup>2</sup> Mosaffa (1996).

<sup>3</sup> Mousavi Boroujerdi (1998).

<sup>4</sup> Amani, S. Jelodarszadeh, S., & Taleghani, A.

<sup>5</sup> *Id.*

- The influence of the values inherited through consecutive centuries, strengthened through official and non-official teachings, result in girls not perceiving themselves as belonging to the political domain, and are not aware of political involvement and, principally, have no motivation for active political participation at the elite level; hence, their highest participation is limited to participation in elections.<sup>1</sup>
- The women's fear of traditional cultures and beliefs and lack of planning to overcome such potential illusions.<sup>2</sup>

### *Cultural Barriers*

- The historical patriarchal culture ruling this country during most historical periods forces the women to obey the men, and considers female values dependent to executing religious practices and bringing up devout men. This patriarchal culture is also dominant on political rules and leaves any capabilities of women in the political participation arena unproductive.<sup>3</sup>
- Female non-participation is a cultural problem emanating mainly from higher levels of decision making institutions, so that basically, they refrain from choosing women for decisive positions, which is preventive in itself.<sup>4</sup>
- Historical and cultural contexts that have always provided for distancing of women from the political domain, as well as women's duties, including generation survival and housekeeping, that marginalize them from the social and political environment.<sup>5</sup>
- Some existing cultural and pressing traditions, which are fundamentally not Iranian nor Islamic, on the one hand, and the new culture adapted from global communications and information, on the other, has caused confusion of women, negatively affecting their political participation.<sup>6</sup>

### *Social Barriers*

- The difference between the two genders causes differences in their behavior, as well as their fear of expressing their views in public gatherings and lack of self-confidence.<sup>7</sup>
- Prejudgment, family objections, prevalent negative images of political women in society, and social control by their surroundings make it

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<sup>1</sup> Aliyan (2000).

<sup>2</sup> *Id.*

<sup>3</sup> Qaderi (1998).

<sup>4</sup> Shaditalab (1993).

<sup>5</sup> Ghasemi (1999).

<sup>6</sup> Zanzanizadeh (2003).

<sup>7</sup> *Id.*

difficult for women to engage themselves in local and national communities.<sup>1</sup>

- Women's low awareness levels and lack of appropriate tools at a societal level—for example, a lack of womanly self-motivated associations—is another obstacle in the way of women's engagement in political activities.<sup>2</sup>

### *Political Barriers*

- Lack of continuous democratic activities, which is one of the main obstacles keeping women from actively participating in political arena.<sup>3</sup>
- Political officials being unaware of women's wants and attitudes.
- Absence of suitable space in the society for socio-political activities.<sup>4</sup>

### *Legal Barriers*

A review of the law in relation to the women political rights, especially constitutional principles, shows that women are directly entangled with minimal legal barriers in political participation—only at elite and political management of the country.<sup>5</sup>

Some researchers in the field of women's political rights have determined the following items as the legal barriers preventing female engagement in political activities:

- Deprivation of women in obtaining some public occupations.<sup>6</sup> Shirin Ebadi is among the lawyers and researchers who have investigated the legal status of Iranian women and its deficiencies in various areas. He introduces those occupations and positions the Iranian women are deprived from obtaining:
  1. Even if women attained a religious discretion position, they cannot choose to be a jurisprudent and liturgist.
  2. Women cannot reach a Leadership position or attain Leadership Council membership.
  3. No woman has ever been appointed to the Guardian Council of Constitution or the Expediency Council, although women are not legally deprived of such memberships.
  4. Presidency is for men, and women are not entitled to right of assuming a presidential position. Principle 115

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<sup>1</sup> *Id.*

<sup>2</sup> Ghasemi (1999); Kar (1995b).

<sup>3</sup> Zanzanizadeh (2003).

<sup>4</sup> Aliyan (2000).

<sup>5</sup> Ghasemi (2000).

<sup>6</sup> Ebadi (2002).

of the Constitution of IRI stipulates the following on Presidency conditions: “The President must be elected from among the qualified religious and political dignitaries and figures...” Accordingly, legal prohibition of some public occupations will result in decrease of the women political participation at elite level.

