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The Intersection of Cultural Norms and Human Rights Law: A Qualitative Analysis of Marriage Practices

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ABSTRACT

This study aimed to explore how individuals in Tehran experience and navigate the intersection of cultural norms and human rights law within marriage practices. A qualitative research design was employed, utilizing semi-structured interviews with 14 participants selected through purposive sampling to capture diverse perspectives on marriage customs in Tehran. Participants included individuals with personal experience or professional insight into marriage practices influenced by cultural, legal, and religious frameworks. Data collection continued until theoretical saturation was reached. All interviews were audio-recorded, transcribed verbatim, and analyzed using NVivo software. A thematic analysis approach was used, following open, axial, and selective coding procedures to identify key patterns across narratives. Four main themes emerged from the data: (1) Cultural Expectations and Social Obligations, including family involvement, gendered expectations, and traditional rituals; (2) Legal Awareness and Perceived Rights, highlighting limited knowledge of legal protections, distrust of judicial institutions, and ambivalence toward international norms; (3) Gender Inequities and Power Relations, reflecting unequal agency in marital decisions and systemic barriers to legal empowerment; and (4) Transformation and Hybrid Norms, capturing the emergence of negotiated marriages, youth-led resistance, and the influence of education and social media. Participants described navigating conflicting normative systems, balancing tradition with evolving rights consciousness, and using informal strategies to assert agency. The study reveals that marriage in Tehran is shaped by the dynamic interplay of cultural tradition and human rights discourse, often resulting in tension, negotiation, or selective adaptation. Findings underscore the need for culturally grounded legal reforms, public legal education, and policies that promote gender equity while respecting cultural complexity.

Keywords: *Marriage practices; cultural norms; human rights law; legal pluralism; gender equity; qualitative research; Iran.*

Introduction

Marriage is a pivotal institution within virtually every society, playing a foundational role in shaping individual identity, family dynamics, and communal structures. As both a legal contract and a cultural ritual, marriage is governed by a set of norms and expectations that are deeply embedded in specific historical, religious, and social contexts (Goody, 1983). While cultural norms provide communities with a shared framework for marital practices, these norms can sometimes conflict with internationally recognized human rights principles, particularly those that emphasize individual autonomy, gender equality, and legal protection against coercion (UN General Assembly, 1948; CEDAW, 1979). The intersection between culturally rooted marriage customs and universal human rights



norms thus represents a significant area of legal and ethical inquiry, particularly in pluralistic societies grappling with both tradition and modernity.

In many societies, marriage is not merely a personal decision but a collective endeavor influenced by extended family networks, religious authorities, and socio-economic expectations. These cultural expectations often manifest in the form of arranged marriages, dowry practices, restrictions on female autonomy, and gendered roles within marital relations (Menski, 2006). While such practices may be legitimized and normalized within local contexts, they sometimes conflict with international human rights frameworks that advocate for informed consent, equal rights within marriage, and protection from harmful traditional practices (Freeman, Chinkin, & Rudolf, 2012). The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), for example, calls on states to ensure women's full and equal rights in marriage, including the right to choose a spouse and to enter into marriage only with free and full consent (CEDAW, 1979, Article 16). However, the implementation of such standards remains fraught with challenges in regions where legal pluralism and strong cultural traditions coexist.

In the context of Iran, the interplay between cultural traditions and human rights law presents a complex and often contested terrain. Iranian family law, primarily governed by Islamic jurisprudence, places significant emphasis on patriarchal authority and traditional gender roles (Hoodfar, 1996). While the Iranian legal system has made strides in formalizing protections for women in marriage, including stipulations on *mehrieh* (dower), guardianship, and marriage age, many practices remain embedded in customary norms that limit women's autonomy (Mir-Hosseini, 2000). For instance, although the legal age of marriage for girls was raised to 13 in 2002, reports continue to highlight the prevalence of child marriages through judicial exemptions or unregistered customary unions (UNICEF, 2022). These realities raise important questions about the effectiveness of legal protections when cultural norms exert significant informal power.

