

Women's Employment in Iranian Society: A Comparative Analysis of Iranian Law, Islamic Jurisprudence, and International Conventions

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Women's employment is an important component of social justice, economic development, and the realization of individual rights. Despite the formal recognition of women's right to work in the Iranian legal system, significant legal, institutional, cultural, and economic barriers continue to affect women's access to employment, occupational advancement, equal remuneration, and participation in managerial and decision-making positions. This study examines the status of women's employment in Iran and compares the relevant domestic legal framework with Islamic jurisprudence and international conventions. The study adopts a descriptive-analytical and comparative method based on the examination of constitutional principles, statutory laws, jurisprudential perspectives, and international standards concerning employment and gender equality. The findings indicate that Iranian law recognizes women's general right to employment and provides several forms of protection, particularly in relation to pregnancy, maternity, and workplace conditions. However, certain legal restrictions, family-law provisions, administrative practices, occupational segregation, unequal domestic responsibilities, and socio-cultural expectations continue to limit the substantive realization of employment equality. The analysis of Islamic jurisprudence shows that women possess independent financial and legal capacity and that no general prohibition on lawful employment can be established. Nevertheless, differing jurisprudential interpretations concerning family roles, public participation, and occupational suitability have influenced the legal regulation of women's employment. The comparative analysis further demonstrates that international instruments place stronger emphasis on non-discrimination, equal employment opportunities, equal remuneration, career advancement, and access to public and managerial positions. The study concludes that improving women's employment status in Iran requires a multidimensional approach combining legal reform, effective enforcement mechanisms, merit-based recruitment and promotion, pay transparency, supportive family policies, vocational empowerment, cultural change, and the use of dynamic jurisprudential interpretation to harmonize contemporary social needs with the principles of Islamic law.

Keywords: *Women's Employment; Employment Rights; Iranian Law; Islamic Jurisprudence; International Conventions; Gender Equality; Non-Discrimination; Women's Rights*

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1. Introduction

Employment is one of the principal means through which individuals participate in economic life, secure material independence, develop professional and social identities, and contribute to the broader development of society. For women, access to employment is particularly significant because participation in the labor market is closely connected with economic autonomy, social mobility, access to public life, and the practical realization of legal rights. The employment of women therefore cannot be reduced to the issue of household income or labor-force participation alone. It is also connected with questions of dignity, equality, citizenship, family relations, social expectations, public policy, and the distribution of opportunities between women and men. In legal terms, the right to work has increasingly come to be understood as a fundamental human right that should be available to individuals without unjustified discrimination. In the Iranian context, however, women's employment is shaped by an especially complex interaction between constitutional principles, statutory rules, Islamic jurisprudence, administrative practice, social norms, family structures, and international standards. This interaction makes the subject particularly suitable for comparative legal analysis.

The legal position of women in employment cannot be assessed solely by examining formal guarantees contained in legislation. A distinction must be drawn between formal equality and substantive equality. A legal system may recognize the general right of women to work while simultaneously maintaining restrictions that affect their access to certain occupations, public positions, managerial posts, career advancement, or independent occupational choice. Kar emphasizes that the comparison between Iranian domestic law and international standards concerning women reveals a significant gap between the recognition of general rights and their effective realization in particular fields of social life (Kar, 2000). Similarly, Shahbakht notes that constitutional recognition of equality does not automatically eliminate distinctions when the enjoyment of such equality remains subject to other normative qualifications (Shahbakht, 2003). This distinction is especially important in Iran because constitutional guarantees of equality and employment operate within a

legal order that explicitly requires conformity with Islamic standards.

The issue also has an important socio-economic dimension. Women's participation in the labor market has historically been influenced by educational opportunities, family expectations, occupational segregation, employer preferences, childcare responsibilities, and cultural perceptions concerning appropriate roles for women. Alavioun discusses the tendency in legal and labor systems to underestimate women's economic activity, particularly when women engage in unpaid family work, household production, or informal activities that fall outside conventional definitions of employment (Alavioun, 2002). Such underestimation is analytically important because official labor statistics may not fully reflect the economic contribution of women. A woman working in a family enterprise, agricultural activity, home-based production, or other unpaid economic activity may contribute significantly to household welfare without being formally classified as employed. This problem becomes more serious where women's domestic responsibilities are treated as economically invisible despite the substantial amount of time and labor involved.

The structure of the Iranian labor market also reflects occupational concentration. Women have traditionally been more represented in fields such as education, healthcare, administrative services, and occupations socially associated with caregiving, while they have been less visible in technical sectors, heavy industry, senior administration, and high-level decision-making positions. Mokhtarian argues that increasing women's participation in the labor market requires attention not only to legal reform but also to the mechanisms through which women enter, remain in, and advance within employment structures (Mokhtarian, 2001). Occupational participation therefore must be examined at several stages: access to employment, recruitment, job security, remuneration, promotion, leadership, maternity protection, retirement benefits, and the ability to reconcile professional and family responsibilities. Focusing only on the initial right to obtain a job would conceal many of the structural disadvantages that can emerge after employment begins.

Another central aspect of the subject is the relationship between women's employment and family law. Iranian law recognizes women's separate legal and financial

personality in many respects, yet certain rules concerning marital relations may directly influence employment. The legal possibility of restricting a married woman's employment under specified circumstances demonstrates how employment rights intersect with concepts of family interest, marital obligations, and social dignity. Ebadi explains that the legal status of women in Iran must be understood through the interaction between public rights and family-law institutions, since women's social participation may be influenced by rules originating outside labor law itself (Ebadi, 2002). This interaction distinguishes women's employment from a purely economic or administrative question. It reveals that the extent of occupational freedom depends partly on the legal conception of the relationship between individual autonomy and family organization.