- Prevalence of jurisprudential theories of some groups of religious jurists who ignore social requirements.<sup>1</sup>
- Political nature of women rights: Mehrangiz Kar suggests that women’s rights in underdeveloped countries have social sensitivities in the political power displacement domain. If political groups pay attention to women’s rights in a social rights context intending to dominate the political propaganda, they will capture large groups of shapeless women and even conceal, for prolonged periods, their thought and belief bases that could be reactionary. Hence, the women’s rights issues in the current world are political in all respects, having two consequences that both hinder women’s political participation: the instrumental view to the woman to attain power, and the exhibitiv nature of political management positions allowed for women to hold.
- Ambiguity of the law.
- Unidentified rights.
- Unfavorable election law and supervision screening.<sup>2</sup>

### **A Discussion of the Constitutional Perspective in Respect to Assuming Presidential Power**

Principle (115) of the Constitution states:

the President shall be elected from among religious and political ‘Rijal’ who have the following qualifications: Iranian-born and of Iranian nationality, resourceful with managerial capability, having good personal history, trustworthy and pious, faithful to and believing in the fundamentals of Islamic Republic and official religion of the country.”

The word “Rijal” is the plural form of “Rajol” and means “the men;” it is an antonym of the word “Nisa” (women), and as some writers have suggested, it means that the president must be elected from among the men, and that women have no right of assuming such a position. Although in another interpretation of the words “religious and political Rejal,” some have suggested that Principle (115) meant to distinguish religious and political elites; if this was the purpose, a legislator could have used a straightforward

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<sup>1</sup> Kar (1995a).

<sup>2</sup> Kar (1995a).

phrase like “the Quality” or “the Great,” or at least limit the Principle to the clause, “distinguished religious and political elites,” and refrain from resorting to an ironic word like “Rijal”.

On the other hand, a woman enrolled for candidacy in the presidential elections of 1997. She argued that the word “Rijal” contained in Principle (115) of the Constitution did not refer to “men,” but rather, that it referred to distinguished personals. But, the Guardian Council refused to acknowledge her argument, stating: “[t]he term Rijal in Principle (115) refers to men and the women have no right to assume the responsibility of presidency.”<sup>1</sup> Accordingly, given the terminology used by Principle (115) and the unofficial interpretation by the Guardian Council, it seems that the presidency position has been allocated to men, and that women cannot declare candidacy for this important position.

In respect to the basis for this Principle, there is a belief that presidency is, in fact, a kind of guardianship (*Velaya*), and in accordance with Islamic jurisprudence, *Velaya* and governance, particularly at Head of State level, has not been stipulated to and approved in Shariah. Albeit to prevent critiques by the opponents, this was invented that the president must be elected from among the “Rijal,” refraining from bluntly using the term “men.”<sup>2</sup> Thus, it is evident that the compilation and approval of such a condition (or qualification) by the legislature mostly has its roots in jurisprudential foundations and religious beliefs; Hence, we would first deal with examining the jurisprudential bases of the incompetence of women for assuming presidential position or assuming the responsibility of a head of government position.

### **An Investigation of the Jurisprudential Bases of Women Incompetency for the Presidency**

As previously mentioned, in Islamic religious law, the assumption of incompetency on the part of women for acquisition of the head of State position lies in two arguments: 1) in the Islamic jurisprudence, “*Velayah*” and “guardianship of the affairs” has not been predicted for women, and “presidency” is considered as a form of “governance,” and not “representation;” 2) women have been prohibited from governance and the responsibility of *Velayah*.

#### *Nature of the Presidency Position*

A brief review of the status, responsibilities, and tasks of the president includes acting as the head of Executive Branch and the highest ranking position below the Leadership, as well as the person responsible for formation and chairmanship of the Council of Ministers that approves the parliamentary resolutions and treaties. One can conclude that the presidency is somehow governance tenure, and therefore, is naturally a kind of *Velayah* and

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<sup>1</sup> Ebadi (2002).

<sup>2</sup> Yazdi (1996).

chairmanship, and not a kind of “representation;” but, the important point is that the Velayah is of two kinds: appointive and elective.

