

Comparative study of Gender Discrimination in Achieving Social Role and Status in Iranian Legal System in Before and After of Islamic Revolution

Mohammad Hossein Ghanimi¹

Ph.D. Student of Sociology, Central Tehran Branch, Islamic Azad University, Tehran, Iran

Saeed Maadani²

Assistant Professor of Sociology, Central Tehran Branch, Islamic Azad University, Tehran, Iran

Zabihollah Sadafi³

Assistant Professor of Sociology, Zanjan Branch, Islamic Azad University, Zangan, Iran

Received 15 March 2022 ||| Accepted 8 October 2022

Abstract: This research is aimed comparative study of gender discrimination in before and after Islamic revolution in Iran. It totally captures the time intervals -between 1961 and 2011- as to make possible the analysis of social, political and economic status of discrimination and gender discrimination in different layers of Iranian legal system. Building upon the research hypothesis, in the year 1961 - the beginning of Iran's modernization era and the White Revolution in the second Pahlavi period - women's social, political and economic status was subject to many changes to their benefit. And it was still revitalized in a new direction after the Islamic Revolution of Iran, which brought about religious interpretations and cultural considerations in social, political and economic status of women. Based on the Gender Equity Indexes of 1961 to 2011, women's participation in the fields of economic, political and legal justice (men and women) in Iran's civil code faced an upward trajectory. Although at the rise of the Islamic republic revolution instabilities experienced as a result of a change in the political relations, the expansion and improvement of gender equity faced a temporary downturn, but in the next years, women's participation in social, economic and office affairs showed considerable improvement. However, any effort in the field of political law for clarification of the presence or absence of women (an instance of discrimination) brings to the fore the cultural issues and the executors' mentality and interpretations much before facing the preventive laws. This is a documentary research, functional in objectives and library data collection through law texts.

Keywords: discrimination, gender, feminism, women, revolution.

|||

Introduction

Iranian political parties and trends inside, and at times outside the country as supporters of various theories of human rights have constantly expressed their ideas, teachings, mental values and norms of identity as the views of the majority of Iranian women, and governments have implemented different approaches to women's rights. But what is the reality of the field of women and its relationship with the legislature and the executive branch of the country? What is the relationship between the laws and the current situation of women in Iranian society? Is Iran's civil, political and economic laws a platform for gender discrimination or is it in favor of women in Iranian society in the face of civil, political and economic laws? These questions and answers ahead are the impetus for our current research. In this study, we will examine important and influential laws in the areas of politics, economics, and family law, such as alimony, to find our answer during the study.

The constitution, which guarantees equality of individuals, does not mention equality on the basis of gender, and justice for women is accepted only in accordance with Islamic law. According to Article 20 of the Constitution of the Islamic Republic of Iran, all citizens of the country, regardless of gender, are equal before the law and enjoy all human rights, including political, economic, social and cultural rights, but subject to one basic condition: By observing the standards of Islam. As a result, by examining the civil and criminal laws from the 1960s to the present, we need to ask how the sociological study of

¹ Email: mhghanimi47@gmail.com

² Email: Maadani25@yahoo.com (Corresponding Author)

³ Email: zsadafi@yahoo.com

gender discrimination could figure out its role and socio-political status according to Iranian law from 1961 to 2011. In fact, it should be said that in the 1960s, due to the beginning of the modernization program of Iran by Mohammad Reza Shah and the White Revolution, the political, economic, social and legal status of women underwent more positive changes. This trend continued in the economic, social and political fields in the post-revolutionary years due to religious interpretations and cultural considerations. The reason for examining this issue during the 1960s until now is the important political and social events such as land reform, the coup d'état of 28 August and subsequent political stability, the beginning of modernization programs in Iran by the second Pahlavi and the growth of urbanization and the middle class. On the other hand, the land reform in Iran, long-term stability and security and huge evolutions that caused a change in the face of society can be considered as one of the reasons for choosing the year 1960 as the source of research. The research method is generally documentary-historical to conduct a comparative study of the two historical periods (1960 to 2011). Data collection procedure follows a library research. Due to the examining of the sociology of gender discrimination in figuring out its role and socio-political status according to Iranian law from 1961 to 2011, the present study follows an analytical method.

Literature Review

Shams Ghahfarkhi (2018) in his article entitled: "The Impact of Working Hours of Employed Women on their Fertility" examines the role of employment and its effects on the fertility process and the effects that employment can have in the family. Overall results, by calculating the partial fertility rate, showed that part-timer women gave birth to more children than full-timer women, and the examination results of the differences in birth rates between the two occupational groups showed that part-time jobs reduce the interval between marriage and the first child, as well as the first child and the second. It also increases the probability of having a second child, but reduces the chances of having the first child. In other words, part-time job is associated with an increased likelihood of having children in women who have already had a child. Mehdi et al. (2018) views women's employment from a social perspective. In his article entitled "Presenting the Model of Women's Employment Policies from the Perspective of Social Emergency", he concludes that the results of the dependency influence matrix analysis show that the most influential component in the model of women's employment policies is the current goodness that indicates the preference of soft policies compared to other policies in the field of women's employment. Hossein Ghodrati (2015) in his article entitled "The Ups and Downs of Women's Employment in Iran and its Differences with Global Trends" believes that although there have been many ups and downs in the participation of women in the labor force, but the level of employment is always very low. The age pattern of employment in the last three decades has also been examined. Analysis of factors affecting women's employment shows that factors at the macro level such as economic and political problems and at the family level such as reduced fertility, higher levels of education, increased spending have had a significant impact on women's employment levels.