Islamic jurisprudence constitutes another essential dimension of the analysis. The question is not simply whether Islam permits women to work. The more complex issue concerns the conditions, limitations, priorities, and interpretive approaches through which women's economic and social activities are evaluated. Classical and contemporary jurists have not always adopted identical views concerning women's presence in public life. Some approaches emphasize the woman's domestic and familial responsibilities and interpret extensive public participation cautiously. Maududi represents a restrictive approach in which the differentiation of social roles between men and women is treated as important to the organization of Islamic society (Maududi, 2009). Other interpretations distinguish between moral requirements concerning modesty and social conduct, on the one hand, and a general prohibition on women's employment, on the other. Motahhari's discussion of hijab and women's social presence rejects the assumption that Islamic teachings necessarily require women's confinement to the home (Motahhari, 1991). These interpretive differences are highly relevant because Iranian legislation is constitutionally connected with Islamic jurisprudence.

The concept of dynamic jurisprudence also provides a framework for reconsidering legal rules in light of changing social and economic circumstances. Soroush discusses the importance of examining jurisprudential reasoning within the changing context of human

knowledge and social conditions (Soroush, 1999). In the field of women's employment, this approach raises questions about whether rules historically developed under particular economic and family conditions should be interpreted identically when women's educational attainment, economic contribution, professional competence, and social responsibilities have substantially changed. The significance of changing circumstances does not necessarily imply abandoning religious principles. Rather, it raises the jurisprudential question of how general principles, social interests, reason, and contemporary realities should interact in the process of legal interpretation.

International law provides a third normative framework. Modern international human-rights instruments emphasize non-discrimination, equal access to employment, equal remuneration, social security, maternity protection, and women's participation in public and political life. Ebadi notes that the development of international human-rights law after the establishment of the United Nations progressively strengthened the formal recognition of equality between women and men (Ebadi, 2004). The Convention on the Elimination of All Forms of Discrimination against Women is particularly significant because it treats discrimination not merely as explicit exclusion but as distinctions, restrictions, or practices that impair women's equal enjoyment of rights. Iran has not acceded to CEDAW, and this non-accession reflects continuing concerns regarding the compatibility of some of its provisions with the Islamic and legal framework of the country. Hosseini identifies several areas in which CEDAW's conception of equality creates challenges when compared with constitutional and Islamic principles operating in Iran (Hosseini, 2001).

International labor standards are equally relevant because they address employment in more specific terms. The principle of equal remuneration for work of equal value, protection from discrimination in employment, maternity safeguards, vocational training, and equal access to occupational opportunities have become central elements of international labor policy. Mousavi's comparative examination of working conditions demonstrates that labor protection for women frequently involves a difficult balance between necessary safeguards and measures that may unintentionally restrict women's access to employment

(Mousavi, 2004). This problem is particularly important in relation to maternity benefits and protective regulations. Measures intended to protect pregnant workers may become economically burdensome for employers if their costs are borne disproportionately by the employer, thereby creating incentives to prefer male workers. Effective equality therefore requires designing protective policies in a manner that does not transform social protection into indirect exclusion.

The present study aims to examine the status of women's employment in Iranian society and law and to compare it with relevant principles of Islamic jurisprudence and international conventions. It seeks to identify the principal legal and non-legal barriers affecting women's access to employment, career advancement, remuneration, public positions, and professional security. It also evaluates the areas in which Iranian law converges with or diverges from international standards and considers whether jurisprudential interpretive capacity can contribute to legal reform. The study adopts a descriptive-analytical and comparative approach based on documentary and library sources. Its central argument is that the question of women's employment in Iran cannot be properly understood through a single legal framework. It must instead be examined through the interaction of domestic law, Islamic jurisprudence, international norms, and the social realities that influence the practical implementation of formal rights.

2. Women's Employment in Iran: Legal Framework, Current Status, and Major Barriers

The Iranian legal system contains several constitutional principles that provide a general foundation for women's right to employment. The Constitution recognizes human dignity, condemns unjust discrimination, and emphasizes the state's responsibility to create fair opportunities. More specifically, the constitutional right to choose an occupation establishes a general presumption in favor of occupational freedom, provided that the chosen occupation is not contrary to Islam, public interests, or the rights of others. Ghazi explains that constitutional rights define not only the organization of government but also the fundamental relationship between the individual and public authority, including the limits within which the state may regulate individual freedom (Ghazi, 1992). In this respect, the constitutional right to work extends to women and men

alike. The state is also expected to create equal conditions for access to employment and to facilitate economic participation according to social needs.

Nevertheless, constitutional equality in Iran is not formulated as an unconditional principle detached from the Islamic character of the legal system. Women's enjoyment of political, economic, social, and cultural rights is recognized within the framework of Islamic criteria. Shahbakht observes that this qualification is central to understanding the legal status of women under the Constitution because it means that equality is interpreted through a normative framework that may permit distinctions in particular areas (Shahbakht, 2003). Consequently, the existence of a constitutional guarantee does not necessarily establish identical treatment in every occupation or public function. The legal debate therefore concerns not only whether women have a general right to employment, but also the legal legitimacy of exceptions and restrictions.

The distinction between legal equality and actual equality is particularly visible in public employment. Formal administrative rules do not generally establish a comprehensive prohibition against employing women in government institutions. Abolhamd's analysis of Iranian administrative law shows that entry into public service is regulated through statutory and administrative requirements, while administrative authorities retain significant discretion in recruitment and appointment decisions (Abolhamd, 2000). Such discretion can become a source of practical inequality when gender stereotypes influence decisions about suitability, leadership, availability, or professional commitment. Women may formally possess the same educational qualifications as men while remaining less likely to be selected for certain technical, managerial, or decision-making positions.