The appointive type of Velayah will be granted from the Grand Vali (Allah, God), the Holy Legislator that is delegated to the Messenger and Innocent Imams PBUT, and from them to the qualified jurisprudents for the occultation period of Imam MahdiAJ (the last Imam of Shia). In regards to the appointive type of Velayah, the principle is ‘inexistency,’ that is, no ordinary individual has Velayah over another. The only criterion for authentication of Velayah for someone in this case comes from the permission and appointment by the Grand Vali (God) or other ranks below him having such religious authority. As the Great Jurisprudents have posited, in this type of Velayah, the ‘condition of masculinity’ is proved and definitive.<sup>1</sup> Consequently, women are included under the principle of ‘inexistency,’ and, thereby, they are banned from involvement in the affairs relevant to appointive Velayah. However, in accordance with abundant evidence from the Holy Quran<sup>2</sup> and the Honorable Sunna<sup>3</sup> (deeds performed by the prophet Mohammed), any mature human has authority over himself and has some degree of Velayah; he/she can authorize some of his/her affairs to another person, and, in fact, grant him Velayah in those affairs. This kind of Velayah is called “Delegation or Elective Velayah,” and there is no difference between men and women in this kind of Velayah.

Some jurisprudents have noticed this point and added:

Although the Velayah (governance) over oneself has been bounded by the pervasive Velayah of the Prophet and the Innocent Imams PBUT during their presence, but during the occultation era, the reasons retain their generality and rule, and the religious reasoning (Ijtihad) imposes the supreme principle of illegitimacy of Velayah by one (ordinary) person over another; one requirement derived from this principle is that one is free to adopt one other person to hand over some of his affairs to be managed and supervised by him... and this implies the legitimacy for a man or woman to assume responsibility as the Head of the State.<sup>4</sup>

Accordingly, by virtue of decisive evidences and reasons from Kitab (Quran) and Sunna (deeds and speeches by the Prophet), the woman also has

<sup>1</sup>“Nahj-Ol- Balaqa”, Translated by Seyyed Jafar Shahidi. Tehran: Scientific and Cultural Publishing Co., p. 307, Letter No. 31.

<sup>2</sup>Sura Ahzab, Verse 6: “The Prophet (and imams in the era of presence) have higher Velayah over the believers; so in the occultation era, the Velayah of man over himself is absolutely fixed. See also Sura Ahzab, Verse 36, and Sura Anam, Verse 164.

<sup>3</sup>Muhammad ibn Hasan Alhor al-Amel, “Vasael Al-Shia”, Tehran: Islamiah School, in 2008, V. 11, p. 424, Hadith 1, 2 and 3. The text of second narration which is a valid reliable document reads: “The Almighty Allah has delegated the Muslim affairs to himself and has put him in authority. But has allowed to bring their character to the earth and trampled their dignity.

<sup>4</sup>Mohammad Mehdi Shams-ol-din, pp.155 and 156.

the right to be elected as President, for in the dialect of the mentioned reasons, the term human does not refer to a specific gender.

From the above discussion, it can be realized that presidency by nature includes the governance and tenure of Velayah, but it is not of the “appointive” type, but rather, it is of the “elective” type; evidence includes the election process, interpellation and dismissal by the representatives of the people, and the limitations governing the presidency, such as regulations and duration, and so forth. In this type of Velayah, the principle is the authorization and sharing in enjoying from being elected as the president by both genders.

### *Investigation of the Reasons for Prohibition of Women from Assuming the Responsibility of Governmental Affairs Positions and Head of Government*

The arguments regarding prohibiting the women from engagement in governmental affairs are categorized in four categories—“Quran,” “narrations,” “consensus,” and “juristic preference”—that will be dealt with in the present section.

#### The Holy Quran

The opponents of women’s engagement in public and governmental affairs resort to four Verses of the Holy Quran:

Verse 34 of Sura Nesa in the Holy Quran says:

بعض و بما اتفقوا من اموالهم  
«الرجال قوامون على النساء بما فضل الله بعضهم على

“The men are guardians of the women, due to the superiority the God has allowed to some in front of others and due to the financial maintenance they provide in support of the women.”

In the reasoning of this verse, the guardianship scope of the man over the woman has been assumed beyond couple and family relationships and has been extended to all arenas of life,<sup>1</sup> but considering the indications existing in the verse, it seems like it is speaking on the couple relationships; especially the part that says:

«و بما اتفقوا من اموالهم»

(“and due to the financial maintenance they provide in support of the women”), which is true only in matrimonial relationships.<sup>2</sup> Moreover, the guardianship of the man over the woman does not mean the “authority,” “domination,” “Velayah,” and “possession,” justifying the “incapacity” or “disqualification”

<sup>1</sup> Syed Abulqasem al-khouie, Qom: Bargozideh Publications, 1416 AH, p. 364.

