



SHIRIN EBADI'S CONCEPTION ON THE  
SANCTITY OF MUSLIMS WOMEN IN THE  
MODERN WORLD

BY

FARAHEZZA HAIRON NIZAR

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## **ABSTRACT**

The new generation of women who are influenced by discourse and values in modernity and woman-hood are seeking new identity for themselves. Any speculations and scholarly discourse provides women with means to better understand themselves as individuals capable of deliberation and action, who can present themselves, as modern Muslim women. Following the Muslim women's engagements in this discourse, the author of this thesis takes perspective from Shirin Ebadi, who unassumingly has credentials to be considered as a prototype of modern Muslim woman. No study of Shirin Ebadi can do justice to the complexity of her life and work without taking into account the many incongruity present in her experiences which shapes her thought. This thesis attempts to look at this sensibility and the greater discourse will consider the manifestation of the modern Muslim woman character, as an individual who acknowledges her sex, religion and the inevitable changes of time.

## ملخص البحث

الجيل الجديد من النساء اللاتي صارت متأثرةً بخطاب وقيم الحداثة، والمرأة في غطاء محرك السيارة تطلب من هوية جديدة لنفسها. أي المزايدة والخطاب العلمي تقدم المرأة وسيلةً لفهم أفضل لأنفسهم كأفراد قادرة على التداول والعمل، التي تستطيع تقديم نفسها كالمراة المسلمة الحديثة. لعقب اشتباكات المراة المسلمة في هذا الخطاب، كاتبة هذا البحث تأخذ من منظورات شيرين عبادي، التي لها بشكل متواضع الاوراق الاعتماد لاعتبارها النموذجة الأصلية للمراة المسلمة الحديثة. لا دراسة شيرين عبادي تمكن أن تنصف تعقيد حياتها والعمل دون الأخذ في الاعتبار كثيرا من التنافر الموجودة في تجاربها التي شكّلت فكرها. يحاول هذا البحث النظر في هذه الحساسية و ستنظر أكبر الخطاب في مظهر شخصية المراة المسلمة الحديثة، كالفردة التي تعترف جنسها، دينها، وتغييرات الزمن المتعدرة اجتنابها.

## APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion; it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Master of Philosophy, Theology, Ethics and Contemporary Issues.

.....  
Sayyid Ajmal M.Razak Al-Aidrus  
Supervisor

I certify that I have supervised and read this study and that in my opinion; it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Master of Philosophy, Theology, Ethics and Contemporary Issues.

.....  
Muddathir Abd al-Rahim  
Examiner

This dissertation was submitted to the International Institute of Islamic Thought and Civilization and is accepted as a partial fulfilment of the requirements for the degree of Master of Philosophy, Theology, Ethics and Contemporary Issues.

.....  
Ibrahim Zein  
Dean,  
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MUSLIMS WOMEN IN THE MODERN WORLD**

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*Dedicated to:  
Zaranah Zawawi and Abdul Razak Zawawi.  
With LOVE.*

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# CHAPTER ONE

## INTRODUCTION

### 1.1 BACKGROUND OF STUDY

Islam does not oppress women. Women are liberated and given equal treatment in Islam, unfortunately it might not be so true in today's real-life scenario. The many cases of mistreatment are not Islamic but cultural, and this can only be studied in particular contexts and cultural terms and not under the subject of Islam.

The new fashion of this discourse, however, is the mounting concerns of women towards other women. Still, many are suspicious that this is just another attack on Islam by Westerners, through the sympathy of females and feminism. Certainly, for the Muslim women, there are many things to be explored and explained because feminism is perceived as presupposing the values of Western liberalism. It is not even extreme to say many have gone outside the *shari'ah* for the sake of Feminism.

The readings and discussions often force people, especially women who are looking for orientation, to choose whether to cling to traditional perspectives, which are less popular, or to embrace modernism-often at the expense of traditional values. Obsession for modernity, or rather pseudo-modernism, is accessorized with rhetoric like equality, power and appeasement, modern women are losing their sanctity as *muslimah*.

The frustration of women in many Muslim countries has torn them between family and career, dignity and livelihood, this world and the hereafter. Women are still left with these unfair choices. The development of countries is attributed to men,

alone. Modernization excludes women, as though they are not part of the population. Often, their rights are in shambles.