Panahi and Bani Fatemeh (2015) deal with the impact of political culture on women's participation. In their article, Political Culture and Women's Political Participation, they note that the results of the study suggest that women's political culture affects their political participation. Also, all cultural and political components, including attitudes towards the political system, ruling political elites, political knowledge (equipment), women's attitudes toward their political empowerment and the normalization of women's political participation showed a significant positive relationship with women's political participation. Azimi Hashemi et al. (2015) discusses women's political participation in Iran and the factors affecting it and concludes that the average political participation in both groups of women with university education and employed and women without university education and non-employed is very low. The goodness of fit of the theoretical model, especially among working and academic women, indicates that the political participation of women in this group is mostly dependent on the level of political awareness and their attitude to politics, and attitude to politics as a mediating variable depends on the level of political awareness. The feeling of gender inequality in the field of politics is affected by the degree of trust in government institutions and officials of the country, and ultimately by the social capital and especially association activities. Azam Azad (2001) in her the study of awareness of gender inequalities: A Model for Measuring the Extent of Knowledge of Gender Inequalities, addresses the issue of gender

inequalities. She considers the state of people's awareness and recognition of the unequal situation to be unfair. After proposing feminist theories, she argues that gender awareness is more about recognizing gender as a socio-cultural construct that has no biological roots. This structure is constantly reproduced through family experiences and social relationships. Hatefi (2006) has conducted a research which is entitled: "An Examination of Women's Attitudes about Gender, Biological, Social and Economic Differences. The overall conclusion of the study is that, like other social sectors, women's attitudes toward gender differences are shifting from traditional to modern approaches. Parts of traditional stereotypes are still fully accepted by women, even though; their acceptance creates deprivation or restrictions for women. On the other hand, there are some newer perspectives on gender differences they accept, more especially for their biological dimensions. It may be said that the approach taken by women is accepted or rejected by them based on the function it has in their lives.

Theoretical framework

Social system and configuration variables (structural)

In his attempt to write the book: Social System, Parson's attention was constantly focused on acts, but to define the social system he focused on actors. In his definition, the social system is "a majority of individual actors present in a process of interactions running in a situation influenced by physical characteristics. The motivation of these actors is optimal happiness, and their status is determined by a system of symbols" By directing field research on a social system, he puts the three elements of personality, culture, and society on its agenda. The three elements common in American sociology but give rise to the social concept in Parsons' approach. In the first place, one perceives a sociological perspective through the concept of social role. In fact, the social role as a system of mutual expectations and predictions (role to the child, the physician ...) determines the criteria of behavior and evaluation of the interactions in a specific framework more or less explicitly. The culture of women in society is distinct, because culture is defined as a set of common values and symbols among actors that cannot be reduced to real interactions between actors.

In the social system, also in joint studies with Robert Bales and Edward Sheelan, Parsons believes that the system of action is formed in the model of values. These structural variables (dichotomy) make an actor choose one from among the five dual sets (pattern variables) Parsons emphasizes on their complete and general nature. Thus, the oscillation between the two value models fluctuates.

-----: The actor can act under the influence of his emotions and feelings or, conversely, control his emotions with restraint.

-----: The action may be justified in line with common goals with other actors or, conversely, it may pursue exclusively personal goals.

-----: The actor judges his environment by general criteria that are generally applicable, or, conversely, by specific criteria of actors or things.

-----: The actor may evaluate the other only on the basis of his personal qualities (what the other is) or, conversely, on the basis of his achievements, which are measured by looking at the results of his action.

-----: The actor may focus only on one aspect of the character of other actors, or consider them as a whole. In the social system, Parsons has given many examples in the application of this model, for example, paying attention to the physician-patient interaction. For this relationship to be functional, the physician must play their role according to the achievement and outcome of the action (for this s/he has socially recognized competencies), their relationship with the patient must be general (friendly, private relations, kinship, etc. that the physician can have with the patient at other times should not interfere with the treatment protocol); the physician's action should be specific and only one aspect (their specialty is restoring the patient's health) and the physician's action should be emotionally neutral (s/he should not give in to their patient's wishes, as they may not be expected to make the sacrifices the physician sometimes makes for treatment). Unlike businessmen, the physician's action is directed toward the public (the physician works for a non-personal benefit); but the role of the patient and his expectations in terms of emotionality, quality and specificity are almost symmetrically different from the role of the physician. (Lalman, 2015: 137) Parsons, by combining two pairs that determine the orientation of values (generalism /particularism, quality/ achievement) at the macro level of society,

undertakes the typology of societies. Thus, the American industrial community is known for its emphasis on job activity with the supremacy of Universalist values and achievement. In pre-Nazi Germany, dual values of generalism / quality prevailed; in Chinese civilization, the combination of achievement and particularism prevailed, and in Latin American societies, the intersection between particularism and quality prevailed. Floran Klohen and Fred Strudbeck have closed this type of classification at the local level in order to address the dynamics and cultural differences between South American ethnic communities. (Lalman, 2015: 133)

For example, Parsons's functionalism about work and employment is one of the topics in which we see a clear confrontation of conservative and critical approaches. Parsons, an American functionalist sociologist, considers the centrality of men's employment to have positive and important functions, such as family cohesion. In his view, the strong cohesion of the nuclear family is facilitated by the prevalence of this pattern, in which usually only one member has a job that is crucial to the family's position as a whole; because children normally do not "work", except when they want to leave their father's family. The wife and mother are also exclusively housewives or have a maximum of "work", not a profession. In this way, the job position of the husband and father will be much more important not only because he is usually the primary source of income for the family, but also because he is the most important and only basis of the family position in the larger society. By limiting the positional job role to the role of husband/ father, any competition for the position is eliminated, especially the competition between husband and wife, which can destroy the cohesion of the marital relationship. As long as the paths to success are segregated and not directly comparable, there is less opportunity to spread jealousy, feeling of triviality, and the like, but critical approaches take the gender distinction in employment in terms of its benefits to capitalism or patriarchy, and emphasize on its negative effects to women. Neo-Marxists, for example, see one of the functions of the contemporary nuclear family as providing a place to maintain an efficient reserve army; i.e., women who, when necessary, are absorbed by the capitalists in the labor market and dismissed when the needs are met. Feminists also believe that the unequal situation of women in the labor market is both a reflection and a continuation of their inferiority at home; because the income of many women is insufficient to ensure their economic independence, they remain dependent on their husbands at least to some extent in terms of livelihood, and this leads to the continuation of the role of women housewives and the exploitation of men by them." (Lalman, 2015: 135) Accordingly, by combining Parsons' functionalist view with the norms of Iranian society based on the laws of religious rule governing Iranian society, the following characteristics can be achieved:

Gender justice

Justice, influenced by its general concept, has also entered in the field of gender, which refers to the characteristics that appear differently in each of the two sexes as a result of social and cultural factors (Rudgar, 2009: 15) and has formed a more unfamiliar and ambiguous concept, called gender justice, which means respecting the proportion of men and women in access to all cultural, social and economic facilities (Azarbayjani, 2009: 92). It is, of course, in such a way that each of the two sexes has all the facilities appropriate to the feminine and masculine characteristics, and no oppression or injustice is inflicted on them. Therefore, the requirement of gender justice is that the gender of individuals would cause a feeling of frustration and inferiority due to their inability to achieve their proper dignity (Attarzadeh, 2009: 229)

Indices of gender justice

Indices of gender justice do not only address the equality or difference between men and women in their gender and social identities; Rather, he sees it as a result that arises from the commonality of men and women in human identity and their differences in natural gender. The indicators of gender justice from the Islamic point of view are as follows:

Equality in values

From the Islamic point of view, men and women- due to having a common human identity and values- do not have any superiority to each other, except for piety. So none of their social roles can be characterized as superior or inferior because of gender. An approach that devalues women's role over

men undermines justice in sexual identity. Men are not worth superior to women; cases where men are more powerful than women or women are superior to men are not a sign of value superiority; rather, it is the ability to do the work. Thus, in the Islamic traditions, the virtue of a woman marrying a woman is equal to "the reward of a man's jihad, the holy Prophet (peace and blessings of Allaah be upon him) said.

Gender appropriacy to roles

One of the characteristics of gender justice is the proportion and balance of roles with gender. Gender, like maturity, intellect, and power, is one of the foundations of talent and ability that the laws of nature require. Feminist theories that ignore the role of gender are, in fact, going against the flow of nature and creation; but from the Islamic point of view, the beliefs, values and norms that make up gender roles are appropriate for the different genders of men and women.

Symmetry of ethics and law

Another characteristic of gender justice in Islam is that rights and duties should not provide grounds for moral oppression; because men and women have the right to moral and spiritual development in society and the family, so the legal rules and roles of men and women must be symmetrical with morality. The determination of many social behaviors and the division of labor in different areas between men and women must be focused on moral goals and criteria, otherwise moral oppression is practiced.

Non-discrimination in benefits

Assuming the former indicators, in cases where women have social roles or responsibilities, having the necessary conditions and equality to men, equality of benefits and wages is another indicator of gender justice. In many societies and even in our society, sometimes women are paid less than men under the pretext of gender; Islam does not recognize such a discriminatory view.

Research method

The research method is qualitative, documentary-historical. It is historical because the existing laws cover the period up to 2011. The meaning of historical research is "systematic and objective reconstruction that has been done since 1961 through collecting, evaluating, determining the accuracy and order of events in order to prove and obtain a defensible result and is often based on a certain hypothesis." (Isaac, 1997: 54)

On the other hand, the present research is documentary because in order to examine the main questions and assumptions of the research, the legal texts enacted in this 40-year period have been dealt with. Each legal text is considered as a document.

Review of the research findings

According to these indicators in the years 1961 to 2011 and according to the political events that continued in the process of women's participation in the field of economics, politics and legal justice of men and women in Iranian civil law and although at times such as the victory of the revolution due to instability Due to the change in political relations, the process of expanding gender justice declined, but in the years of the victory of the revolution, especially in the years after the imposed war; The presence of women in the field of economics and administrative affairs found a favorable trend. In the years before the revolution, especially due to two important issues: first, the White Revolution and second, the economic prosperity of Iran in the years 1963 to 1976, the field of women also underwent extensive changes. In the economic field, women entered the labor market of newly established industrial factories and were able to have a wider presence in the field of education in the Knowledge Corps, universities and scientific centers. An important issue during this period was the presence of women in the judiciary and in the Ministry and the National Assembly, which, although involving a small number of women, was considered a kind of move forward. Women's suffrage, which was opposed by political opponents, is also considered an important development of this period. By examining the civil laws and examining the research data, the research question can be answered: How can the sociological study of gender justice in gaining a role and socio-political base be formulated according to the laws of Iran from 1961 to 2011?

According to the research hypothesis in the 1960s, considering the beginning of the modernization program of Iran by Mohammad Reza Shah and the White Revolution; the political, economic, social and legal status of women underwent more positive changes, but in the post-revolutionary years, due to the revolutionary conditions of the country and changes in civil and criminal laws, the status of women changed significantly, especially in the field of family and judgment. The cabinet found the government and the parliament. According to research data in the post-revolutionary years, due to the consolidation of Islamic principles and the view of gender justice, women in areas such as the Ministry and the judiciary fell behind, but due to the development of the country over the past four decades, women in the areas of economy, civil law, family and political participation have been able to have a continuous presence and a significant share in the economic and educational sectors. In fact, gender discrimination in gaining a role and socio-political status has been decreasing since 1961, but in areas such as the ministry and the presidency due to religious and cultural considerations has experienced a slower trend.

Gender discrimination in gaining a role and economic base

In the field of economics and gender discrimination in gaining the role and economic base according to the legal status of women in Iranian law from 1961 to 2011 (dowry, alimony, employment, right to work, inheritance and property rights) by examining the laws can be mentioned the following results Appearance:

Between 1956 and 1976, the real rate of women's activity increased and increased from 2.9 percent to 9.12 percent. Similarly, women accounted for a larger share of the country's labor market and the proportion of women in the total active population of the country increased from 7.9% in 1956 to 8.14% in 1976. Women could enter the labor market to achieve rapid economic growth and industrial circulation. (Mosayebnia Fakhbi, 2013)

Table (1): Women's share of the Iranian labor market during the years 1956 to 1976

| year | Population over ten years | Active population | Inactive population | Working population | Unemployed population | Unemployment rate | Actual activity rate | Women's share in the labor market |
|------|---------------------------|-------------------|---------------------|--------------------|-----------------------|-------------------|----------------------|-----------------------------------|
| 1956 | 6242 | 576 | 5666 | 573 | 3 | 0.5 | 9.2 | 9.7 |
| 1966 | 8206 | 1033 | 7173 | 944 | 89 | 8.6 | 12.6 | 14.5 |
| 1976 | 11232 | 1449 | 9783 | 1212 | 237 | 16.4 | 12.9 | 14.8 |