<sup>2</sup> al-Hasan Altousi (2008).

of the woman in front the man, but the “guardianship” means “good care” and “deserving support” of women.<sup>1</sup>

Verse 228, Sura Baghara

درجته والله عزير حكيم  
«واللهن مثل الذي عليهن بالمعروف وللرجال عليهن»

“And for the women like the duties they shoulder, deserving rights have been stipulated and the men enjoy higher ranking and the God is victorious and sage.”

In explaining their argumentation, they suggest that:

«الرجال عليهن درجه»

“the men enjoy higher ranking” is the complementary to the previous sentence that says: “the justice rules over both woman and the man,” but this does not mean equality and similarity of rights and duties, considering the differences between the physical and spiritual powers of woman and man. It is clear that the woman should bear the responsibility of motherhood, while social responsibilities like governance, adjudication, and family guardianship will rest on the man’s shoulder, and because of his duties, he deserves to possess higher status.

After explaining a number of views regarding the meaning of this verse, Tabari, the great and reputed commentator, suggests that: “The best statement is that of Ibn-e Abbas, [who considered] the purpose of this ranking as ignoring the woman’s duties and toleration toward her.” Considering the context of the expression in the verse, which describes the women’s status after divorce, making it difficult for men to use their advantages and superiority over women; in fact, the verse says that there are rights for the divorced women, the same as the obligations they must fulfill. But, in this mutual relationship of rights and duties, since husbands have priority in divorce or referring back to their ex-wife, the Quran refers to this as “the men enjoy higher ranking;”<sup>2</sup> The mentioned “ranking,” therefore, is bound to the divorce and back reference to the previous wife, without having an absolute meaning in a way that could be used to endow superiority to men. Some of the contemporary Ulumas have also attested to this meaning, suggesting that: “The ranking that the jurists concede is the divorce and beyond that is controversial,”<sup>3</sup> and ultimately the verse can bode for the husband of his superintendence over his wife in respect to matrimonial relationships, and, accordingly, cannot be inferred as evidence for disqualification on the part of women to assume presidential responsibility.

Verse 33, Sura Ahzab

<sup>1</sup> Meghdadi (2005).

<sup>2</sup> Qutb (1999).

<sup>3</sup> Fazl-ol-lah, S.M.

«وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ الْأُولَى»

“Stay in your homes and like the old era, do not disclose your Ornaments.”

Since women’s political engagement and assumption of managerial responsibilities requires going out of home and mixing with men, this Verse is evidence for the prohibition of women, and is indicative of the fact that the sacred jurisprudence has no willingness to this effect.

In response to this argument it could be said that, first, the audience of this verse—as the top of the verse reveal—are the prophet’s wives, having been addressed for a specific reason or behavior; second, in a case where assuming responsibility of governance entails the entry of women into communities and engagement in serious political discourse with men on public affairs and interests, it is not unlawful, in essence, because the important thing is the observance of dignity and religious veil, which is not contradictory to such engagements.<sup>1</sup>

Verse 18, Sura Zokhrof

«وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ

“Do they believe of someone being a partner of God? Someone brought up in ornaments and speaks vaguely worded in his arguments?”

As some jurisprudents have stated, two features of women’s spiritual structure have been expressed: first, she considers her personality and perfection often in ornaments and decorations and tries to adorn herself with jewelries and sees her perfection in her beauty; second, she is always affected by different emotions and in adverse disasters. Instead of showing insight and wisdom, she is defeated by emotion and excitement and loses sobriety and patience and sees herself disabled.<sup>2</sup> Consequently, as the management of public affairs and governance requires thoughtfulness and wisdom, the mentioned verse is evidence for disqualification of women in this regard.

In response to this argument, it can be said that this verse aims to deny the idolators who knew the angels as the female girls of the God; so one must accept that the verse is not seeking to express the essence and nature of women, and is not applying these two attributes publically for all the times and human communities; it is speaking of the abject and indecent attitude of the pre-Islamic Arab polytheists towards women, and their imputing the angels to God, and that the idolaters attributed were perceived as inferior to God; this verse describes the provisions of beliefs of the pre-Islamic era, and is not describing the real value and identity of women from God’s perspective.<sup>3</sup>

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<sup>1</sup> Shams-ol-din, M.M.

<sup>2</sup> Marefat, (1997).

<sup>3</sup> Qorban Nia, N., et al.( 2005).