Shirin Ebadi is the first Muslim woman to receive the Nobel Peace Prize. She is a household name not only in her home country Iran, but also around the globe. A human rights activist who does not speak any international languages and who comes from a controversial part of the world, Shirin Ebadi is an invaluable study. Following the history of Muslim women's movement in the Middle East, Shirin Ebadi is unique in her own way. Although she lives in chaotic political change, her endeavors are not political, as how the general narrative should go, rather they champion human rights, as she juggles between her faith as a Muslim and her belief in the modern world.

Therefore, this study will attempt to deal with some of the complexities in negotiating between modernity and the sanctity of Muslim women. It is important to understand that the term "modern world" means contemporary time and space. Many Muslim countries gained their independence in the early twentieth century, marking the new era of independent nation states. Since then, Muslim countries are trying their best to embrace modernity and advanced technology, often under the influence of the colonial powers. In the late twentieth century, many have progressed and can stand up as developing countries, demanding international recognition. Furthermore, the production of Muslim scholars had helped to speed up the social and political reforms in the Muslim world.

Thus, in this paper, the "modern world" is based on our late twentieth century time line. This paper is also based on Shirin Ebadi's chronology of life. In addition, the term "sanctity" is used in this paper to explain the holistic state of the *ibadah*, *aqidah* and *muamalat* (loosely translated as ritual, piety and social conduct) of

Muslim women, and concurrently used to explicate the holistic approach to maintain the inviolability of the Muslim women.

It is the first aim to study Shirin Ebadi's concept as a Muslim woman, as she herself brings values to the discussion of Muslim women's affairs. After the Nobel Prize, she has been highly quoted and is respected around the world, and this study tries to find out how relevant is her thought for us today.

However, it must be noted that although Shirin Ebadi's rise as a women's rights advocate is due to Iran's Islamic Revolution, this study will not discuss the influences and background of the revolution, as the focus is on her personal activities instead of the whole country. It is also important to note that this paper neither supports nor denounces the revolution.

This study also aims to answer readers who are seeking academic literature focused not solely on western philosophical isms or *shari'ah* matters. Accordingly, it is hoped that it may answer some basic or complicated questions of Muslims who want to be both Islamic and modern. Finally, the study shows that the status of Muslim women in this modern milieu is as important as that of other women despite differences of gender, faith, nationality or socio-political orientations.

To analyse Shirin Ebadi's ideas and insights critically, an interview was conducted with her at her office in Tehran. (Please refer to Appendix 1 to see the full interview transcription).

## **1.2 LITERATURE REVIEW**

The primary reference for this study is Shirin Ebadi's memoir *Iran Awakening* published in 2006 by Random House. It gives us insights about not only her childhood and educational background, but also gives us a complete description of Shirin

Ebadi's career and activism until the conferment of the 2003 Nobel Peace Prize. It begins with some accounts of her family right up to her university years. The book vividly presents her views on the Iranian political scene often highlighted with compromising occasions. Her memories include the ailing Prime Minister Mossadegh, who was dearly loved by the people, but ousted by the ruler and the champagne toast between the Shah and American President Jimmy Carter, which was the first time a Muslim nation saw its leader drinking alcohol on television. She also recounts Ayatollah Khomeini's arrival in Iran after years of exile in France, which begins the transformation of the political system: from a secular western ally to a theocratic, anti-west country. Concurrently, she explains and justifies how her current principles and feelings towards the new government were shaped.

As the primary source of biographical material on Shirin Ebadi, it discusses the cases that she has represented in upholding the cause of human rights. She includes her major works and views like women's rights, the correct interpretation of Islam and embracing modernity amid turbulence in her country. Thus, in the last pages she writes, "What I have recounted in this book is my personal recollection of numerous cases and events, to the extent that they have affected my life. It is not a political memoir, nor have I attempted to offer a political analysis of how and why certain events came to pass. Many of the cases I describe deserve a much fuller treatment than they receive here, and in the future I hope I can devote other books to exploring them from a more analytical perspective" and "I have the opportunity to observe many of the important political and social events in my country. I believe that recounting these memories from the viewpoint of a person who was merely an observer active in the area of defending human rights and was never a member of any political party could throw a spotlight upon what has actually taken place in Iran".

