UW School of Law  
Speech and Q&A with Shirin Ebadi

Greg Hicks:

Everyone welcome. We will just go ahead and just introduce our speaker so that we have the full benefit of the hour. This is really a wonderful privilege. Shirin Ebadi is with us today, and I will have more to say about her.

But just to say a special word of thank you. She is under the auspices of the Seattle Arts Lecturers Series. And to have traveled so far and to make time in a very crowded schedule to come here to the law school and to be available to us is a very generous thing. We are most appreciative.

Those of you who know the law school know how much we are committed to a true global approach to thinking about issues of law, social injustice, and human flourishing. And to have a speaker as compelling as Ms. Ebadi is, and whose work is so splendid, is just doubly meaningful to us.

Shirin Ebadi won the 2003 Nobel Peace Prize for her work promoting the rights of women and children in Iran, her home country. She had won her law degree in 1971 and was named Iran's first ever female judge in 1975.

With the coming of clerical rule to the country, women judges were ousted from their positions. But then some years later she set up her own law practice, this is in the early 1990's, and from that point became an exceptionally engaged advocate for the cause of children, of journalists, and of the powerless within Iranian society.

She co-founded the Association for the Support of Children's Rights and the Human Rights Defense Center, both in Iran, and began a trajectory of very creative opposition to things that really should be opposed in any government and advancing the causes of those who most needed the protection of the law.

The 2003 announcement from the Nobel Committee praised her for, "Her efforts for democracy and human rights." And it went on to say, "She has stood up as a sound professional, a courageous person, and has never heeded the threats to her own safety."

She was the first Iranian woman, the first Muslim woman, to win the Nobel Peace Prize. The hope for this moment here that we have is that this would be a very open, free ranging interchange to have questions and
answers, and not so much to deliver a set piece speech.

So Shirin Ebadi wants to invite you all to pose your questions and inquiries so that we can have a true conversation here among colleagues within the law. And just a final thought, to welcome those of you who are from other parts of the university, from other parts of the Seattle community. We are very, very glad to have you here. We want the law school to increasingly become where we are having consequential conversations. And it is very meaningful when those from outside our normal community come and join us, so thank you for your presence as well.

So without more, let me turn over the podium to Shirin Ebadi. Please join me in a warm welcome.

[applause]

**Shirin Ebadi:**

I would like to say hello to all my future colleagues. Whenever I am at a law school I feel I am in my own house. So I am glad to be with my family today. As you know, I am attorney and I live in Iran, and I have been working in this field for about 35 years. Thank you for coming here today. And I want to thank the sponsors of this program today. I am glad to answer any questions you have.

**Man 1:**

I want to say thank you very much for coming here to be with us today. I wanted to ask you about the requirements [inaudible 00:05:38]

**Shirin:**

Women started entering the field of law around 60 years ago in Iran. And it still goes on, and we have a large number of women lawyers. But being a judge was a different story. Women became judges for the first time in 1970. They remained judges until the revolution in 1979. When the revolution happened, I think we had around 100 judges that were female. I was a head of a court myself.

After the revolution, the government said that Islam bans women from being judges. So we were all demoted to being clerks in the same courts we presided over as judges. So I was forced to become the secretary of the court that I presided over once.

Obviously I couldn't stand the repression, so I asked for early retirement. A
number of women decided to stay on and continue with their work. In the end, we all came together, whether it was those who left or stayed or university professors, and everyone who worked in the field of law, to sort of get rid of this bad.

We held a lot of seminars, wrote a lot of books and articles, and had gatherings and meetings just to try to make the point that there is no working in Islam itself that bans women from being judges.

And luckily, we succeeded a few years ago and women were given judge positions again. This is only one example of the women's activities inside Iran. The feminist movement in Iran is quite strong and the reason for that is that we have a large number of educated women. In fact, over 65% of our university students are women. And you will find a percent even higher in some fields, like law. Last year, 70% of the students at law school were women. And this empowers the feminist movement.

**Man 1:**

Would you consider coming out of retirement to be a judge again?

**Shirin:**

No, I am not willing to be a judge again, because after the revolution a series of laws were passed that were very favorable, and I do not want to hold up that law. After the revolution the penal code became much harsher, and we have really terrible punishment for certain crimes. For example, the penal codes allowed for stoning, the cutting off of a hand or feet, lashing, or juvenile capital punishment. So as an individual who is opposed to these laws, I cannot uphold them as a judge. You have to know that most our lawyers and our people are also opposed to these harsh punishments. And the biggest effort that people are making now in Iran is trying to reform this legal system. We have managed to have a couple of achievements in the last couple of years. For example, in the last four years we managed to change the custody law in favor of Iranian mothers.

However, we understand that these reforms are still small and we need to take bigger steps.

**Woman 1:**

Thank you for coming today to speak to us law students. I am wondering if you could tell us about the work you have done on behalf of the Bahá'í?
Shirin:

As an introduction, I have to say that the Iranian government has joined and is bound by the provisions of the International Convention on Civil and Political Rights. But regretfully, the domestic laws that have been passed since the revolution negate the spirit of the convention.