Source: Shadi Talab: 2001 Quoted from Fakhbi

This policy was based on some goals; on the one hand, half of the country's population, often excluded from income-generating economic activities, was added to the salaries of private or public sector wage earners, and on the other hand, cultural barriers to women's participation in society were removed. As a result of this policy, in the years 1966 to 1976, the number of employed women increased from about 940,000 to more than 1,200,000. The bulk of this increase was concentrated in the industrial sector (47% of the total increase and then in the public, social and personal services sector). So that 95% of the total increase in women's labor force was allocated to these two sectors and the remaining 10% was distributed among the remaining seven sectors (Shaditalab, 2001: 6-35). In the years 1966 to 1976, women working in the public sector wage and salaried occupational group increased from 57,000 to 246,000 and their share in the total number of employed women increased from 6% to 20.3%. (Mosayebnia Fakhbi, 2013)

Table (2): The share of women's employment in different sectors of the economy during 1966-1976

| Description / Year | 1966 | 1976 |
|---|-------|-------|
| The share of women's employment in the country's total employment | 13.2% | 13.8% |
| Industry sector's share of the increase in employed women | | 47.7% |
| The share of the service sector from the increase of employed women | | 43% |
| Public sector share of all employed women | 6% | 20.3% |
| The share of employed women from all women aged ten and over | 11.5% | 10.8% |

Source: Shadi Talab: 2001 Quoted from Fakhbi

Thus, the share of women working ten years and older in this period remained almost constant at around 11% and about 70% of the female household continued to be housewives. A comparison of these two figures shows that many Iranian women were not present in the economic activities of the society. The presence of housewives at that time was often limited to religious gatherings and shrines, which is confirmed by research findings related to the years 1974.

The Constitution of the Islamic Republic of Iran, in addition to recognizing employment as one of the basic and natural rights of women, allows them to choose any job that is not contrary to Islam and obliges the government to provide the necessary conditions for women's employment. It also emphasizes the ownership of women in their legitimate businesses to facilitate the widespread presence of women in the fields of labor and economic endeavor. Introduction The Constitution of the Islamic Republic of Iran, entitled "Women", stipulates in the Constitution that expresses positive discrimination against men: "Women will have more rights due to the more oppression they have suffered from the tyrannical regime ... Women in such a perception Leaving the family unit, being an object or being a "tool of work" in the service of the spread of consumption and exploitation, and while regaining the serious and busy duty of motherhood in nurturing scholastic human beings, is a pioneer and companion of men in active fields of life. (The status of women in law, Office of Women Affairs of the Presidential Institution: 1994)

Clause 9 of the third principle of the Constitution of the Islamic Republic of Iran emphasizes the "elimination of undue discrimination and the creation of just opportunities for all in all material and spiritual fields." Article 20 of the Constitution stipulates: Equal use of all job opportunities in society, including the economic and social rights of women, which is also mentioned in Article 20 of the Constitution of the Islamic Republic of Iran. According to Article 28 of the Constitution of the Islamic Republic of Iran, the government is obliged to create "the possibility of employment and equal conditions for obtaining jobs for all." Article 43, paragraph 2, stipulates that "the provision of working conditions and employment facilities for all" in order to achieve full employment and the provision of work equipment to all those who are able to work but do not have the means to work "to ensure the economic independence of society and Eradicating poverty and deprivation and meeting human needs is essential for the growth process, the provision of working conditions and facilities for all members of society, including women, and Article 46 states: Everyone is the owner of his own legitimate business and no one can The title of ownership of one's business deprives another of the possibility of doing business.

- Prohibition of hard work for women
- Maternity leave
- Teleworking plan for working women
- Job facilitation for women heads of households
- Early retirement of women
- Part-time employment laws for women

By examining the statistics, the effect of the above laws can be shown. Comparison of women's employment pattern in three sections agriculture, industry and services in the two periods of 1986 and 2006 in the whole country indicates that during this decade, the relative frequency of women's employment in the agricultural sector has decreased and in the industrial sector has increased, but remained stable in the services sector. Based on statistical data, it can be concluded that the tendency of women to work in different sectors of economic activity in cities has changed from services to industry and in rural areas from agriculture to industry. The tendency of women to the industrial sector, especially in rural areas, is significant. The percentage of employment in the agricultural sector decreased from 1976 to 2006 in the group of men and increased for women. The growth rate of men's employment in the agricultural sector during the years 1976 to 2006 was equal to 46.47 percent and the growth rate of this indicator for women in this period was 35.03 percent. The percentage of employment in the industrial sector has decreased sharply during the years 1976 to 1986, but has increased again since 1986; however, since 1996, we have again faced a decline in women's employment in the industrial sector. The employment rate of men in the industrial sector during the years 1976 to 2006 was equal to

4.14 percent and the growth rate of this indicator for women in this period was 73.37 percent. The growth rate of employment in the service sector has increased by an average of 83.51% among men and 92.32% for women during the years 1976 to 2006. Since late 2002, along with the move towards privatization and transfer of shares and management of state-owned companies to the private and cooperative sectors and the expansion of private sector activity, the Iranian government has aimed to correct structural and institutional imbalances in activities such as exchange rate unification and reform. It has passed commercial investment law, tax reforms, and licensed private banks. Privatization and reduction of government ownership, along with liberalization and the creation of a competitive environment, affect macroeconomic variables, including employment, especially the employment of women in higher education. (Zaferanchi: 2009)

The population of employed women in 1996 was equal to 1 million and 765 thousands and 402 people, which in 2006 reached 2 million and 781 thousands and 823 people, and in 2011 to 2 million and 711 thousands and 557 people. An investigation of the women's occupation in the economic activities of the country shows that their share of the total employed population of the country in the years 1996, 2006 and 2011 are 1.12%, 5.13% and 1.13%, respectively. Simultaneously with the increase in unemployment in the country, the female unemployment rate also increased from 3.13% in 1996 to 3.23% in 2006. During the years 2006 to 2011, the unemployment rate for women increased to 241 percent. Comparison of major groups of employed women activities in 1996, 2006 and 2011 shows that women's activity in industry has decreased and their tendency towards the service sector has increased. What can be seen in the agricultural activities sector is that the share of employees in the agricultural sector decreased in 2006 and increased in 2011. What can be seen in the agricultural activities sector is that the share of employees in the agricultural sector decreased in 2006 and increased in 2011, The table below shows the distribution of working women in the three major groups of industry, agriculture and services.