The first published critical biography on Shirin Ebadi is that by Janet Hubbard Brown titled *Shirin Ebadi; Champion for Human Rights in Iran*. It covers Ebadi's family life and works like *Iran Awakening*, but in a more compressed manner. Brown looks at the various stages of Ebadi's life to examine the changes in the country as her view takes shape while dealing with problems, dilemmas and challenges. Within this brief analysis, Brown asserts, "Shirin Ebadi has single-handedly changed the lives of women and children in Iran. Through tireless efforts, she persevered in her endeavours to change laws, or at least ease some for them, so that women can divorce when they need to, and children of divorce can remain with their mother longer. Case by case, she has brought attention to political dissenters and other prisoners who are tortured and murdered in Iran's prison. For women and children, and political activists, she has created organizations within the country to help them. She is a role model to millions of young Iranian women who are seeking to change their country to a democratic one through their protests and writings"<sup>1</sup>.

The most reliable and latest website on the Internet on Shirin Ebadi can be accessed through Nobelprize.org. It has thirty-six web pages on her in the entire website, including the most valuable ones for this study: her autobiography, Nobel Prize acceptance speech and Nobel lectures. The Norwegian Committee in the presentation speech stated, "Shirin Ebadi has been awarded the Nobel Peace Prize for her efforts for democracy and human rights and, in particular, for her fight for the rights of women and children. She has been very clear in her opposition to patriarchal cultures that deny equal rights to women, who represent half of the population.

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<sup>1</sup>Janet Hubbard Brown, *Shirin Ebadi; Champion for Human Rights in Iran* (New York: Chelsea House, 2007), 97.

However, mothers must also be aware of their responsibilities. They are the ones who bring up young boys to be men and who raise daughters to become strong women”<sup>2</sup>.

Dr. Ziba Mir Hosseini, a legal anthropologist specializing in Islamic law, gender and development said in her speech during the Musawah conference in Kuala Lumpur, “While justice is inherent in Islam, its idea is time-bound. Classical Islamic legal tradition was just for its time. But now with the new idea of justice, and in our time, we cannot have justice without equality”, and she further explains that when a man can get a wife whenever he wishes, and this right is sanctioned by one interpretation of religion, it changes the balance of power in a marriage. It makes women insecure and deprives them of the security that marriage should give them.

Prior, in her book *Islam and Gender*, Mir-Hosseini maintains that Islam and feminism are not incompatible. Feminist readings of the *sharī‘ah* are not only possible today but also inevitable when Islam is no longer an oppositional discourse in national politics but the official ideology<sup>3</sup>. She acknowledges her initial premise that gender roles and relations and women’s rights are not fixed, not given, not absolute. “They are negotiated and changing cultural constructs, produced in response to lived realities, through debates, through voices who want either to retain or to change the present situation and discussions on what gender relations and women’s rights in Islam are and can be”<sup>4</sup>.

Mahnaz Afkhami echoes the same opinion in *Faith and Freedom* when she says “As history moves from law (the condition of obeying the framework already given) to right (the condition of acting to establish appropriate frameworks), Muslim women must forge and maintain an identity that is historically adequate,

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<sup>2</sup> [www.nobelprize.org](http://www.nobelprize.org)

<sup>3</sup> Ziba Mir-Hosseini, *Islam and Gender* (New York: I.B Tauris, 2000) 7.

<sup>4</sup> Ibid.,

psychologically rewarding and morally acceptable....[T]he transition from law to right is exacting and probably never complete. The challenge is particularly hard for Muslim women because their historical memory is bound to a host of dogmatically firm but logically questionable traditions, which emotionally and intellectually infuse and sustain in their religion<sup>5</sup>”.

Sharing the same stand, Leila Ahmed, in the conclusion of her book *Women and Gender in Islam*, asserts, “The Islamist position regarding women is also problematic in that, essentially reactive in nature, it traps the issue of women with the struggle over culture-just as the initiating colonial discourse had done. Typically, women and the reaffirmation of indigenous customs relating to women and the restoration of the customs and laws of past Islamic societies with respect to women - are the centerpiece of the Islamist agenda at least in part because they were posed as central in the colonial discursive assault on Islam and Arab culture<sup>6</sup>.”