So for example, Iran's law allows discrimination based on religion. According to the constitution, the official religion of Iran is Shi'a Islam. And other religions, other divine religions, such as Judaism, Christianity, and Zoroastrianism are also recognized. But the other religions are not recognized and their followers have no rights. You know that 300,000 Iranians are Baha'i out of 17 million and they have no rights according to the law.

For example, since the revolution, which has been 30 years now, Baha'is have not been allowed to enter universities. They cannot be employed. They cannot follow the rights and ceremonies according to their own faith, or to propagate their faith. And last year the revolutionary courts arrested seven Baha'i leaders. I represent those people. But in the past year I haven't been allowed to meet with my clients or to read their files.

And this actually negates the very laws that even the government itself, the Islamic government, has passed. We have actually petitioned objections with the prosecutor and the head of the judiciary, as well as to international groups and other organizations, including the UN High Commissioner for Human Rights.

Now these international institutions have objected to the Iranian leaders several times for disallowing the Baha'i leaders to go through a fair trial or even have access to a lawyer. And so as you can tell, so far there case is still pending and there is no progress on it but we will continue fighting the challenges that lie ahead with them.

Man 1:

I know you have advocated for the rights of women journalists in Iran and elsewhere. Do you have any insights as to what the Iranian government [inaudible 00:18:06]?

Shirin:

Roxana was arrested and then she was convicted of spying for aliens or foreigners in the primary court that sentenced her to eight years in prison for the charge. After the verdict was issued, her father called me up and
asked me and my colleagues to represent her case. Seven years ago my colleagues and I set up a non governmental organization called The Center for Human Rights Advocates.

In this NGO, we actually provide pro bono legal service to political prisoners and financial assistance to their families if necessary. I head this NGO and I have 20 lawyers who work with me.

So when Roxana's father called us, I said I will agree to take her case, and I brought in two of my colleagues as well. My colleagues went to the court, or basically to the prison, to try and meet with Roxana six times, and each time they were denied. The prosecutor told Roxana's father that they would never allow us and the group of my team to basically either meet with Roxana or to represent her case. So they were putting pressure on to take one of the lawyers suggested to them by the prosecutor himself.

So the father was forced to pick one. And then the court of appeals process began with this new lawyer. But luckily, at that phase, because of international pressures, Roxana was freed. Of course she was still convicted of a two year suspended prison term against her.

But what is really fascinating is the interview given by her lawyer after her release. So in the interview he thanks the Iranian government for releasing Roxana Saberi, and she was arrested in the first place because a confidential document belonging to the government was found in her house.

So immediately, we held our own press conferences at our center and said that no lawyer has the right to disclose information about their client. Why would he even do that? If she is innocent, they did not have the right to arrest her in the first place. And if she is guilty, then she doesn't need a suspended term. She should stay in prison. Basically, the ethics of law prevent any lawyer from speaking about their client, and that should not have been done either.

Now from this story you can just see one example of the kind of problems we face in Iran doing our work. For example, our courts, unfortunately, are not independent, especially when they deal with political cases. Decisions are made elsewhere and simply announced by a judge somewhere else.

Because this is a law school, I think it might not be a bad idea to tell you about the story of my own trial. You know that I spent some time in prison. The reason I ended up in prison was that the police had attacked the dormitories at Tehran University, hitting the students. And as a result of the attacks, one student was killed.
And in that midst, the blame was being placed on different people. I represented the case of the student that was killed in the attacks. I had a witness who was willing to stand and give his testimony and to point the finger at who had committed the crime.

I asked him if he was willing to go to court, and he said convincingly that he was. So we actually went to court and he gave him testimony. But it was interesting. Rather than listening to his testimony, the court decided that he was lying and that I, Ebadi, had basically instigated him to give the lies. We were both arrested. The murderer was not identified in the end.

Now at 11am on the day of my arrest, the radio announced my arrest. And the radio is controlled by the government. So everywhere on the news it was broadcast that I was arrested at 11am.

Now at 11am I happened to be in another court defending another case. When I returned to my office at two am, I noticed that everyone was sort of bewildered and wondered where I had been, and I received a lot of voice messages, people asking about my whereabouts. So when they told me the story of the news, I said, "Well it must have been a mistake. Nothing happens. I was just standing in the court and now I am sitting in my office behind my desk."

At seven pm two revolutionary guards appeared at my office with a letter, basically saying that I should be arrested. So they gave me the warrant, forced me to sign it, and then arrested me. So I made a show. I basically pretended that I was nervous and I had forgotten the day and time and just couldn't remember what to put down on that arrest warrant as the time of the arrest.

So they said, "Well write down seven pm. And this is the date. Write it down." I said, "Sure." So in front of them I wrote down the date and the time of arrest. They had to put down their own signatures to endorse mine, as well.

Then they said, "All right. Let's go to court." So in the court I said, "Look at this sheet of paper. I was arrested at seven pm. But you announced that I was arrested at 11am. But I am here at seven pm to basically answer back to whatever questions you have. So after your investigations, if you are convinced of my answers, I have to be released. You issued an arrest warrant against me several hours before you even had a chance to ask questions from me. Is that what you call independence?"