### Tradition

Many narrations have been cited from Shia and Sunni sources concerning the prohibition of women from assuming the position of head of government. Some researchers have divided such narrations into 4 categories:<sup>1</sup>

- Narrations denoting prohibition of the women from assuming governance

These narrations include the following:

«لَنْ يُفْلِحَ قَوْمٌ وَأَمَرَهُمْ امْرَأَةٌ يَا لَئِنْ فُتِحَ قَوْمٌ وَلَيْسَتْهُمْ

“Shall not prosper a nation with a woman governor,”

hence, because a woman’s assumption of the responsibility of governance of the society will cause hindrance of the people from prospering, such positions must not be entitled to the women.

There are several problems with the above argument: First, such narrations are found in Sunni sources, and none of them are found in the Shia sources;<sup>2</sup> the narrator is a person called Hassan Ibn Abi-Bakra, and there are doubts as to his reliability.<sup>3</sup> Second, even ignoring the weakness of the document, such narrations are susceptible to criticism, considering that the time of their issuance reveals that they belong to the era when the Sassanid dynasty was doomed to extinction due to the lack of resourceful men and the emergence of conflicts. When news was received that Iranian people had elected Kasra’s daughter as king, the prophet (PBUH) said: “Shall not prosper a nation with a woman governor.”<sup>4</sup> Hence, the provisions of such traditions are exterior cases that do not correspond to the women gender in all eras;<sup>5</sup> secondly, the failing of a society to prosper is not contradictory to authorization of women assuming the head of government position or to their qualification for such a position. At most, it can only be indicative of the faultiness of such authorization.

- Narrations denoting prohibition of consultation with the women

«اتَاكُمْ مَشَاوِرَةُ النِّسَاءِ، فَإِنَّ فِيهِنَّ الضَّعْفَ وَالْوَهْنَ وَالْعَجْزَةَ (٣٧)

“Avoid from consulting the women for in them are weakness, insult and incapacity.”

Or:

«اتَاكُمْ مَشَاوِرَةُ النِّسَاءِ، فَإِنَّ

<sup>1</sup> Mehrizi (1997).

<sup>2</sup> Ibn al-Hasan Altousi (2008).

<sup>3</sup> Meghdadi (2005).

<sup>4</sup> Shirazi, N.M. et al. (1998).

<sup>5</sup> Qutb (1999).

“Avoid from consultation with the women, whose judgment is weak, lacking wisdom.”

Accordingly, a woman cannot be consulted due to incapacity for consultation, and surely is not qualified for governance. Numerous responses have been given to these narrations and arguments. For example, one response is that the mentioned narrations lack validity and reliability due to the way they have been received, or for the weakness of the document. On the other hand, some of such narrations include sentences like that below in continuation:

«إِلَّا مَنْ جَرَّبَتْ بِكَمَالِ عَقْلِ» (٣١)

“Except for those who have been expert by wisdom.”

There is no doubt that this term shows that the provisions of other narrations are not absolute, but they do prohibit complete reliance upon, and authorization of, those women who have not yet been qualified through experience, expertise, and favorable wisdom; Accordingly, the claim that all the women are not qualified for consultation due to instability in their determination and weakness of their decisions is something extravagant and false, provoking opposition by every fair person. The history and the prophets’ behavior shows examples of consultation with knowledgeable and experienced women by the Messenger: in the occurrence of the Hodaybiyeh Peace case, he consulted with Ouma Salamah and preferred her opinion.<sup>1</sup>

- Narrations indicative of the imperfection of women intellect

Narrations like:

«إِنَّ نِسَاءَ نَبَاتِ الْإِيمَانِ وَنِسَاءَ الْخَطِوْطِ وَنِسَاءَ الْعَقْلِ» (٥١)

“The women’s faith is weak, their share (in creation) is incomplete and their intellect is defective,”

or:

«فَأَتَيْنَهُنَّ ضِعَافَ الْقُوَى وَالْأَنْفُسِ وَالْعُقُولِ» (٥٢)

“The women’s power, self and intellect is weak.”

These narrations, in addition to the weakness of their reliability and the way they have been received, have major problems that also affect their reasoning; because the purpose of ‘defective intellect’ cannot be the “ability of thinking,” sound perception and understanding the good and evil, or the good management of the affairs, which are the criteria for the value of man, and the tool for evolution as well as closeness to the God. In fact, the purpose of such phrases in the above narrations could refer to the prevalence of the emotional

<sup>1</sup> Al-Sheybani (Ibn Al-Sir) (2008).

aspects in women's behavior in some cases and in the affairs that they lack experience or are incompetent for decision making, or show despotism in their judgment; but it would be ineffective with respect to their competency for assuming responsibilities for the affairs they have the ability and capacity for, or in the affairs they can adapt themselves to the regulations, consultation, and supervision.