Table (3): Distribution of working women in major activity groups in 1996, 2006, 2011

| Major Group of Activities | 1996 | | 2006 | | 2011 | |
|---------------------------|-----------|------------|-----------|------------|-----------|------------|
| | Frequency | Percentage | Frequency | Percentage | Frequency | Percentage |
| Agriculture | 294465 | 17 | 402211 | 14.4 | 535411 | 19.7 |
| Industry | 609046 | 34 | 698406 | 25.1 | 439172 | 16.1 |
| Services | 809671 | 46 | 1565201 | 56.2 | 1645115 | 60.7 |
| Unspecified activities | 52220 | 2.9 | 116005 | 4.1 | 92989 | 3.4 |
| Total | 1765402 | 100 | 2781823 | 100 | 2711557 | 100 |

Source: Detailed results of the general population and housing census 1996, 2006, 2011

On the other hand, according to the survey plan of workshops with research and development activities in 2015, 42562 full-time male researchers and 22216 full-time female researchers were active in the country. In other words, men have a 67% share of the country's research population and women have a 33% share of the country's research population. In addition, most female researchers- 33 percent of them- have a medical degree. Also, most of the male researchers, i.e. 30%, have degrees in technical sciences and engineering, of which 66% of female researchers and 68% of male researchers have specialized doctorates. (www.amar.org)

Laws that protect women in the economic field can be examined even in civil contracts such as marriage, so much so that in our civil laws, **** can be mentioned as one of the laws that protect women. Alimony, taken literally, means "to spend" and is derived from charity (Langroudi: 2001, p. 718). Article 1107 of the Civil Code states: "Alimony is all the normal needs of a woman, such as housing, clothing, food, home furnishings, and medical and health expenses, and a servant in case of habit or need due to disability or illness. Jurisprudence, which is the main source of Iranian law, considers alimony as a duty that is imposed on the husband against the wife's obedience to her husband. Therefore, it can be said that if a woman does not associate well with her husband without a valid excuse and does not obey him in marital affairs, The so-called wife is considered illegitimate and the husband will not be obliged to

pay alimony (Emami: 1998, p. 516). The question that comes to mind is whether the wife is only obliged to special obedience and good company? Regarding good social relations, it should be said that Article 1103 of the Civil Code also places this obligation on the husband and obliges him to have good social relations with his spouse. On the other hand, the refusal of the husband to be intimate with the wife can also be considered as a cause of hardship and embarrassment, and because of that, the wife can request a divorce (Katouzian: 2003, p. 263). From an economic point of view, it seems that the law has placed an additional burden on the husband because after marriage, the husband and wife are in an almost equal position regarding marital duties, good company, special obedience, etc., except that the husband is obliged to pay alimony. Even the past alimony remains the responsibility of the husband as a debt, and if the wife requests it, the husband is obliged to pay it as well. (Safaei and Emami: 2007, p.138).

According to Article 642 of the Iranian jurisprudence the unpayment of alimony is considered a crime and in addition to the spouse's right to go to family courts, non-payment of alimony can also be prosecuted. This article reads: "Anyone who does not comply with his wife's alimony if he can afford it or refuses to pay alimony to other obligatory alimony persons, the court shall sentence him from three months and one day to five months imprisonment" according to the unanimous decision of the General Assembly of the Court of Justice. The claim of the wife's alimony is from the rights of the people, so until the wife pardons the prosecution of the criminal complaint, a criminal case will be considered (judgment No. 17/4/1999-525). Of course, the suspended punishment in this article is conditional on having financial ability, and if it is not possible, the issue of criminal prosecution of the couple is eliminated. The proof of the above ruling is the noble verse: "... the duty of the soul is wide ..." (Baqara, 233). According to it, the punishment of the poor is not moral and humane, especially in married life where morality guarantees the survival of the family. It should be noted that in some cases of the Civil Code - especially in Note 6 of the single article of the Law on Amending the Regulations on Divorce approved in 1992 - in case of divorce, other salaries and financial income for the wife, such as retribution or dowry, in remuneration is provided for work that is not legally his responsibility.

Gender discrimination in gaining a socio-political role and status

In the field of political participation and gender discrimination in gaining a role and sociopolitical status according to the political position of women in Iranian law from 1961 to 2011 (women's presidency, parliamentary representation, presence in the government cabinet, etc.) one can reach the following results by examining the laws. In the years before the Islamic Revolution, the first Pahlavi measures to change the status of women were further summarized in the field of political rights. However, with the economic development of the country, the situation of women also improved. In September 1962, the news of the approval of the election bill of the state and provincial associations, which was approved by the cabinet was spread. The issuance of this bill led to a huge confrontation with religious opponents that lasted for two months and one should seek in this confrontation the roots of the Islamic Revolution, which was victorious in 1978. In the face of the bill, Tehran's top clerics, merchants' associations and guilds in Tehran confronted the government and opposed it. This confrontation led to the successive withdrawal of the government and finally the cancellation of the bill by the Cabinet meeting on December 29, 1972. The telegram that Ayat Ozma sent to the Shah and Assadollah Alam, the then Prime Minister, clearly shows that the first-rate clerics of the country ignored this bill, ignoring the Qur'an and Islam, and the way of infiltration and influence of individuals, and they have known non-Islamic ideas in the country. One of the issues that was interpreted as the influence of non-Islamic and possibly anti-Islamic ideas was the right to vote for women in the bill; But the withdrawal of the government was not the withdrawal of the court, and less than six months after the end of the affair, that is, on March 9, 1941, with the issue of the referendum that was to be held. Six cases of the "White Revolution" strengthen the Shah Cultural confrontation with religious opponents began again. (Kar, 1379) The opposition of the great verses led to the bloody uprising of June 6, 1963, due to which Tehran, Qom and several other cities became the scene of bloody clashes with the Shah's opponents. After the suppression of the opposition to the Shah's referendum, the movement became underground. The Shah also went his own way and finally paragraph 1 of Article 10 of the Electoral Law approved in 1950, which deprived women of the right to vote in the minor and insane categories. It was removed according to a single article approved in 1964, which was passed by the parliament. The second paragraph of Article 13 of

the Electoral Law, which deprived women of the right to vote, was also removed. Therefore, Iranian women were able to participate in the parliamentary elections from 1962 based on the decrees issued from the top of the pyramid of political power and then became legal with the approval of the single article in 1964. That is, they were able to vote and sit in the parliament. In carrying out the decrees, those who unequivocally agreed with official policies and were endorsed by the security agencies entered councils and legislatures. These, of course, were not selected by all the spectrums and tendencies of Iranian men and women, and could not be the spokesperson for the nation and the diverse needs of all the people of Iran. As a result, women elected to parliament were deprived of the support of women from various political backgrounds and were unable to gain a foothold in the entire female population of the country. (Kar, 2000)