Regarding the interpretation of Islam, the course lectures of *The Religion of Islam* conducted by Professor Syed Muhammad Naquib al-Attas, affirms that an important piece in understanding Islam is the knowledge of the concepts and the inherent definitions therein. Consequently, “the religion of Islam asserts that the ontological and epistemological knowledge of Islam is very important to deduce a just interpretation of Islam according to time and space because if the language were to change according to history then meaning would change according to the different historical periods<sup>7</sup>”. Therefore, he repeatedly explains that “the sense of the Arabic Language helps people to think along a certain line, it aids the intelligence rather than

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<sup>5</sup> Mahnaz Afkhami, *Faith and Freedom* (New York: I.B Tauris, 1995) 4.

<sup>6</sup> Leila Ahmed, *Women and Gender in Islam*, (New Haven: Yale University Press, 1992) 236.

<sup>7</sup> Syed Muhd Naquib al-Attas, *The Religion of Islam: Course Lectures* transcribed by Wan Mohd Shukri (Kuala Lumpur: ISTAC) 10.



making the intelligence toil laboriously to discover the meanings”<sup>8</sup>. Another crucial point to ponder is when he proves with life experiences that many Muslims are confused of what they consider to be Islam. For instance, “the very fundamental of *kalimah shahādah* and departing to rituals and in this study, reinterpretation of Islam, without understanding what all that may imply.”<sup>9</sup>

In accordance, Abd al-Rahman I Doi believes that the main problem in the study of interpretation of Islam in the modern age is the idea of liberalism. He mentions in his book *The Sciences of The Quran: A Study in Methodology and Approach*, “Liberalism has been one of the major causes of textual controversies leading to unnecessary argument and discussion among Muslims. Perhaps the unhappiest effect of literal understanding and interpretation of the *surah* texts is the tendency to cause words of the text to yield meanings, which embrace new idea or a discovery. This is a common weakness among people who have only a vague, if not erroneous understanding of certain new discoveries, which they would like to see as having been prophesied in the Quran<sup>10</sup>.

Abu Ameenah Bilal Philips in his book *The Methodology of Quranic Explanation* asserts that “Islamic laws and principles, like all laws, have certain general and specific goals, which they have been designed to achieve. To achieve these goals, the laws address society under a given set of circumstances. Sometimes the laws are directed to all people and sometimes to particular people in special situations, and at other times to particular people in all situations. Hence, the language in which these laws are delivered has to distinguish accurately between the various

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<sup>8</sup>Ibid.,76

<sup>9</sup> Ibid.,55

<sup>10</sup> Abd al-Rahman I Doi, *The Sciences of The Quran: A Study in Methodology and Approach* (Kuala Lumpur: Synergy Books International, 2005)329.

cases to avoid any confusion and misinterpretations”<sup>11</sup>. The Arabic Language in which the Quran was conveyed has a number of words, phrases and grammatical constructions that express “the various shades of meanings necessary to clarify the intent of the laws”<sup>12</sup>.

A small sub-topic entitled “Who speaks for Islam?” in Suha Taji Farouki’s *Modern Muslim Intellectuals and The Quran*’s introduction gives a rather small opinion but sums up the main concern of the book. She says “in traditional Muslim societies, a single social group spoke authoritatively for Islam; this was the class of the *ulama*. It held the societal nexus throughout Islamic history, but from the nineteenth century, the comprehensive changes from the impact of European colonialism and modernization gradually eroded its position”<sup>13</sup>. New social classes created by modernization rose to prominence, and modern education produced professionals, modern intellectuals and a new educated elite. As the social position of the *ulama* class shrank, a rising intelligentsia with a professed commitment to Islam occupied a significant part of the resulting vacuum, then, various social actors entered the cultural arena with claims to speak for Islam alongside the intellectuals and professionals<sup>14</sup>.

Concerning human rights, *Human Rights in Islam: the modern perspective Volume 1: Concept of Human Rights*, edited by M.H Syed, discusses issues like problems, prospects and fundamental rights. In this book, it is stated that the two main aspects of rights are the moral aspect and the legal aspect. Moral in its definition means man is worthy of respect, and like other members of the society, this respect for

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<sup>11</sup> Abu Ameenah Bilal Philips, *The Methodology of Quranic Explanation*, (Kuala Lumpur: A.S Noordeen, 2002), 265

<sup>12</sup> Ibid.