- Narrations denoting prohibition of contrivances and management by the women or obeying them

«طاعة المرأة يدامه» (٥٣)

“Obeying the women shall cause regret.”

Or:

«وكل امرئ تلعبه امرأة فهو ملعون» (٥٤)

“Anybody whose affairs are managed by a woman shall be accursed.”

Or:

«في خلاف النساء البركة» (٥٥)

“Opposing to the women shall bring about blessing.”

Regarding such narrations, prohibition from obeying women is interpreted in line with avoiding their despotic demands and independent domineering opinion in important affairs; and as previously mentioned, assuming their validity, the emergence of the reasoning of such narrations is constrained in cases of independence and despotism on the part of women in managing affairs without adherence to the law and counseling.

Considering what was said above, it is clear that numerous narrations denoting the disqualification of women's assumption of governmental affairs responsibilities, or of a head of the state position, fail to propound acceptable reasons, and generally suffer document reliability issues.<sup>1</sup> Ultimately, as some jurists have written, the provisions of such narrations are rationalistic—directive and not a mandatory religious decree, so that women typically within the conditions ruling the society are incapable of assuming such responsibilities, but a generalization cannot be reached from above narrations that competent and capable women who possess the power and talent of management are deprived from their rights by the above narrations.<sup>2</sup>

<sup>1</sup> Shams-ol-din, M.M.

<sup>2</sup> Jannati (2001) pp. 389-90.

### Consensus

It is said that both jurists of Shia and Sunni agree that women cannot assume positions such as Velayah or the head of government.<sup>1</sup> Although the conditional term of masculinity for political positions and the head of government has not been mentioned in the books of our jurists, and has only been mentioned concerning the judgeship, which is itself a branch of Velayah, there is consensus on the issue.<sup>2</sup> Hence, in respect to the position of the head of government, this consensus can also be extended due to the commonality of evidence and reasoning. But, it seems that the reasoning behind the consensus for the masculinity of the governor and head of the government is faced with some impediments; because early Shia jurists did not deal with government affairs, this argument is effective only as it concerns the consensus on the condition of masculinity of the judge and the proof of requirement relationship between judgeship and the governance, which is, in itself, defective in terms of both cases. There is doubt about the presence of consensus between jurists on the masculinity of judges. On the other hand, with respect to the prophet and the innocent Imams, the proof of requirement between judgeship and governance or the head of the government is accepted and apparent. But, during the Occultation era, the requirement is void because the judgeship Velayah was not considered a required attribute or qualification for the governor or head of the government.<sup>3</sup>

### Aspects of Preference

Some have reasoned their claims for the incapacity and disqualification of women in head of government positions by resorting to the aspects of preference and some doubtful impressions. Two main instances of such aspects are dealt with below.

The first aspect deals with the contradiction between this responsibility and the nature of the woman. This suspicion reason has been founded based on three issues:<sup>4</sup>

- Men and women differ in terms of some physical and spiritual features; rationality and wisdom is predominant in men, while in women, emotion and affection prevail; women are more attracted to literature, arts, and ornaments, and they love peace, whereas men have more tendency towards science, thoughtfulness, and work.
- Justice shall never mean equality of all with respect to all facilities, advantages, rights, and duties; instead, it means that every person shall enjoy the facilities based on the aptitude and requirement of his or her nature, and will be responsible as to that same power and capacity.

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<sup>1</sup> Al-Zohayli, W. p. 693, 1409.

<sup>2</sup> Al-Najafi, M.H. p. 12-14.

<sup>3</sup> Shams-ol-din, M.M. p. 27, 125.

<sup>4</sup> Ashour, M.S.

- Governance and Velayah over the people is a divine trust entailing great responsibility as consequence; the greater the domain and power, the heavier its responsibility will be, and rationality requires that such responsibility is not tolerated by those incapable of bearing it.

Based on this reasoning, entrusting the governance and presidential position to a woman is regarded as inappropriate and unjust, such that if such duty was shouldered by her, it required imposing a hardship upon her, which is contradictory to her delicacy and her peaceful temper; so the non-transference of such responsibility to the women does not mean there is a defect or deficiency on her part.

