

# Making Divorce Iranian Style

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'Divorce Iranian Style' is a documentary film directed by Kim Longinotto and Ziba Mir-Hosseini. It is set in a small courtroom in central Tehran, and follows a number of women who come before a non-plussed judge and by turn use whatever they can -- reason, argument, charm, outrage, pleas for sympathy, patience, wit -- to get what they each need. There are four main characters: Massy, who wants to divorce her inadequate husband; Ziba, an outspoken 16-year-old who proudly stands up to her 38-year-old husband and his family; Jamileh, who brings her husband to court to teach him a lesson; and Maryam, remarried and desperate to regain custody of her two daughters. (1)

The idea of making a film about the working of Shari'a law in a Tehran family court was born in early 1996 when a friend introduced me to Kim Longinotto, the documentary film-maker. I had seen and liked Kim's film 'Hidden Faces' (1991), on women in Egypt. Kim had for some time wanted to make a film in Iran: she was intrigued by the contrast between the images produced by current-affairs television documentaries, and those in the work of Iranian fiction film-makers. The former portrayed Iran as a country of fanatics, the latter conveyed a much gentler, more poetic sense of the culture and people. As she put it 'you wouldn't think the documentaries and the fiction were about the same place.' We discussed my 1980s research in Tehran family courts and I gave her a copy of my book, 'Marriage on Trial'. (2)

The first step was to apply to British TV commissioning editors for funding and to Iranian officials for access and permission to film. Kim focused on the first and I on the second. For myself, as will become clear, I had to negotiate not only with the Iranian authorities for permission and access, but also with myself. As a novice to filmmaking, I had to deal not only with theoretical and methodological questions of representation and the production of anthropological narratives, but with personal ethical and professional dilemmas. The film's subject-matter - the operation of Islamic family law in Iran today - inevitably entailed both exposing individuals' private lives in a public domain and tackling a major issue which divides Islamists and feminists: women's position in Islamic law.

We wrote a proposal for a documentary film to be shot in a court in Tehran, and in March 1996 we submitted an application for a permit to film through the Iranian Embassy in London. We phrased the proposal carefully, knowing the sensitivity of the theme. We stated that our aim was to make a film that would reach a wide audience and challenge prevailing stereotypes about women and Islam. This we wanted to do by addressing a universal theme cutting across cultural and social barriers, which ordinary people could relate to emotionally as well as intellectually. Marriage, divorce and the fate of children, we argued, provide a perfect theme for such a film.

In October 1996 we learned that our application was rejected, no reasons given. But Kim and I were now committed to the project, so we continued to lobby the Iranian Embassy, attending its functions to meet visiting dignitaries and explain our project. In December we heard that one of our proposals for funding had come through: Channel 4 TV was prepared to fund us to make a feature-length film for its prestigious True Stories documentary slot. We were enormously encouraged.

So in mid-January 1997 we decided to go Tehran to follow up our application - to argue our case in person with the Ministry of Islamic Guidance - and also to see whether we could work together. For my part, I wanted Kim to see Iran for herself, to get a feel of the place and culture. We talked about our project to people ranging from independent filmmakers to officials in television, the Ministry of Guidance, women's organizations, and so on. All of them wanted us to change our theme, to do a film on an issue which was 'politically correct' and could give a 'positive image of Iran', such as marriage ceremonies, female members of

parliament, or mothers of martyrs. Clearly, what Kim and I saw as enchanting, as positive, were often things that could not be filmed. In our discussions, we had to show how a film about marital disputes, shot in the family courts, could present a 'positive' image. We had to distinguish what we (and we hoped our target audiences) saw as 'positive', from what many people we talked to saw as 'negative', with the potential of turning into yet another sensationalized foreign film on Iran. Images and words, we said, can evoke different feelings in different cultures; for instance, a mother talking of the loss of her children in war as martyrdom for Islam, is more likely in Western eyes to confirm stereotypes of religious zealotry and fanaticism, rather than evoke the Shi'a idea of sacrifice for justice and freedom. What they saw as 'positive' could be seen as 'negative' in Western eyes, and vice versa; one answer was to present viewers with complex social reality and allow them to make up their own minds; some might react favourably, and some might not, but in the end it could give a much more 'positive' image of Iran than the usual films, if we could show ordinary women, at home and in court, holding their own ground, maintaining the family from within. This would challenge some hostile Western stereotypes.

In the end, the Ministry of Guidance seemed to be convinced: we were told to make a fresh application through the Embassy in London, and promised a permit in a month. Meanwhile, with the help of the Islamic Human Rights Commission, we sought Ministry of Justice approval to film in the courts: this proved less difficult, as the Public Relations Department of the Ministry was then producing a series of short educational films shot in Tehran family courts for Iranian Television.