The problem becomes more apparent at higher levels of occupational hierarchy. Women's participation in lower and middle levels of administration does not necessarily translate into equal representation in senior management. Writh describes the persistence of the "glass ceiling" as a structural phenomenon in which women participate substantially in the workforce but remain underrepresented in senior managerial and professional positions (Writh, 1998). The glass ceiling is not usually based on a single explicit prohibition. Instead, it results from interconnected factors such as promotion practices, organizational culture, informal

networks, assumptions about family responsibilities, limited access to strategic assignments, and gendered expectations regarding leadership. In Iran, these structural factors coexist with some formal legal restrictions in particular public and political positions. Women's access to decision-making positions is also important because employment equality cannot be measured solely by the overall number of employed women. Molaverdi emphasizes that women's representation in power structures and decision-making institutions is a central indicator of substantive political and social participation (Molaverdi, 2005). If women are concentrated in positions with limited authority while men dominate senior leadership, the formal availability of employment does not necessarily reflect equal occupational status. The underrepresentation of women in senior posts may also reproduce itself over time, because the absence of women from leadership positions reduces their access to professional networks, role models, mentoring, and institutional influence.

Family law introduces another significant limitation. One of the most frequently discussed provisions is Article 1117 of the Iranian Civil Code, which allows a husband under specified circumstances to prevent his wife from engaging in an occupation considered incompatible with family interests or the dignity of either spouse. Ebadi regards such rules as important examples of the way family-law relations can affect women's social and economic autonomy (Ebadi, 2002). The importance of this provision lies not only in the frequency of its judicial application but also in its symbolic effect. It establishes that a married woman's occupational freedom may, in certain circumstances, be subjected to marital considerations in a manner that does not operate symmetrically for men.

Defenders of such provisions may argue that the law seeks to preserve the family rather than discriminate against women. However, the difficulty lies in defining concepts such as family interest and dignity. Broad or indeterminate standards create room for subjective interpretation, and this may enable traditional expectations to influence legal outcomes. Mofidian's study of the legal possibility of women's employment in Iran highlights the tension between women's general legal capacity to work and restrictions arising from family relationships and social norms (Mofidian, 2001). The result is a form of occupational insecurity that is

gender-specific because a woman's continuing employment may depend not only on her contractual relationship with an employer but also on the legal dynamics of marriage.

Another important issue concerns protective labor legislation. Iranian labor law includes provisions intended to protect women during pregnancy and maternity. Such measures reflect recognition of the biological realities of pregnancy and the social importance of maternity. Mousavi notes that legal systems commonly provide special protections for pregnant workers, including restrictions on hazardous work and guarantees connected with maternity leave (Mousavi, 2004). These protections are necessary because formal equality that ignores pregnancy can expose women to serious health risks or force them to choose between employment and motherhood. However, protective legislation may generate unintended consequences when the direct financial and organizational costs of maternity protection are imposed mainly on employers.

Employers who perceive female workers as more costly because of maternity leave, childcare obligations, or expected absence may prefer to recruit men even when women possess equal or superior qualifications. Alavioun discusses how employment conditions and labor regulations can interact with employer behavior to disadvantage women despite apparently protective intentions (Alavioun, 2002). This creates a policy dilemma: reducing maternity protections would undermine women's rights, while poorly designed protections may reduce employment opportunities. A more effective approach requires socializing at least part of the cost through social insurance, public support, childcare services, or incentives that prevent individual employers from bearing disproportionate burdens.

Part-time employment policies designed specifically for women illustrate the same problem. Such measures may appear supportive because they allow women to combine employment with family responsibilities. However, they may also reinforce the assumption that domestic responsibilities belong primarily to women. Mofidian argues that some forms of part-time employment can reduce women's promotion prospects and weaken their access to decision-making positions (Mofidian, 2001). An employee working reduced hours may receive lower remuneration, accumulate less

professional experience, participate less frequently in strategic projects, and be perceived as less available for leadership. Consequently, a policy intended to preserve women's employment may indirectly institutionalize their secondary occupational status.

Wage inequality constitutes another major concern. Although formal legal principles may support equal remuneration, women's earnings can be affected by occupational segregation, concentration in lower-paid sectors, reduced promotion opportunities, informal employment, interrupted career patterns, and discriminatory evaluation. International discussion of equal pay increasingly distinguishes between "equal pay for equal work" and "equal remuneration for work of equal value." Alavioun notes that women's work has historically been undervalued, especially where occupations predominantly performed by women are socially perceived as extensions of domestic or caring roles (Alavioun, 2002). Thus, wage equality requires more than paying a man and a woman the same salary for an identical job title. It also requires examining how the value of different forms of work is determined.

Education and vocational skills also influence women's labor-market outcomes. The expansion of female participation in higher education has weakened older arguments that women's limited employment results primarily from lower educational attainment. Yet educational achievement does not automatically produce equal employment outcomes. Mokhtarian stresses that strengthening women's labor-market participation requires practical vocational preparation, employment-oriented training, and policies capable of connecting education with actual occupational opportunities (Mokhtarian, 2001). A mismatch may arise when women attain high levels of academic education but remain concentrated in a limited range of occupations or encounter discriminatory recruitment practices.

Social and cultural expectations remain among the most persistent barriers. In many families, women continue to carry a disproportionate share of childcare, domestic work, elder care, and household management. These responsibilities create what is effectively a second working shift after paid employment. The difficulty is not merely physical exhaustion. Unequal domestic responsibilities reduce women's geographical mobility, availability for overtime, participation in professional

networking, willingness to accept demanding posts, and ability to pursue continuous training. Kar argues that discrimination against women cannot be understood solely through statutory provisions because cultural norms and social practices may reproduce inequality even where legal barriers are formally absent (Kar, 2000). This observation is particularly relevant to employment because organizational behavior frequently reflects wider social expectations.