But basically, I gave you this story so you would know how politicized the
process is in the judicial system. But as for your main question, why Roxana was arrested, and why she was freed, you have to ask this question to the judges who arrested her. All I can say is that what they did was illegal.

**Woman 1:**

[inaudible 00:32:08]

**Shirin:**

I believe that when people unite, they can do a lot. You just have to know how to unite the people. The custody law that changed after the revolution disfavored women and mothers. It said that the girl has to stay with the mother until the age of seven, and then the son until the age of two, after which they were taken forcefully away from the mother and given to the father. A lot of women objected to the law, and so the struggle had already begun.

One day I was reading the newspaper and read a story about a nine year old girl who was tortured in the house of her father and step mom and died. The father had been arrested. So we held a meeting at our NGO that basically advocates for the right of children, and we decided to set up a memorial service for this child. So we also talked with the cleric at the mosque to tell the sad story of the life of this girl.

And we also placed a lot of big white flower bouquets around the mosque. Although I wasn't allowed to, at the end of the memorial service I grabbed the microphone and basically said, "You all heard the sad story. And if you sympathize with this girl, take one flower with you and throw the petals off on the street."

It was a sad afternoon in the fall. The flower petals covered the entire street. And any passerby cried. Well the press got involved and they started covering the story, and also talked about the dangers facing a child when the child is taken to another parent that is not suitable.

Then representing the mother of this child, I attended court. And this is how I started the defense. The murderer of this child is the law. I am putting on trial the law. I started talking about the problems with the custody law. We made so much noise out of this court trial that Christine [inaudible 00:38:05] from CNN - that is actually right in Tehran - covered it for 60 Minutes. So this trial became the beginning of a movement that shook our society. That was the start, and then we changed the law.
So as lawyers, we always plan on how to shake our society.

Woman 1:

[inaudible 00:38:49]

Shirin:

Islam is as compatible with human rights as Judaism or Christianity is. Have you ever asked yourself how come in recent years they are just constantly talking about Islam versus human rights? And have you done your research to find out when this question was first posed? What is your guess?

[laughter]

Woman 1:

I guess you could say after 9/11.

Shirin:

Way before 9/11, when the Soviet Union collapsed and the United States and the West lost an enemy. Then they gave them to Bernard Luis. And he and his colleagues wrote an article. First Bernard Luis wrote an article about the fact that, "Well, civilizations clash." And then Huntington decided to elaborate on the clash. The theory that was developed basically said that because human rights and democracy are Western concepts in modernity, they all came up as a result of the modernity of the Western World. Other civilizations, including the Islamic civilization, have no capacity for human rights and democracy.

And that it is inevitable that the Western civilization will clash with the Islamic Eastern civilization. And so they created a nice compact enemy for the West and especially for the United States again, to justify more wars, to justify your high military expenditures.

As law students, do you know how much higher your military budget is compared to your education budget? At least, I propose that you investigate that. Should your natural wealth be devoted to education or to arms? How can you justify these high military expenditures unless you have a supposed enemy?

So that is when it all started. They started to believe that Islam and democracy are incompatible, mindlessly forgetting to ask if Christianity
and Judaism are compatible with human rights or not.

So when you find the root cause of this question, you will find an easy answer, too. There are two sides to a coin. You saw the one side that we talked about. And the other side is placed in the Islamic countries where you find a lot of non-democratic governments who use Islam as a tool to oppress their people.

And when they are told that they are oppressive, and they are tyrants, and they are non-democratic, well of course they are not going to say, "Yes, of course you are right. We are all of those. No, you are wrong. It is Islam that doesn't allow us to open up." And they give ground to people like Bernard Luis or Samuel Huntington to prove their theories. But they are wrong.

Like any other religion or faith, Islam is also prone to various interpretations. I believe that as a first step, the state and religion must be separate, so that the state can not take advantage of the religious sentiments of the people and use it in its favor. I think we all agree on this.

But I have a question. If through a process of free elections people in one part of the world decide to vote for an Islamic party, do we sitting in the West have the right to question that decision? That is what happened in Turkey. Well obviously we don't have that right.

But then it is our task and theirs to define Islam in a manner that is compatible with human rights and democracy. And Islam has that potential, inherent potential, for interpretation.

It is regrettable that our time is short. Otherwise I would have demonstrated how much potential Islam has in this regard. But a lot has obviously been written in this field. You can look at the writing of Professor Al Nyamed at Emory University. He has done a fair amount of work on this. A lot of work has been done within the world of Islam on this, but I mention Al Nyamed because his books have been translated in English and are available in English.

I still have another question. Is it only Islamic countries that oppress the rights of women?

[laughter]

Shirin:

Do you think that all the dictators are Muslims? Too bad, we have a large
spectrum of dictatorships. So I am asking you as law students to analyze whatever information you get first through the independent minds that you have. And don't just take for granted whatever information you get.

Remember that the real students of this time and age are the true children of Descartes. The doubting allows me to be I am because I think. But remember, just doubt whatever you hear. And then gauge it according to your own intellect. Use your own logic.

**Greg:**

I think we are about to lose our room. Thank you.

[applause]