In the political sphere, too, it is the case that women's political participation in the postrevolutionary Iran movement of women and their presence in the legislature continued. The victory of the Islamic Revolution marked another beginning in women's political participation. Women's political participation and presence in power was seen by them not only as a fundamental right, but also as an obligation. Women's participation in the legislature and the direct and indirect presence of women in eight years of war with Iraq is a manifestation of the acceptance of women's participation in the Islamic Republic system. Ending of the war and the need for women presence in the country's reconstruction process boosted women's political participation; and the presence of women in the fifth parliament increased compared to the previous four terms. The level of women's political participation in the legislature in the government was higher than other periods. The presence of women in the structure of the legislature of the Islamic Republic in the tenth and eleventh governments, which consists of three institutions of the Islamic Consultative Assembly, the Guardian Council and the Expediency Council Continued with a slight weakness. However, in this period, women's participation in the Islamic Consultative Assembly is better evaluated than in previous periods.

In the case of the presidency, there has been much controversy over the issue of women and the definition of the concept of men. In a brief look at the word 'man' in the above-mentioned principle, the issue of the president being a man comes to mind. However, some jurists and individuals in interpreting the word man in the mentioned principle believe that men in this principle is not used in its literal and true meaning. Therefore, it does not mean men, but men mean prominent personalities and people, and with this interpretation, it also includes women. Some people, considering that the position of the president is not a job like the judiciary, or an authority, have considered it to be held by qualified women without any problems, so the restriction of men is not only non-existent they knew it was necessary, contrary to legal principles. (Detailed form of parliamentary deliberations on constitutional review 2001:1770 the second group, which constituted the majority of the delegates, believed that holding the presidency was a form of government, and that government was not limited to the judiciary and authority, but that the nature of the post, which was appropriate to the government, could not be delegated to women. Also, the famous fatwas refuse to address women in government in a special sense. (Detailed minutes of the parliamentary deliberations can be found on the review of the Constitution).

Thus, the importance of the role of the presidency in policy-making is clear, and women should consider and evaluate their legal possibilities and opportunities to obtain this political position. According to Article 115 of the Constitution, the president must be elected from among religious or political figures with the following conditions: Iranian origin, resident of Iran, manager and resourceful, with a good record, trustworthiness and piety, believer in the principles of the Islamic Republic of Iran and official religion of the country. Although the principle stipulates that the president should be elected from among religious and political figures, but the legislature has made his election conditional on the fact that males are not one of them. Some commentators believe that the term "legislator" refers to prominent religious and political figures, not necessarily political and religious men; but in spite of such interpretations, the gender burden of the word "Rijal" cannot be ignored in Article 115 of the Constitution. What is certain is that by passing this principle, the legislator has deprived half of the country's population, which is not under the word of men, of holding the presidency. (Kar: 2001, p. 91).

During the years after the revolution, although women had been continuously present in the field of parliament, but the appointment of women in the field of ministry had proved impossible until the appointment of the Minister of Health in the tenth government (iusnews.ir).

According to Article 133 of the Constitution, ministers are appointed by the president and introduced to the parliament for a vote of confidence. With a change of parliament, ministers do not need to get a new vote of confidence. The number of ministers and the limits of each authority are determined by law. Ministers are among the executors of the executive branch who perform political duties with two distinct manifestations: collective (cabinet) and individual. The laws governing the appointment of ministers do not stipulate masculinity; however, so far we have had only one female minister in the Islamic Republic. However, women have previously held the post of minister in the contemporary history of Iran, and before the Revolution, two women ministers were members of the cabinet. Therefore, Iranian women can, in the current situation, hold the post of minister as a religious and acquired right to which the law has delegated to demand. Also, they have the right to criticize the personal tastes of individuals and groups who, despite legal opportunities do not allow them to serve in the Council of Ministers. From a jurisprudential point of view, there is no reason for the minister to be a man. The ministry is a new issue and has no precedent in Shiite culture, and as a result, it does not have a specific ruling that can be made based on which women be deprived of the ministry post. The ministry is one of the examples of the presence of women in society, and as it was explained legitimacy of presence includes examples of presence. (Kar, 2001: 92).

Table (4): Comparison of rules, before and after the revolution

| Theoretical index | After Revolution | before Revolution |
|---------------------------|--|---|
| Equality in values | Having the right to vote on Article 6 and Article 62 of the 1979 Constitution | Having the right to vote according to the bill of state and provincial associations in 1341 |
| | Permitted to hold the ministry according to Article 137 of the Constitution Allowed political representation in parliament according to Article 62 of the Constitution and the impossibility of law | Equality in values Authorized to hold the ministry and the prime minister Authorized for political representation in parliament |
| | To accept the post of President (Article 115) | |