Traditional assumptions regarding male breadwinning also influence recruitment. Employers may assume that employment is economically more necessary for men because men are legally or socially expected to support their families. Such reasoning transforms family-role expectations into labor-market preferences. Ebadi challenges this type of unequal reasoning by emphasizing women's independent legal and economic personality (Ebadi, 2002). In contemporary households, women's income may be essential rather than supplementary, and many women are themselves responsible for household maintenance. Employment decisions based on generalized assumptions about male breadwinning therefore fail to account for individual circumstances and professional merit.

Women's own perceptions of occupational possibilities can also be shaped by repeated exposure to structural inequality. Long-standing underrepresentation in senior professions may reduce confidence, career expectations, and willingness to compete for leadership posts. Mokhtarian identifies empowerment, skills development, and institutional encouragement as important components of increased female participation (Mokhtarian, 2001). However, explanations based on women's confidence should be used carefully. Lack of confidence is often a consequence rather than the primary cause of exclusion. If organizational cultures repeatedly privilege male leadership, women may rationally anticipate lower returns from pursuing senior positions.

Economic recession and labor-market contraction further intensify gender inequalities. Where jobs are scarce, employers and families may prioritize men's employment on the assumption that male earnings are more socially necessary. Women may also be pushed into informal or insecure employment, where labor protections are weaker and wages lower. Such patterns demonstrate that women's employment rights depend

partly on broader economic conditions. Legal equality is more difficult to realize where unemployment is high and competition for secure employment intensifies.

The overall status of women's employment in Iran is therefore characterized by a combination of formal recognition and practical restriction. The legal system acknowledges women's right to work, provides maternity protections, and formally recognizes equality in several areas. At the same time, family-law restrictions, limitations regarding certain public positions, administrative discretion, occupational segregation, unequal domestic responsibilities, employer incentives, cultural expectations, and weak enforcement mechanisms reduce the substantive effectiveness of those guarantees. The central legal-policy challenge is to move from abstract recognition of women's employment rights toward institutional conditions in which women can enter, remain in, and advance within the labor market on the basis of competence rather than gender.

3. Women's Employment from the Perspective of Islamic Jurisprudence

An examination of women's employment in Islamic jurisprudence must begin by distinguishing between the general legal capacity of women and debates concerning the appropriate conditions of women's social participation. Islamic jurisprudence does not treat women as lacking financial personality. A woman may own property, enter many forms of contract, receive income, inherit, and exercise control over her lawful assets. This financial independence provides a significant jurisprudential foundation for recognizing women's economic activity. The question of employment therefore arises not primarily from an assumption that women are incapable of earning income, but from debates concerning family obligations, modesty, interaction between men and women, occupational suitability, and the possible effects of employment on family life.

The jurisprudential concept of work itself is not inherently gender-specific. Islamic law contains extensive rules governing transactions, hiring, wages, ownership, agency, trade, agriculture, and other forms of economic activity. Meshkinshahr Ardabili defines jurisprudence as knowledge of practical religious rulings derived from their detailed sources (Meshkinshahr

Ardabili, 1988). Within this framework, restrictions require legal justification; they cannot simply be presumed from cultural custom. Accordingly, the absence of a general textual prohibition against women's economic activity is an important starting point. The existence of women engaged in trade, agriculture, services, education, and other activities in different periods of Islamic history further complicates any claim that Islamic law establishes an absolute principle of female domestic confinement.

Nevertheless, restrictive interpretations have existed. Some jurists and Islamic thinkers have emphasized differentiated social roles and have treated the home and family as the primary sphere of women's responsibility. Maududi presents a conception of social organization in which women's participation in certain public, political, military, and administrative roles is significantly more limited than men's participation (Maududi, 2009). From this perspective, extensive female employment outside the home may be viewed as inconsistent with the natural or religious division of responsibilities between men and women. Such interpretations often combine arguments based on family order, modesty, protection from sexual exploitation, and the perceived social consequences of mixed-gender environments.

One of the principal Qur'anic verses invoked in restrictive arguments is verse 34 of Surah al-Nisa, which refers to men as *qawwamun* over women. Some interpretations understand this concept as establishing a broad form of male authority connected with family and social organization. Others interpret *qiwwamah* more narrowly as responsibility for financial maintenance and family management rather than a general rule of female subordination. The employment implications of the verse therefore depend substantially on jurisprudential interpretation. If *qiwwamah* is understood as comprehensive authority, greater restrictions on women's occupational autonomy may follow. If it is understood as a family responsibility connected with maintenance obligations, it does not necessarily establish a general prohibition against women's participation in employment.

Verse 33 of Surah al-Ahzab, which instructs the wives of the Prophet to remain dignified in their homes and avoid ostentatious public display, has likewise been used in discussions of women's public presence. Motahhari rejects an interpretation that equates this verse with the

imprisonment or permanent domestic confinement of women (Motahhari, 1991). His analysis emphasizes that Islamic requirements concerning modesty and social behavior should not automatically be transformed into a rule preventing women from leaving the home or participating in social activities. This distinction is crucial for employment law. A legal requirement concerning modest conduct differs fundamentally from a prohibition on economic participation.

The jurisprudential debate is therefore not adequately described as a simple opposition between Islam and women's employment. Instead, competing interpretations exist regarding the scope of legitimate employment and the conditions attached to it. Some approaches emphasize that work must not conflict with marital obligations or family interests. Others give greater weight to women's independent legal personality and recognize employment as permissible unless the particular occupation involves an independently prohibited activity. These approaches can produce substantially different outcomes in legislation because family-oriented restrictions may be translated into statutory authority for husbands, limitations on working environments, or exclusions from certain occupations.

