



Public Morals, Religion, and Human Rights: A Study on the Requirements for Chaste Social Dress in Iranian Society

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Introduction

The concept of “public morals” occupies a central role in the most complex debates of contemporary international law, serving as a framework for balancing the sometimes conflicting demands of national sovereignty and human rights obligations. This concept, which is inherently fluid and dependent on the historical and cultural contexts of different societies, plays an undeniable role in determining the boundaries of individual freedoms. The central issue of this research is the legal articulation of the “requirement to observe socially modest attire” for women in Iranian society, under the imperative of safeguarding public morals within the framework of human rights norms. The primary question of this study is as follows: Can the requirement for Iranian women to observe socially modest attire, justified by the necessity of protecting public morals, be analyzed and justified within the international human rights system? To scrutinize this question, the following subsidiary questions will also be addressed: First, how is the concept and status of public morals recognized as a basis for imposing limitations in international law? Second, can religion be an influential factor in determining the scope and interpretation of public morals? Third, does the protection of public morals in Iranian society necessitate the enforcement of chaste dress standards—or, in other words, the prohibition of norm-breaking and semi-naked dress in the public sphere?

Literature Review

Although discussions concerning public morals and their limitations have been addressed in international instruments and the jurisprudence of international tribunals, and while sporadic studies have been conducted regarding hijab and human rights in Iran, a comprehensive study specifically elucidating “Chaste Social Dress” as a manifestation of the protection of public morals in its interaction with human rights is conspicuously absent in Iranian legal literature.

Methodology

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The present study employs a descriptive-analytical method based on library research. The required data and information were collected and analyzed by examining international human rights instruments, judicial decisions, international sources, authoritative scientific and research books and articles, as well as credible Islamic sources and exegeses (Tafsir) of the Holy Qur'an.

Findings

The findings of this research corroborate several key points: First, "public morals" within the sphere of the international human rights system, particularly in light of the "Margin of Appreciation" doctrine, is an inherently relative and culturally contextualized concept. Respect for the cultural diversity of societies dictates that a single, universal definition cannot be envisaged to determine its specific instances. In this regard, governments, owing to their unparalleled familiarity with the cultural and historical fabric as well as the established beliefs of their societies, are in a privileged position to determine the contours of public morals. Accordingly, in order to respect the public morals of societies, the aforementioned doctrine grants national authorities a degree of discretion in implementing human rights obligations, taking into account the unique characteristics of their respective societies.

Second, across disparate legal systems, the modality of the relationship between religion and public morals encounters fundamental structural distinctions. In secular societies, religion possesses no formal or direct role in the legislative process, and its indirect impacts on the corpus of public morals in these societies are largely ignored or deemed insignificant. In practice, however, religious values institutionalized within the cultural matrix of such societies are protected by legal institutions as an integral component of public morals. Conversely, in legal systems founded upon an official religion, such as the Islamic Republic of Iran, we witness the direct and foundational role of religious values and Islamic teachings in shaping the concept and instances of "public morals."

Third, in Iranian society, where Islam operates as an integral part of the value and legal system and an inextricable component of collective beliefs and norms, religious teachings play a foundational role in delineating the boundaries of "public morals." Accordingly, "Chaste Social Dress"—defined in this study as the observance of a minimum standards of chaste dress conforming to the public morality of Iranian society—is regarded as a mechanism for safeguarding the "moral ecology" of the society against the consequences of unregulated social mixing and the proliferation of prostitution and social immodesty, even for individuals who lack personal adherence to religious precepts.

In order to observe the principles of proportionality and necessity, this requirement possesses a distinct nature from the strict Sharia obligation of hijab and entails minimal and more fundamental standards. Therefore, it is incumbent upon the



Iranian legislature to fulfill its responsibility regarding the protection of chastity, as a historical and religious value derived from the public morals of Iranian society, by enacting regulations governing the prohibition of improper dress—or, phrased differently, the prohibition of the semi-naked and provocative presence of women in the public arena. This approach, aiming to create an equilibrium between individual liberties and collective welfare, is defensible within the parameters of national sovereignty and the imperative of safeguarding public morals.

Keywords: Public morals, chaste dress, Iranian society, human rights, imperatives of serenity