<sup>13</sup> Ed. Suha Taji Farouki, *Modern Muslim Intellectuals and The Quran*, (London: Oxford University Press, 2004) 12-13

<sup>14</sup> Ibid.,

him must come from the rulers as well. Those in authority should not forget that they themselves are men, and although they have power it does not mean that they have earned supremacy. Subsequently, the second aspect recognizes these rights and must be given protection by the highest law<sup>15</sup>. This book also discusses the concept in an Islamic framework that says fundamental rights go back to the discussion of the Sovereignty of God, man's covenant of service to God, man's dignified position as vicegerency on earth, man's abiding by the conduct of life given by God and man's accountability for his deeds in the Hereafter<sup>16</sup>.

Muddathir Abd al-Rahim mentions in the introduction of his book *Human Rights and the World's Major Religions, Volume 3: the Islamic Tradition* that there are four types of attitude in response to the Universal Declaration of Human Rights by the Muslim world. "The first is the downright rejection and absolute skepticism toward all its intents and purposes. This denunciation is under the alleged reason that Islam and secularism are fundamentally irreconcilable; thus, the Western human rights concepts of the Declaration and its complementary covenants should clearly and uncompromisingly be seen as alien to Islam and therefore unacceptable to Muslims. The second is that of Muslims who see that there is nothing new in the Universal Declaration, due to how the similarity in its values have been emphasized and the differences in its viewpoints minimized. The third is the attitude of elitist Muslims who proudly adopt Western ideals as the one and only bona fide system of human rights, most likely not due to its effective philosophical foundations, but to the manifestations of the deeply ingrained tendency that had been nurtured by

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<sup>15</sup>Ed. M.H Syed, *Human Rights in Islam: the modern perspective Volume 1: Concept of Human Rights*127

<sup>16</sup> Ibid., 135

colonialists”<sup>17</sup>. The fourth, which Muddathir Abd al-Rahim believes Shirin Ebadi subscribes to, is that Muslims should not lose their moorings in Islamic thought and belief, but also acquire and develop a deeper and critical understanding of both traditions<sup>18</sup>.

The report of a Seminar entitled *Human Rights in Islam* organized by the International Commission of Jurists, University of Kuwait and Union of Arab Lawyers arrives at a conclusion with nineteen considerations; the third one echoes Muddathir Abd al-Rahim’s argument on the best attitude to adopt in discussing human rights at this time. It says, “While the Qur’an and the Sunna comprise the basic principles that govern and regulate human rights, they also permit the Islamic community, in conformity with the provisions of Islamic law, to devise ways and means of enforcing those principles which relate to actual conditions in a particular society at a particular time. Thus, there is nothing to stop the Islamic community from dealing with its current problems and fulfilling its existing needs in a flexible and constructive way”<sup>19</sup>.

Meanwhile, *Human Rights and the World Order* authored by Chandra Muzaffar specifically shows that the New World Order (NWO) will not protect the human rights of the vast majority people<sup>20</sup>. He examines how the centre of the power in the North has narrowed the meaning of human rights and perpetuated its dominance, and he provides the reader with numerous examples of the absence of a holistic approach to human rights compounded by a selective response to human

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<sup>17</sup> Muddathir ‘Abd al-Rahim, *Human Rights and the World’s Major Religions*, Vol.3, (London: Praeger Perspectives,2005),xxxv-xxxvi

<sup>18</sup> Ibid

<sup>19</sup> *Human Rights in Islam* (Kuwait: International Commissions of Jurists, University of Kuwait and Union of Arab Lawyers,1980)7.

<sup>20</sup> Chandra Muzaffar,*Human Rights and the World Order*, (Penang: Just World Trust,1993), v

rights violations<sup>21</sup>. Chapter three entitled “Global Domination and its Impact upon Human Rights tells us the common struggle against domination in all its manifestations which should be a reason for unity between the North and the South<sup>22</sup>.

The same idea of Chandra Muzaffar is denoted but expanded within an Islamic framework by Kasule Umar Mukasa in his thesis *Islam and Human Right: A Critique of Contemporary Muslim Approaches*. He mentions that human right is an entirely Western secular idea in all its orientation that is advocated and ardently preached to the less privileged or poorer nations as a new ruling that all must endorse. Today, contemporary Muslim societies have embraced it in more or less the same form that its predominantly secular Western authors constructed it<sup>23</sup>.