The relationship between maintenance obligations and employment is particularly important. Under traditional Islamic family law, the husband generally bears the principal legal responsibility for financial maintenance of the wife and family. This arrangement has sometimes been used to argue that women's employment is secondary or optional, whereas men's employment is economically necessary. Yet such reasoning does not necessarily follow from the legal duty of maintenance. A husband's obligation to provide maintenance does not, by itself, establish that a wife lacks the right to work or that her economic activity is socially unnecessary. Ebadi's discussion of women's financial rights stresses that women's legal entitlement to property and income is separate from the husband's maintenance obligations (Ebadi, 2002). The legal responsibility of one spouse therefore should not automatically eliminate the economic autonomy of the other.

Moreover, contemporary social conditions complicate the assumption of a single male breadwinner. Many households depend on two incomes, and some women are themselves primary providers. Divorce, widowhood,

delayed marriage, rising living costs, female-headed households, and changing educational patterns have increased the economic significance of women's employment. Jurisprudential analysis that ignores these realities risks applying social assumptions from earlier economic structures to substantially different circumstances. This is precisely where the notion of dynamic jurisprudence becomes relevant.

Dynamic jurisprudence emphasizes the continuing process of *ijtihad* and the importance of understanding the social context in which legal rules operate. Soroush argues that jurisprudential interpretation cannot be entirely isolated from developments in human knowledge and changing social conditions (Soroush, 1999). Applied to women's employment, this means that jurists may need to distinguish between immutable religious principles and historical applications influenced by the economic and social circumstances of earlier periods. Such a distinction does not imply that all traditional rulings should be discarded. Rather, it requires careful examination of the underlying rationale, the subject matter of the ruling, and whether contemporary changes have altered the conditions relevant to its application.

Reason also occupies an important place in Shi'i jurisprudential methodology. Where social developments create new forms of employment, organizational relations, professional specialization, and family economics, jurists inevitably confront questions not addressed in identical form in classical sources. The emergence of modern administrative institutions, universities, corporations, digital work, professional services, and public-sector careers requires legal reasoning capable of applying general principles to new circumstances. This interpretive capacity is especially important in relation to women's employment because many modern occupations did not exist in their current form when classical jurisprudential texts were developed.

The concept of public interest also deserves attention. If women's exclusion from employment produces significant social costs, such as loss of educated human capital, increased household vulnerability, reduced economic productivity, or inequality in access to essential services, those consequences may be relevant to jurisprudential and policy reasoning. A society that invests extensively in women's education but

systematically restricts their professional participation fails to use a substantial portion of its human resources. The question then becomes whether restrictions justified historically by particular social concerns continue to serve the same interests under contemporary conditions.

At the same time, Islamic jurisprudence provides a basis for protective regulation. Pregnancy, maternity, breastfeeding, and family responsibilities may justify special legal safeguards. Such safeguards are not necessarily discriminatory because they respond to material differences directly relevant to employment conditions. The challenge lies in ensuring that protection does not become exclusion. Mousavi's analysis of working conditions illustrates how protective employment legislation can be legitimate where it addresses genuine health and safety concerns (Mousavi, 2004). From an Islamic perspective, protection of health, family welfare, and human dignity can support maternity leave, workplace safety, breastfeeding facilities, childcare support, and restrictions on demonstrably harmful work.

The preservation of the family is frequently invoked as a central Islamic value. However, treating family preservation as the exclusive responsibility of women may create an asymmetrical interpretation of that value. Family stability depends on the conduct and responsibilities of both spouses. If women's employment is restricted because of childcare and domestic responsibilities while men's obligations in these areas remain socially limited, the result may reflect cultural patriarchy more than an unavoidable jurisprudential requirement. A more balanced interpretation would recognize the family as a shared institution requiring cooperation between spouses.

Another important issue concerns the distinction between cultural practices and religious rules. In many societies, practices become religiously justified simply because they have existed for long periods. Yet jurisprudential analysis requires identifying whether a restriction is actually supported by authoritative legal sources or whether it reflects social custom. Motahhari's treatment of women's social presence is significant precisely because it challenges the conflation of modesty with isolation (Motahhari, 1991). This methodological distinction is essential for legal reform. If a limitation is

primarily cultural rather than jurisprudential, changing it does not require altering religious doctrine.

The question of women holding managerial, judicial, political, or high governmental positions is more contested. Hashemi's discussion of women's socio-political rights shows that these debates involve broader questions about public authority, representation, and the interpretation of religious texts (Hashemi, 1996). Some positions have traditionally been treated as unavailable to women, while others have increasingly become accessible. The expansion of women's education and professional competence has made categorical exclusions more difficult to defend solely on assumptions about capacity. Where the function of an office depends on expertise, management, judgment, or administrative skill, merit-based arguments strongly favor assessing individual competence rather than imposing broad gender classifications.

Islamic jurisprudence also recognizes the importance of fair compensation. A woman's entitlement to the income generated by her lawful work follows from her separate financial personality. There is no general jurisprudential principle requiring a woman to receive lower remuneration merely because of her sex. Consequently, wage discrimination for equivalent work cannot be easily justified through general Islamic principles. Indeed, the moral emphasis on justice in transactions supports fair remuneration.

The most constructive jurisprudential approach to women's employment therefore lies neither in treating all gender distinctions as automatically illegitimate nor in preserving every historical restriction as religiously immutable. A more nuanced framework distinguishes between genuine religious principles, context-dependent rulings, cultural practices, and modern policy choices. It recognizes women's independent legal and economic personality while taking family welfare, maternity, workplace ethics, and social conditions seriously. Dynamic *ijtihad* provides a mechanism through which contemporary realities can be evaluated without severing the legal system from its Islamic foundations. In this way, Islamic jurisprudence can function not merely as a source of restriction but also as a source of principles supporting dignity, justice, lawful economic participation, family cooperation, and responsible legal reform.