As to the first aspect, it must be said that the presence of physical and spiritual differences between men and women is certain; however, the claim that women are weaker and defective in rationality and wisdom has never been proven, and there is no consensus among religious thinkers in this regard; in contrast, some scientists have proven that the brain evolution and genetic heritage of both men and women have identical value and significance. Hence, discrimination of women's rights cannot be justified based on the internal and physical aspects of the woman.<sup>1</sup>

The second aspect involves women and the requirement for maintaining hijab. Some have argued that, based on some Verses of Quran and narrations, it can be inferred that women—due to the delicacy and desirability of the women and the possibility of temptation for them, especially the young women—have been obliged to wear the veil and to avoid mixing and speaking with men, and are to remain in the house as much as possible. Consequently, these people argue that because accepting the responsibility of state governance requires frequent and continuous presence at gatherings and associations, and would require women to have discussions with men without their husband's authorization, it is clear that women lack the capacity and competence for assuming such responsibilities.<sup>2</sup>

It can be suggested that there is no requirement relationship between assuming the responsibility of head of the state, on the one hand, and lifting the veil and non-observance of this religious instruction, on the other. The engagement of Muslim women in social and political activities has its own customs, one of which is the observance of hijab. "The women [even frequent] presence in the communities and executive jobs meanwhile observing the veil and maintaining the Islamic limitations is alright and has no problem."<sup>3</sup>

In summary, as seen in the above discussions, there is no acceptable reason or document denoting women's incompetence to assume the position of head of the state or government.

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<sup>1</sup> Bandehzadeh (2003).

<sup>2</sup> Shams-ol-din, M.M. p. 138.

<sup>3</sup> Jannati (2001).

## **Propositions For Increasing Women's Political Participation**

### *Social Solutions*

- The tendency for political participation has a direct relationship with the socio-political status of women. For this reason, it is recommended that conditions, in terms of economic, social, and legal dimensions, are prepared in a way that women can obtain a better and higher status, so that they can engage more in political activities.
- By increasing the education level of women, their possibility for employment is increased, and these two variables can both produce a positive effect on women's political engagement. Hence, it is recommended that conditions are provided for higher education of women.
- Women should avoid the extremes and make activities as expected from them.<sup>1</sup>
- Changing the cultural structures of society, including having men welcome women's political participation.<sup>2</sup>
- Redefining the social internal and external roles of the family subsystem and converting them to norms, so that men's and women's social roles outside of the house do not greatly differ.<sup>3</sup>

### *Political Solutions*

- Helping the formation of associations and political, social, and cultural women's guilds.
- Establishing a communication bridge between political activists and higher ranking officials of the country, in order to further the all-around development of the involvement of the women.
- Increasing political awareness of women; this awareness can be developed through the educational system (from school to university), mass media, and systematic education.
- Broadening individual and political freedoms, such as the freedom of speech and thought, which has significant impact on the development of society's political awareness, including women. To achieve this goal, expanding the open political space would seem to have a definitive effect.
- Changing the elite's political culture so that they behave objectively towards women's political participation and avoid instrumentalism. Such a change, itself, is considered an element of political development that is only achievable through sustainable political development.<sup>4</sup>

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<sup>1</sup> Aliyan (2000).

<sup>2</sup> Ghasemi (1999).

<sup>3</sup> Qasemi, V.

<sup>4</sup> *Id.*

## Conclusion

What has actually caused the illusion of women's incompetence and prohibited them from assuming a presidential position takes root in unjustifiable prejudices and incorrect interpretations based on specific conditions of the era, societal status, cultural weakness, incorrect social traditions, a lack of awareness in relation to the religious bases of women's rights arising from a mixture between appointive and elective types of Velayah, which fosters paternalistic attitudes through some wrong beliefs and invalid narrations. Investigation of the reasoning and documents indicates that, not only are there no reliable documents in existence denoting the incompetence or prohibition of women to assume responsibility of the presidential position, but also that the possibility exists to transfer this type of governance to others (including men and women), based on the primary principle of the human Velayah over him or herself. Consequently, the woman, as a complete human possessing desirable intellect and wisdom, can assume this position when there is authentication of other conditions. Therefore, it is worth noting that marginalizing half of the country's active population that has proven its capacity, competency, and merit in all social and political arenas after the triumph of the Islamic revolution, and depriving them of high ranking responsibilities is against justice and equality, and damages the nation's interests.

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