| | | |
|--|---|------------------------------|
| <p>Employment in economic affairs</p> <ul style="list-style-type: none"> • Choosing jobs by women and creating employment opportunities and accepting women in new jobs • Guarantee of legal and civil enforcement of non-payment of alimony in Article 8 of the Family Protection Law approved to oblige the husband to pay alimony 1974 • Article 14 of the Family Protection Law approved in 1346 and the 1974 amendment to the Family Protection Law, the article of the said law was also changed and instead articles 14 and 17 of the law were approved. <p>Employment in economic affairs.</p> | <p>Employment in economic affairs The Constitution of the Islamic Republic of Iran, in addition to providing employment with basic rights and Naturally, women know that they are free to choose any job that is not against Islam</p> <ul style="list-style-type: none"> • *** 9 of the third principle of the Constitution • The twentieth principle of the Constitution • The government is obliged to guarantee the rights of women in all respects in accordance with Islamic norms and to do the following: Creating favorable conditions for the development of women's personality and the restoration of their material and spiritual rights; 1- Supporting mothers, especially during pregnancy and child custody, and supporting children 2- Unattended; Establish a competent court to preserve the survival of the family; 3- Creating special insurance for widows and elderly women Unattended; 4- Giving custody of children to worthy mothers in order to envy them in the absence of a guardian. <p style="text-align: center;">□ Sharia</p> <p>According to Article 28 of the Constitution of the Islamic Republic of Iran, the government is obliged to create "the possibility of employment and equal conditions for obtaining jobs for all individuals." Clause 2 of the forty-third principle stipulates: "Providing working conditions and employment facilities for all in order to achieve full employment and providing work equipment to all those who are able to work, but do not have work equipment."</p> | <p>Gender fit with roles</p> |
| <p>Recruitment as a military force, including the law on the formation of the Health Corps Approved by the National Assembly on February 11, 1963 And 7 May 1343, the Senate and the law of formation. The Corps of Extension and Development, which in 1964</p> | <p>Lack of employment as a military force</p> <ul style="list-style-type: none"> • Article 32 of the Law of the Army of the Islamic Republic of Iran, approved on 7/7/1366. | |
| <p>Competence to act as a judge</p> | <p>Incompetence as a judge</p> <ul style="list-style-type: none"> • Article 163 of the Constitution • Law amending Note 5 of the Law on Adding Five Notes to the Law on the Conditions for the Selection of Judges of Justice, approved in 1984 | |

| | | |
|--|---|-----------------------------------|
| <p>Dowry Article 1078 to 1101 BC</p> | <p>Dowry Article 1078 to 1101 BC • To ensure women's rights to dowry, a plan to adjust the dowry to the daily rate in parliament The Islamic Council was approved in 1997. The single article approved on 5/8/76 added a note to Article 1082 BC as follow</p> | <p>Symmetry of ethics and law</p> |
| <p>Inheritance Articles 940 to 949 Rules of Inheritance of Spouses Law Civil Code of Iran, approved in 1928</p> | <p>Inheritance • In February 2009, the Islamic Consultative Assembly amended Articles 946 and 948 of the Iranian Civil Code. With this reform and the wife's share in the price of land, there was a significant change in the wife's inheritance rights from the husband's property. • Article 947 was deleted.</p> | |

| | | |
|--|--|--|
| <p>Alimony Marriage Law approved in 1310 Article 1106 BC to 1129 BC Guarantee of legal and civil enforcement of nonpayment of alimony in Article 8 of the Family Protection Law approved requiring the husband to pay alimony in 1974 Article 14 of the Family Protection Law approved in 1346 and the 1974 amendment to the Family Protection Law, the article of the said law was also changed and instead Article 14,16 and 17 laws were passed</p> | <p>Alimony Marriage Law approved 1310 Article 1106 BC to 1129 BC Reform Article 1107 BC Note 6 of the single article of the law amending the relevant regulations approved in 1992</p> | |
| <p>Women's testimony Inequality of testimony between men and women in civil law 1307</p> | <p>Women's testimony According to the opposite concept **** 155 of the Code of Criminal Procedure of Iran and in particular **** 175,176 and **** 997 Islamic Penal Code 2013 Martyrdom in criminal matters can be divided into two types: religious and customary • Article 241 of the Code of Judicial Procedure of General and Revolutionary Courts in Civil Matters approved 1999/5/11 has left the recognition of the value and effect of the certificate to the court</p> | |
| <p>Halving the blood money of a woman compared to a man Vote to halve the blood money of men and women</p> | <p>Halving the blood money of a woman compared to a man • Elimination of halving the blood money of women compared to men based on **** ** 10777/78/1</p> | |

| | | |
|--|---|--------------------------------------|
| <p>Women's employment Resolution of the Cabinet of Ministers 1977/8/2</p> <p>part-time</p> | <p>Prohibition of hard work for women • In **** 75 of the "Labor" Law approved in 1990/11/20 and in 1990, with the approval of the Labor Law in the Expediency Council, the ban on women's night work was lifted.</p> <p>Maternity leave Chapter 76 also stipulates: Maternity leave and maternity leave for female workers in total It is 90 days, and if possible, 45 days of this leave should be used after delivery. 14 days are added to the leave period for both deliveries. In 2007, this article of the law was amended in the Islamic Consultative Assembly and the duration was increased from 4 months to 6 months. In 1991, the Center for Women and Family Affairs announced that working women would be able to take three years of unpaid leave with insurance after taking maternity leave.</p> <p>Teleworking plan for working women In 2010, with the aim of increasing mobility, work flexibility and reducing the volume of government employees, telecommuting regulations were approved.</p> <p>Job Facility Bill for Women Heads of Household In the spring of 2012, a bill on job facilities for women heads of households was drafted and sent to the Cabinet in the summer of the same year.</p> <p>Early retirement for women: In 2012, the 10th government passed a resolution on early retirement for women, according to which women who apply for early retirement, if accepted, The number of their children is added to their years</p> <p>Part-time employment laws for women: The law on part-time service for women was approved in 1983 and also in 2017</p> <p>He has commented on the manner of</p> <p>Implementation of this law and finally with the addition of a note in 1997 about part-time work.</p> | <p>No discrimination in benefits</p> |
|--|---|--------------------------------------|

Conclusion

As a result, based on the title of the study, which focuses on the sociological study of gender discrimination in gaining a role and socio-political and economic status in Iranian law, we studied economic, political and social regulations. In the field of political law for the presence or absence of women - that leads to discrimination- we were confronted with the mindset of law enforcers rather than prohibitive laws. For example, in explaining the concept of a man in the constitution for the presence of women as candidates for the presidency, the law does not explicitly prohibit women, but the interpretation of the constitution is even implicitly contrary to the strict letter of the law. In other areas of the ministry, despite the presence of the Health Minister of the tenth government as a woman in the cabinet, different views and various perceptions in religious institutions and political currents perfectly illustrate why women are not in the cabinet in the years after the Revolution. In the field of employment, however, the constitution, civil laws and executive procedures have provided a much better platform for the presence of women. Rules such as:

- 1- creating favorable conditions for the development of a woman's personality and the restoration of her material and spiritual rights;
- 2- 2- supporting mothers, especially during pregnancy and child custody, and supporting orphaned children;
- 3- establishing a competent court to preserve the integrity and survival of the family;
- 4- creating special insurance for widows and elderly and homeless women;
- 5- prohibiting of hard work for women;
- 6- maternity leave;
- 7- working plan for working women;
- 8- passing the bill for job facilities for women heads of households;
- 9- early retirement of women;
- 10- Part-time employment laws for women, which have created a strong presence of women in the labor market in the years after the revolution, have also been provided.