4. International Standards and Comparative Analysis

International legal standards concerning women's employment have developed gradually through the broader evolution of human rights and international labor law. The central principle underlying these standards is that employment opportunities, remuneration, professional development, working conditions, and access to public life should not be unjustifiably restricted on the basis of sex. Mehrpour explains that the post-war development of international human-rights law transformed equality from a general moral aspiration into a progressively elaborated legal standard applicable to civil, political, economic, and social rights (Mehrpour, 1999). Women's employment became a particularly important field because economic dependence had historically reinforced women's inequality in other areas of life.

The Universal Declaration of Human Rights provides a general foundation by recognizing the right to work, freedom of occupational choice, just and favorable working conditions, protection against unemployment, and equal pay for equal work. Ebadi notes that the Declaration occupies a central place in the development of international human-rights norms concerning labor and equality (Ebadi, 2004). Its importance lies in the universal language used to define these rights. The right to work is not framed as a male entitlement or as a privilege dependent on family status. It is recognized as belonging to the individual as a human being.

The International Covenant on Economic, Social and Cultural Rights develops this framework further by recognizing the right to work and requiring equal enjoyment of economic, social, and cultural rights by women and men. Fair wages, equal remuneration, safe working conditions, promotion based on appropriate criteria, rest, and social protection form part of this broader framework. These provisions are particularly relevant to Iran because international labor equality cannot be evaluated solely in relation to CEDAW. Even where a state has not joined CEDAW, other human-rights obligations and general principles may remain relevant to employment equality.

International Labour Organization standards provide greater specificity. ILO instruments addressing equal remuneration and discrimination establish that formal equality at the point of hiring is insufficient. Employment

equality also requires equal treatment in wages, occupational training, promotion, job conditions, and access to professions. Alavioun emphasizes the importance of international labor law in defining employment discrimination and promoting standards applicable to women workers (Alavioun, 2002). One of the most significant principles is equal remuneration for work of equal value. This formulation moves beyond identical job titles and allows comparison between different forms of work that may require comparable skill, effort, responsibility, and working conditions.

This standard is particularly important for women because occupational segregation often places women in sectors where wages are systematically lower. If equality were interpreted merely as paying women and men the same wage when they perform exactly the same task in the same workplace, deeper forms of structural inequality would remain untouched. International labor standards therefore encourage examination of the valuation of work itself. Jobs dominated by women may be undervalued because caring, educational, administrative, or service functions are culturally associated with women's traditional roles. Recognizing equal value requires more objective methods of job evaluation.

CEDAW represents the most comprehensive international legal instrument dealing specifically with discrimination against women. Hosseini explains that the Convention creates significant interpretive challenges for legal systems in which equality is conditioned by religiously based distinctions (Hosseini, 2001). Its definition of discrimination is broad. It encompasses distinctions, exclusions, or restrictions based on sex that impair women's recognition, enjoyment, or exercise of human rights and fundamental freedoms. The importance of this definition is that discriminatory intent is not always necessary. A rule may be discriminatory because of its effect even if it is presented as neutral or protective.

Article 11 of CEDAW is especially relevant to employment. It requires states to take appropriate measures to eliminate discrimination against women in employment and to ensure equality in the right to work, employment opportunities, occupational choice, promotion, job security, vocational training, remuneration, benefits, social security, health protection, and workplace safety. Kar's comparison of

CEDAW with Iranian law demonstrates that many of the most significant areas of divergence concern the practical meaning of equality and the legitimacy of gender-based restrictions (Kar, 2000). Iranian law recognizes women's right to employment in general terms, but CEDAW adopts a stronger presumption against distinctions based on sex.

The contrast is particularly visible in occupational choice. Under the Iranian Constitution, individuals may choose occupations provided that they do not conflict with Islam, public interests, or the rights of others. From the perspective of domestic constitutional law, this formulation applies to everyone. Yet because the concept of Islamic standards can support gender-specific rules in some contexts, women's occupational freedom may be more limited in practice. Shahbakht argues that this conditional structure distinguishes Iranian constitutional equality from the broader conception of gender equality advanced in CEDAW (Shahbakht, 2003). The central issue is therefore not whether Iranian law recognizes occupational freedom, but whether the permissible exceptions are broader than those accepted under international anti-discrimination standards.

A similar divergence appears in relation to marriage and employment. International standards generally reject discrimination in employment on the basis of marital status. CEDAW specifically seeks to prevent employment disadvantage arising from marriage, pregnancy, or maternity. Iranian family law, however, allows marital interests to influence a married woman's employment in particular circumstances. Ebadi identifies such legal mechanisms as significant limitations on women's autonomous exercise of employment rights (Ebadi, 2002). From the international perspective, a restriction imposed because a woman is married raises serious concerns unless it can be justified by criteria that do not reproduce unequal spousal authority.

The treatment of maternity reveals both convergence and tension. International law does not require identical treatment of women and men where pregnancy is directly relevant. On the contrary, maternity protection is recognized as necessary to substantive equality. CEDAW explicitly permits special measures relating to maternity and requires safeguards against dismissal because of pregnancy. Mousavi notes that labor protections associated with pregnancy and childbirth are common features of modern legal systems and are

consistent with the goal of workplace equality (Mousavi, 2004). Iranian labor law similarly includes protections for pregnant workers and maternity-related rights, demonstrating an important area of convergence.

However, substantive equality requires attention to how such protections are financed and implemented. If employers bear substantial maternity-related costs individually, protective legislation may encourage statistical discrimination against women of childbearing age. International standards increasingly treat maternity as a social function whose costs should not be imposed in a way that undermines women's employability. The Iranian system could therefore strengthen the effectiveness of maternity protection by combining legal guarantees with broader social insurance, public childcare, parental leave, and employer incentives.