As presented above, this study is in need of four different fields of literature to produce the equal insights of the topics presented. Firstly, for Shirin Ebadi’s biography, although there are abundant biographies available especially in the Internet, the three literature used are so far the most authoritative and reliable sources. Secondly, in the light of modern era, literatures from prominent advocates of women study are used to compare and contrast for the support of current paradigm. Thirdly, for teachings and interpretation of Islam, the emphasis is on the approach and understanding of *Ilm al- Tafsir*. Lastly, for issues of human rights; literatures used and referred to are produced after the Universal Declaration of Human Rights in 1948 and in reaction to it. With this regard, the preceding chapter is devoted to Shirin Ebadi’s life and view on the subjects presented. Whereas in the third chapter, Shirin Ebadi’s views are further discussed with feedbacks and opinions of both agreement and

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<sup>21</sup> Ibid.,vii

<sup>22</sup> Ibid., 31

<sup>23</sup> Kasule Umar Mukasa, “Islam and Human Right: A Critique of Contemporary Muslim Approaches.” (Ph.D dissertation. ISTAC, 2002), 1.

disagreement on the matters. Lastly, chapter four reserves as the conclusion chapter to summarize the entire study.

## CHAPTER TWO

### SHIRIN EBADI: BIOGRAPHY AND VIEWS

#### 2.1 EARLY LIFE TO NOBEL PRIZE

Nobel Prize started in 1901 after the demise of Alfred Nobel on December 10th 1896, who had left a good fortune to no heir. In his written will, he wanted to give his fortune to outstanding figures that give a positive impact to the world. The peace prize is to be awarded by a Norwegian committee whereas the other four were to be handled by Swedish Committee. Since its first establishment for more than a decade, Nobel Prize has honoured one hundred and one individuals; in five areas of expertise namely Physics, Chemistry, Economics, Literature and Peace. From these one hundred and one recipients, there are only thirty-five women.

Obviously, Women Nobel Laureates are fewer in number for all categories. Yet, the majority as many as fifteen of the women took home the prize under the Peace Prize category. The fourteenth Nobel Peace Laureate is the first Iranian citizen to receive the award. Statistically speaking, Shirin Ebadi is not only the first Iranian, but also the first Muslim woman to receive Nobel Peace Prize and the first Muslim woman in the entire Nobel Prize history, as well as, the seventh out of eight Muslim recipients.

Shirin Ebadi was born in the city of Hamadan, the north-western Iran on June 24<sup>th</sup>, 1947. Her father, Mohammad Ali Ebadi was a highly educated man who served as the Head of Hamadan's Registry Office after serving as one of the earliest lecturers in Commercial Law in Iran. Shirin Ebadi's childhood is in an academic driven, socially open, practicing Muslim and chauffeured environment. With two sisters and a

brother who is five years younger, she observed the same rule in the house as anybody else, although typically she won fights with her bother. This situation did not strike her as exceptional until she was much older when she realized that this does not happen in every household. In Iranian culture, it was considered natural for fathers to love their sons more; the sons were the repositories for the family's future ambitions; affection for a son was an investment<sup>24</sup>.

In 1965, Shirin Ebadi joined University of Tehran's faculty of Law. In less than four years, she immediately sat at the entrance exams for the Department of Justice and after a six-month apprenticeship in adjudication, Shirin Ebadi served as the first woman judge in Iran. Barely in her early twenties, she continued her study to obtain a doctorate degree in Private Law from Tehran University in 1971. Four years later, she married Javad Tavassolian, an electrical engineer, and was blessed with two girls, born in 1980 and 1983 respectively.

After the 1979 Islamic Revolution, Shirin Ebadi together with all other female judges were put to the position of "experts" in the Justice Department, not happy with the situation she requested for early retirement, and only in 1992 that she succeeded in obtaining a lawyer's license after years of housebound. During the unemployment, she had written several books and hundreds of articles published in Iranian journals.

Soon after her receiving license, she accepted many cases including some national ones. Among the thorny cases are the family of Dariush and Foruhar, the serial murders victims. Ezzat Ebrahimejad, who was killed during the attack of the university dormitory which trial was against the Tehran police chief and officers. Zahra Kazemi, a Canadian-Iranian photojournalist killed mistaken for a spy, and Arin Golshani, a child separated from her mother after the parents divorced and was found

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<sup>24</sup> Shirin Ebadi, *Iran awakening*, (New York: Random House Trade Paperbacks, 2006), 10