



# VIOLENCE AND PROTEST IN IRAN AND SOCIAL CONTRACT

PROFESSOR Jill Marshall, MODULE CONVENOR FOR Jurisprudence

## Transcript

Hello, everyone. This is Professor Jill Marshall speaking. I just want to talk very briefly in this short blog about some issues relating to jurisprudence based on particular events that are happening today around the world, and particularly social protests in Iran.

You see the picture of protests in Iran, relating to a particular issue that has arisen since September last year. You see here on the protest banners the words such as "FIGHT LIKE A GIRL", "FREEDOM" and "Woman, Life, Freedom", and the #WomanLifeFreedom, and the #FreeIran. We're already seeing in these issues surrounding the use of social media and the use of public protest to try to make a point in regard to violence that's been meted out to particular people in Iran.

I've got a heading here of freedom. This is a particularly important issue obviously around the world and in this particular context, which I'll shortly come onto, but also in our jurisprudence course in terms of thinking of individual freedom, of social freedom and freedom of the individual within society, and the rule of law in some high regulating that, and what law's purpose is in that regard. Let's look at the particular example that I'm talking about in this blog.

In Iran, women have been at the forefront of reactions, activism, and protests that have followed in the aftermath of the death of a young woman initially, a 22-year-old woman, Mahsa Amini, who died in hospital in Tehran under suspicious circumstances. After the guidance patrol, as they're called, which is the religious morality police of the Islamic Republic of Iran's government, they arrested Amini for allegedly not wearing her hijab or her Islamic headscarf in accordance with government standards. The wearing of the Islamic head scarf is a legal requirement in Iran by women.

As a result of this, there were protests that followed in Iran and elsewhere around the world. These worldwide protests, therefore including human rights campaigns, and we see those, particularly on social media fronted by celebrities such as Juliette Binoche, the French actress and others who have been cutting their hair either symbolically by looking like they're going to cut it with their fingers or actually cutting it with scissors on social media and posting videos in places like TikTok, Twitter, and so forth.

The idea of a social contract, it links to the natural law theories that you study, but it also links to the origins of positivism. If we think about it in the context of its more traditional reading of natural law theory, of natural rights, arising by virtue of us being human in the state of nature, this type of way of thinking became prominent from the 16th century onwards. It's an enlightenment idea, this notion of rationality coming to the forefront of notions of us being seen as individual people rather than in a feudal system or something along those lines. This notion that, by nature, humans are free, they're equal, they're equally free with parts of reason.

We voluntarily agree to remove ourselves from that state of nature to try to gain something from it. It's to our mutual benefit. We all form together and we, therefore, have some form of a social contract, an agreement, or a pact. We promise to treat each other in certain ways. The idea of a social contract emanating from social contract theorists such as Rousseau and Locke and also

Thomas Hobbes, it's hypothetical, this is an hypothetical idea. And we group together in these ways to understand political and legal power and consider what state we are naturally in, and make some sort of connection to the legitimacy of government and therefore the laws that government create over us. I recommend looking at the book by Boucher and Kelly, an edited collection on "The social contract from Hobbes to John Rawls".

The notion of social contract very much on us on consent, on us agreeing because we are capable of making those decisions on a basis of our free will as individuals. We see here different examples of it from Thomas Hobbes and John Locke. Thomas Hobbes in this course, we focus on him being really in the origin of classical positivism. The notion is though that we are in a state of nature in his view. It's a metaphysical idea that we then need to come out of that state of nature because our life would be "solitary, poor, nasty, brutish, and short." That's a direct quote from Hobbes from his book Leviathan, 1651. We band together through mutual self-protection, we give up our freedom, this absolute freedom, this anarchy that we do have in the state of nature, because without rules, then we would all disintegrate in terms of us having to live together. We do have to live together so that our lives aren't nasty, poor, brutish, and short. This society then operates via a social contract, and we're bound by rules.

John Locke, in a slightly later historical period, states that we have rights by nature, these natural rights which we give up to form a social contract, but we give them up in that we enter into a social contract, but we do not give up what we had in our natural rights. The natural rights that we had by virtue of us in particular binding ourselves to the land, to our property, it's an emanation, and an extension of our body, which can never be taken away from us. If we've toiled the land, if we have laboured in certain ways to create something in a state of nature, that is a natural right that we have. When we enter into the social contract, the state has to guarantee those rights for us. These are prior to political organization, but we give up our liberty, that absolute freedom to secure our property. We have still got those natural rights to property and to pursuit of happiness, which is particularly important then in the foundation of the American Revolution.

I have got traffic light here, the red light, the traffic light, meaning that we obviously should stop at the traffic light. Why would you stop at the traffic light? I want you to try and think if there's a law that says there's traffic lights in place to regulate traffic. Why do we obey this? I want you to write down your response. You might want to pause the tape. Take some time to think about aspects of the course, why you might obey the law or not in this example, but also in different examples. Then draw upon the different chapters that are studied in the course such as Liberalism and Law, maybe Dworkin and Natural law and Raz. There are four different aspects of the course, but aspects of liberalism and law, Dworkin and Raz in particular interlink in terms of personal autonomy, in terms of equality of the person, in terms of the law's authority.

I want you to just think about why you would obey the law or not if you were faced with the traffic light or if there was a law that says you need to report on your neighbour, if they're doing something, whatever it might be. Would you report them to the authorities? If you would, why would you do that? Maybe think about that in the context of also the notion of Iran protests and the law that says you shouldn't wear certain items of clothing or that you should and have to wear certain items of clothing on the pain of punishment. These are particularly gendered; you may also therefore, want to look at feminism and feminist legal theory in this regard too. Feel free to look at the course, look at the different chapters and decide for yourselves what you think would be relevant in terms of answering this question.

Thank you very much for your attention. Signing out. Bye.