CEDAW also places considerable emphasis on equal access to public and political functions. This is relevant because employment rights extend beyond ordinary labor-market participation. Women must also have meaningful opportunities to enter governmental, diplomatic, managerial, and decision-making positions. Molaverdi discusses the persistent underrepresentation of women in political and administrative decision-making and the institutional barriers that sustain this imbalance (Molaverdi, 2005). International standards regard such underrepresentation not simply as a statistical issue but as a concern related to equal citizenship and participation in public authority.

Iranian law presents a mixed picture in this area. Many administrative and managerial positions are legally open to women, and women have increasingly entered professional and governmental employment. However, certain positions remain contested or restricted, and women continue to be substantially underrepresented at higher levels. Hashemi notes that women's socio-political rights in Iran have historically involved distinctions between general participation and access to specific forms of authority (Hashemi, 1996). The international approach is generally less accepting of categorical exclusions based on sex, particularly where the functions of the office do not depend on a sex-specific biological characteristic.

The question of promotion also illustrates the difference between formal and substantive equality. CEDAW expressly recognizes women's right to promotion, job security, and professional training on equal terms.

Writh's analysis of women in management shows that the obstacles to promotion often operate through informal structures rather than explicit rules (Writh, 1998). Consequently, legal systems must address not only discriminatory legislation but also administrative practices, evaluation criteria, workplace culture, and access to professional development. In Iran, the absence of a general statutory prohibition against female managers does not by itself establish equality if organizational practices consistently favor men.

The principle of temporary special measures is another area of comparative significance. CEDAW allows states to adopt temporary measures designed to accelerate substantive equality between women and men. Such measures may include targeted recruitment, promotion programs, leadership development, or other mechanisms intended to correct historical disadvantage. From a purely formal perspective, such policies treat women and men differently. From the standpoint of substantive equality, however, they are justified because formally identical treatment may preserve existing inequalities. Mokhtarian's recommendations concerning increased female participation support active measures aimed at improving women's access to employment opportunities (Mokhtarian, 2001). Similar approaches could be adapted within the Iranian legal system without necessarily requiring rigid quota structures in every sector.

One of the most significant differences between international standards and some domestic approaches concerns the meaning of equality itself. International anti-discrimination law increasingly distinguishes between legitimate differentiation and unjustified sex-based disadvantage. Biological differences may justify pregnancy protections, but they do not justify assumptions that women are generally less capable of management, technical work, public authority, or professional responsibility. Hosseini notes that critics of CEDAW sometimes interpret the Convention as demanding complete sameness between women and men (Hosseini, 2001). Yet the Convention itself permits maternity protections and temporary special measures, demonstrating that equality does not necessarily mean identical treatment in every factual situation.

This point creates a possible area of dialogue between Islamic jurisprudence and international law. Islamic jurisprudential reasoning also recognizes that justice

does not always require identical rules in materially different circumstances. The disagreement therefore concerns which differences are legally relevant and what consequences may legitimately follow from them. If differences connected directly with pregnancy justify special protection, both frameworks may converge. If social assumptions about women's domestic role are used to justify broad exclusions from occupational or public life, international law is more likely to regard the distinction as discriminatory.

The international framework also places importance on changing social and cultural patterns. Employment discrimination is not viewed solely as a legislative problem. Stereotypes concerning women's domestic responsibilities, leadership ability, emotional suitability, and economic dependence can undermine formal rights. Kar emphasizes that legal reform must be accompanied by changes in social attitudes if equality is to become effective (Kar, 2000). This is particularly applicable to Iran, where cultural expectations may continue to influence employment decisions even if explicit legal barriers are removed.

International experience regarding women's participation in organizations also demonstrates that institutional commitments must be supported by implementation. Pasgar's examination of women's employment within the United Nations system shows that even organizations formally committed to gender equality may struggle to achieve balanced representation at higher levels (Pasgar, 1995). This observation is useful because it prevents overly simplistic comparisons. The existence of progressive international standards does not mean that all states or international institutions have fully realized those standards. The relevant comparison concerns normative commitments, enforcement mechanisms, and policy direction rather than an assumption that discrimination has disappeared elsewhere.

The comparative analysis therefore reveals areas of both convergence and divergence. Iranian law, Islamic jurisprudence, and international instruments all recognize, in different forms, women's economic personality, the legitimacy of women's employment, the importance of fair treatment, and the need for maternity protection. The major differences concern the scope of occupational restrictions, the legal consequences of marriage, women's access to particular public offices, the

interpretation of equality, the treatment of family roles, and the strength of anti-discrimination obligations. International standards place greater emphasis on individual occupational autonomy and the removal of sex-based restrictions, whereas Iranian law gives greater normative weight to Islamic criteria and family considerations.

These differences do not make comparative reform impossible. The overlap between the systems creates substantial space for policy development. Merit-based recruitment, transparent promotion criteria, equal remuneration, vocational training, maternity protection, childcare support, stronger enforcement mechanisms, and the reduction of informal discrimination can all be advanced without requiring the abandonment of the Islamic character of the legal system. The more difficult questions concern categorical occupational exclusions and the legal authority to restrict married women's employment. These issues require deeper jurisprudential and constitutional reconsideration because they lie at the intersection of individual rights, family law, and religious interpretation.

5. Conclusion

The analysis of women's employment in Iran demonstrates that the central problem is not the complete absence of legal recognition of women's right to work. Iranian law contains significant constitutional and statutory foundations supporting employment, occupational choice, human dignity, social protection, and equal access to many forms of public and private work. Islamic jurisprudence likewise recognizes women's independent financial personality and does not establish a general principle that women are incapable of lawful economic activity. The principal difficulty lies in the distance between general recognition and substantive realization.