In the field of family law, the legislator's approach has been to materially protect women in matters such as alimony and dowry. In areas such as inheritance still important religious barriers will prevent equality in the division of heritage. As a result, examining the statute book and civil laws of the country as well as the executive procedures and laws in the political and economic situation of the Islamic Republic of Iran in the context of the post-revolutionary years can lead to the conclusion that economic and family laws have been capable of being adapted to women's rights as much as possible according to the requirements of Sharia. In the political sphere, too, laws have been interpreted according to political interpretations and, of course, with the support of the male mentality, and so far women have been barred from running for the presidency. These barriers have been created in a similar way in the field of ministry, but in the case of the Islamic Consultative Assembly, women's representation is normal, although it has no significant impact.

In fact, by examining the civil and political laws in Iran from 1961 to 2011, the obstacles to gender justice on the one hand and the creation of gender discrimination on the other hand can be considered as the following factors:

- The effect of patriarchal and illegitimate interpretations such as the interpretation of the concept of man in the context of the presidency
- The effect of masculine interpretations and lack of a legal basis
- The effect of some religious interpretations in increasing gender justice
- The effect of Elite Political Culture on the presence of women in political positions such as the presidency
- Negative impact of stereotyped (and unregulated) gender beliefs and beliefs about gender inequality on attitudes toward promotion
- Developing important rules regarding the minimum number of women in the cabinet
- Developing more up-to-date laws in the field of alimony and inheritance

References

1. The Holy Quran
2. 1994, Selection of Employment Cases, Report www.hajij.com Deputy for Women's Affairs Presidential organization.
3. Abdul Hamid, Mehdi; Mohammadi, Mehdi Babaei Mojarad, Hossein (2018) Presenting a model of women's employment policies from Social Emergency Perspective, Journal of Social and Cultural Strategy, Summer 1997, No. 27, 139-162.
4. Aqajani, Nasr (2009) the Challenge of Feminism with Gender Justice, Journal of Women's Strategic Studies (Women's Book) Twelfth, No. 46.
5. Azam Azadeh, Mansoureh (1384) Awareness of Gender Inequalities: A Model for Measuring Cognition of Gender Inequalities, Journal of Women's Research, No. 12, pp. 51-74.

6. Azarbayjani, Massoud (2009) Gender Justice and Women's Employment, *Journal of Women's Strategic Studies*, Women's Book, Volume No. 46, 12.
7. Azimi Hashemi, Mojgan; Judge Tabatabai, Mahmoud; Hedayati, Ali Asghar (2015) Women's Political Participation in Iran and Factors Affecting It, *Quarterly Journal of Women and Society*, Winter '94, Year 6 - Number 4, 105-124.
8. Detailed Discussions of the Assembly Final Review of the Constitution of the Republic of Iran (2001) Tehran: General Department of Cultural Affairs and Public Relations of the Islamic Consultative Assembly.
9. Emami, Asad; Safaei, Seyed Hossein (1386) *Brief Family Law*, Tehran: Mizan Publications.
10. Emami, Seyed Hassan (1998) *Civil Law*, Volume 4, Tehran: Esla Mieh Publications.
11. Ghodrati, Hossein (2015) The Rise and Fall of Women's Employment in Iran and Its Difference with Global Trends, *Social Development Quarterly*, Volume 9, Number 3, 29-52.
12. Kar, Mehrangiz (1994) *Women in the Iranian labor market*, Tehran: Intellectuals Publications
13. Kar, Mehrangiz (2001) *Women's Political Participation*, Tehran: Roshangaran Publications and Women's Studies.
14. Katozian, Nasser (2003) *introductory course in civil law (family)*, Tehran: Mizan Publications
15. Lalman, Michel (2015) *History of Sociological Thoughts (Volume II)* Translated by Abdolhossein Nikgozar, Hermes Publishing, Tehran
16. Mosayebnia Fakhbi, Sedigheh (2013) *Women's Citizenship Rights Between Two Revolutions*, M.Sc. Thesis, University of Guilan, Faculty of Literature and Humanities.
17. Panahi, Mohammad Hussein (2015) *Bani Fatemeh, Somayeh Sadat; Political Culture and*
18. Roodgar, Narges (2009) *Feminism: History, Theories, Trends, Criticism*, Tehran: Office of Women Studies and Research, National Youth Organization.
19. Shaditalab, Jaleh (2001) *Iranian Women, Demands and Expectations*, *Social Science Letter*, No. 18, 31-62.
20. Shams Ghahfarkhi, Mehri (2018) *The effect of working hours of women working on fertility*, Fall 2018 - *Journal of Applied Sociology* No. 71, 101-116.
21. Statistics Center of Iran (1375), *General Results of the General Census of Population and Housing 1375 of the whole country -1*. Tehran: Center Statistics of Iran.
22. Statistics Center of Iran (2006) *General Results of the 2006 General Population and Housing Census of the whole country - 1*. Tehran: Center Statistics of Iran.
23. Statistics Center of Iran (2011) *General Results of the General Census of Population and Housing 2011 of the whole country -1*. Central Tehran Statistics of Iran.
24. The Status of Women in Law, Office of Women Affairs of the Presidential Institution, winter
25. Vice President for Women and Family Affairs (1395) *Analysis of the situation of gender indicators in Iran*, Tehran.
26. *Women's Political Participation*, *Quarterly Social Sciences (University Allameh Tabatabai)* Spring 2015 - No. 68, from 35 to 78
27. Zafaranchi, Lee (2009) *Women's Employment*. Tehran: Presidential Center for Women and Family Affairs.