We returned to London, intending to come back and make the film before the May presidential elections, while those who had approved it were still in office. But the months passed and the official permit never arrived. It took a new government, and President Khatami's installation in August 1997, for our project to get off the ground. We submitted another application, and in October I went to Tehran to follow it up, presenting our case again to the Ministry of Guidance, now headed by a reformist personality. This time, Ministry officials were more open to our ideas; they were not afraid of dealing critically with internal issues and less frightened of what the outside world thinks. Moreover, they were true to their word. Three weeks later, visas were issued for Kim and sound-recordist Christine Felce, enabling them to bring the 16mm camera and sound equipment.

After their arrival, with letters of introduction from the Ministry of Guidance, and aided by the Public Relations Section of the Ministry of Justice, we visited several Judicial Complexes. There are sixteen of these, scattered around Tehran. Each contains a number of courts, and deals with disputes filed by local residents, which differ in nature, given Tehran's geographical division on socio-economic lines - broadly, the middle classes in the north, the working classes in the south. This posed a problem for us. Our Ministry guides wanted us to show the diversity of the courts, and the range of disputes heard; they were keen for us to film in courts headed by both civil and religious judges, and to cover marital disputes in different socio-economic strata - to do a kind of sociological survey. But we wanted to work in a single court, to capture something of the life of the court itself. We knew that in Tehran, with a population of over ten million, no court could be representative, and we did not want to do a 'sociological survey' on film. We wanted to focus on characters and develop storylines. We also knew that our project depended much on the goodwill of the judge and the court staff, so it was important for us to work in a court where they welcomed us, understood our project and were willing to be part of it.

This was difficult to explain to the officials, but finally we settled for the Imam Khomeini Judicial Complex, the largest one, located in central Tehran near the Bazaar. It housed some Ministry of Justice offices, including the Public Relations Section, as well as thirty-three General Courts. Two courts dealt with family disputes, both headed by clerical judges: Judge Deldar, who sat only in the morning, and Judge Mahdavi, who sat only in the afternoon. We were introduced to both judges; both said we could film in their courts.

At first we filmed in both courts, but soon we confined ourselves to Judge Deldar's, which we found more interesting. As Judge Mahdavi dealt only with divorce by mutual consent, that is,

cases where both parties had already worked out an agreement, there was little room for negotiation: the dynamics of the cases heard were rather uniform, and the couples rarely revealed the real reasons behind the breakdown of marriage. Judge Deldar, on the other hand, dealt with all kinds of marital disputes, thus we found a much wider range of stories and a more spontaneous environment. Besides, the court staff were also fascinating characters in their own right, especially Mrs Maher, the court secretary, who had worked in the same branch for over 20 years. She was an extremely capable woman who understood our project, and her daughter Paniz was a real gift. Both soon became integral to the film. After a week, we too became part of the court life.

The presence of an all-woman crew changed the gender balance in the courtroom; and undoubtedly gave several women courage. Likewise, the fact that the crew had both Iranian and foreign members, I believe, helped transcend the insider/outsider divide. The camera was a link here too, as well as between public and private. We never filmed without people's consent. Before each new case, I approached the two parties in the corridor, explained who we were and what our film was about, and asked whether they would agree to participate. I explained how we wanted to make a film that foreign audiences could relate to, to try and bridge the gap in understanding, to show how Iranian Muslim women, like women in other parts of the world, do the best they can to make sense of the world around them and to better their lives. Some agreed, others refused. On the whole, and perhaps not surprisingly, most women welcomed the project and wanted to be filmed.

We filmed for four weeks in November-December. Back in London, we started editing our over 16 hours of footage. It was already clear to us who the main characters were likely to be. When we put together the rushes, we found we had material on 17 cases, but only in the eventual six cases (only four of them fully developed) shown in the film could we make usable stories. It was heart-breaking to have to abandon some very moving, but unresolved stories. In going through the material, rather than focusing on the exotic and the different, we tried to focus on commonalities: how difficult marriage can be and the pain involved in its breakdown. We also tried to show what it is like inside a Tehran law court, and to give glimpses into the lives of ordinary people. Although clearly some 'contextual information' was essential, we were anxious not to overcrowd the film with facts and figures, not to tell viewers what to think, but to allow them to draw their own conclusions. Above all, we wanted to let the women speak, to show how they are strong individuals going through a difficult phase in their lives, and to communicate the pain - and the humour - involved in the breakdown of marriage.

## **Notes**

1. 'Irreconcilable Differences: "Divorce Iranian Style",' by Nick Poppy, Indiewire, 9 Dec., 1998:

[http://www.indiewire.com/film/interviews/int\\_Longinotto\\_MirH\\_981209.html](http://www.indiewire.com/film/interviews/int_Longinotto_MirH_981209.html)

See also our interviews for Women Make Movies, 'Making Divorce Iranian Style':

<http://www.wmm.com/advscripts/ctmnfrm.asp?source=catpgfrm.asp?recid=454>

and 'Marriage Among the Mullahs', by Cynthia Joyce, Salon Magazine, 16 Dec. 1998:

<http://www.salonmagazine.com/mwt/feature/1998/12/16feature.html>

2. Marriage on Trial, A Study of Islamic Family Law: Iran and Morocco Compared (London: I B Tauris, 1993)