Women's employment is affected by a combination of legal restrictions, administrative practices, family-law rules, organizational structures, cultural expectations, and economic conditions. Some barriers are explicit and legal, while others operate indirectly through recruitment preferences, promotion systems, occupational stereotypes, unequal domestic responsibilities, and assumptions concerning men's and women's social roles. The interaction of these factors

explains why formal recognition of the right to work has not necessarily produced equal outcomes.

One of the clearest findings concerns the importance of distinguishing between equality of access and equality of occupational experience. Women's employment rights cannot be adequately evaluated merely by asking whether women are legally permitted to work. Effective equality also requires examining whether women can enter occupations on equal terms, remain securely employed, receive fair remuneration, benefit from professional training, obtain promotion, reach managerial positions, exercise occupational choice independently, and combine employment with maternity and family life without suffering disproportionate disadvantage.

Iranian constitutional principles provide an important basis for strengthening these rights. The constitutional recognition of human dignity, the rejection of unjust discrimination, the right to choose an occupation, and the obligation of the state to create employment opportunities can support a more robust approach to women's economic participation. However, the practical effect of these guarantees remains shaped by the requirement of conformity with Islamic standards and by the continuing influence of family-oriented legal rules. The relationship between employment and marriage requires particular reconsideration. A legal framework in which a married woman's employment may be restricted through broadly formulated concepts of family interest or dignity creates uncertainty regarding occupational autonomy. Family welfare is a legitimate social and legal concern, but it should not automatically be treated as a responsibility requiring the restriction of one spouse's professional life. A more balanced approach should recognize the family as a cooperative institution in which both spouses share responsibility for maintaining family stability.

The jurisprudential analysis also demonstrates that Islamic law should not be treated as a static body incapable of responding to changing economic and social conditions. Contemporary Iranian society differs significantly from earlier social contexts in the level of women's education, their participation in professional life, the economic structure of families, and the diversity of modern occupations. Continuous *ijtihad* can provide the interpretive mechanism necessary to distinguish

immutable religious principles from historical applications influenced by earlier social circumstances. Such jurisprudential development is particularly important where occupational restrictions rely on assumptions about women's capacities rather than on clear and specific religious grounds. Professional competence, expertise, integrity, and managerial ability are individual characteristics. Gender should not function as a substitute for assessing these qualities. A merit-based legal and administrative system would be more consistent with both social justice and efficient use of national human resources.

The comparison with international conventions shows that the most significant normative gap concerns the breadth of the principle of non-discrimination. International standards generally presume that sex-based distinctions in employment are unacceptable unless objectively and legitimately justified. They also emphasize the difference between formal and substantive equality. The mere use of identical legal language does not eliminate discrimination where women face structural disadvantages in practice.

At the same time, international standards do not require ignoring biological differences. Maternity protection, workplace safety during pregnancy, breastfeeding facilities, and related social protections are compatible with equality because they respond to specific needs. The challenge is to design these protections in a way that does not reduce women's employability. Protective legislation should therefore be combined with public financing, social insurance, childcare infrastructure, and incentives that prevent employers from viewing female workers as disproportionately costly.

Reform of women's employment policy should proceed simultaneously at legal, administrative, economic, and cultural levels. Legal reforms alone cannot eliminate discrimination rooted in social expectations, but cultural change alone cannot correct discriminatory legal structures. A coordinated strategy is necessary. Recruitment procedures should be transparent, objective, and based on competence. Promotion systems should use measurable professional criteria. Wage structures should be sufficiently transparent to make unjustified gender differences identifiable. Complaint and enforcement mechanisms should be accessible and capable of providing effective remedies.

The participation of women in managerial and decision-making positions should also receive greater institutional attention. Underrepresentation at senior levels limits not only individual career opportunities but also women's participation in shaping public institutions and workplace policies. Government agencies and large organizations should systematically assess the gender composition of leadership positions and identify organizational barriers preventing qualified women from advancement.

Measures designed to support working mothers should be restructured around the principle of shared family responsibility. Childcare, parental leave, flexible working arrangements, and family-support policies should not be designed in a way that confirms the assumption that childcare is exclusively a female duty. Encouraging fathers' participation in family responsibilities can reduce the occupational penalty associated with motherhood and gradually alter employer expectations. Part-time work and flexible employment may be useful options, but they should remain genuine choices rather than institutional mechanisms that channel women into lower-status career paths. Workers who use flexible arrangements should retain reasonable access to promotion, training, social insurance, and long-term occupational development. Employment flexibility should support participation rather than create a secondary class of workers.

Women's professional empowerment also remains important. Technical and vocational education, managerial training, entrepreneurship support, mentoring, and access to professional networks can expand women's ability to enter occupations in which they remain underrepresented. Such policies should be linked to actual labor-market demand so that education is converted into sustainable employment rather than remaining disconnected from available opportunities.

Cultural policy is equally significant. Persistent stereotypes portraying women primarily as dependents, secondary earners, or individuals unsuited to leadership cannot be eliminated through labor legislation alone. Educational institutions, media organizations, public agencies, and civil society can contribute to changing these assumptions by presenting women's professional participation as compatible with family life, social responsibility, and national development.

The long-term objective should not be the mechanical replication of employment patterns found in other societies, nor should reform be framed as a confrontation between religious values and women's rights. The more productive approach is to identify areas in which justice, dignity, family welfare, economic efficiency, and women's professional autonomy can be reconciled. Considerable common ground already exists.

Ultimately, the improvement of women's employment status in Iran requires moving from abstract recognition to effective institutional guarantees. The question is not merely whether women may work, but whether they can participate in economic and professional life as full legal persons whose opportunities are determined primarily by competence, choice, and legitimate occupational requirements. Achieving this objective will require legal revision, effective enforcement, jurisprudential engagement, cultural transformation, shared family responsibility, and long-term policy commitment. Such a process is gradual, but it is essential if women's educational, professional, and economic capacities are to contribute fully to the development of Iranian society.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

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