Moreover, the tension between national law and international human rights obligations further complicates the landscape. Iran is a signatory to several international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), which upholds the right to free and equal marriage (ICCPR, 1966, Article 23). However, Iran has not ratified CEDAW, and in practice, international standards are often subordinated to domestic interpretations of Islamic law (Afshari, 2001). This legal and normative fragmentation results in a dual system where formal legal mechanisms exist alongside and are frequently undermined by informal cultural practices. Consequently, individuals navigating marriage in such contexts are subject to overlapping and sometimes contradictory sources of authority, creating ambiguity in rights enforcement and legal recourse.

The implications of these dynamics are particularly pronounced for women, who often bear the brunt of culturally sanctioned gender inequalities within marriage. Studies have shown that women's limited access to legal resources, economic dependency, and fear of social stigma contribute to their vulnerability in marital arrangements (Kian-Thiébaud, 2002). Moreover, marriage is frequently constructed not as a mutual partnership but as a social mechanism for controlling female sexuality, regulating inheritance, and reinforcing familial alliances (Moghissi, 1999). In such settings, consent may be nominal rather than substantive, and traditional practices such as *khastegari* (formal proposal ceremonies) and *baad dadan* (exchange of girls to settle disputes) may persist despite their incompatibility with international human rights norms (UNFPA, 2021). These practices underscore the importance of examining not only legal texts but also the cultural logics that sustain gendered marital structures.

Yet, cultural norms are not static. Increasing education, urbanization, media exposure, and youth-led social movements are reshaping attitudes toward marriage and gender roles in Iran and similar contexts. A growing

number of young Iranians—particularly in urban areas—are challenging traditional marriage customs, delaying marriage, advocating for equal partnerships, and even rejecting marriage altogether (Harris, 2017). This generational shift is evident in the emergence of hybrid practices, where couples combine traditional rituals with modern expectations of companionship, negotiation, and consent. Such transformations highlight the dynamic and negotiated nature of culture and the potential for human rights norms to find resonance within localized contexts when framed appropriately (Merry, 2006).

Despite these shifts, formal legal institutions and cultural structures continue to influence how marriage is practiced and regulated. The concept of legal pluralism is particularly relevant here, as it recognizes the coexistence of multiple normative orders—state law, religious law, and customary norms—within a single social field (Griffiths, 1986). In contexts like Iran, this pluralism often leads to legal ambiguity and inconsistent protections, especially for marginalized groups. Understanding how individuals navigate these overlapping systems is essential to developing culturally sensitive and legally effective interventions that promote human rights without dismissing cultural identity. Scholars have argued that a rigid application of universal human rights norms without attention to local realities can lead to resistance and backlash, thereby undermining the very objectives of those norms (Merry, 2001). Therefore, there is a need for grounded, empirical research that examines how people interpret, resist, or appropriate legal norms in everyday practices, particularly in the realm of marriage.

This study aims to contribute to this body of knowledge by exploring the intersection of cultural norms and human rights law in marriage practices in Tehran, Iran. Using a qualitative approach based on semi-structured interviews with individuals who have direct experience or expertise in marriage customs, the research seeks to uncover the cultural, legal, and gendered dimensions of marital arrangements. Specifically, it investigates how participants perceive the compatibility or conflict between cultural expectations and legal rights, how gender dynamics shape marital negotiations, and how individuals navigate the tension between tradition and law. The study adopts a thematic analysis framework to identify recurrent patterns and meanings in participants' narratives, providing nuanced insights into how marriage is constructed and contested in a specific socio-legal context.

By foregrounding participants' lived experiences, this study avoids the pitfalls of normative generalization and instead offers a contextualized understanding of the cultural logics that underpin marriage practices. In doing so, it aligns with the broader anthropological and socio-legal literature that emphasizes the importance of culturally grounded human rights research (Engle Merry, 2006; Cowan, Dembour, & Wilson, 2001). The findings of this study have implications not only for legal reform and human rights advocacy but also for cross-cultural dialogues on gender equality, cultural relativism, and the evolving nature of marriage in a globalized world.

Methods and Materials

This study employed a qualitative research design to explore the interplay between cultural norms and human rights law in the context of marriage practices. The research adopted an interpretive approach to gain in-depth insights into participants' lived experiences and perceptions. Fourteen participants were purposively selected from various districts of Tehran to ensure a diversity of perspectives regarding marriage customs influenced by sociocultural and legal frameworks. Participants included individuals with firsthand experience or informed knowledge of culturally rooted marriage practices, including community leaders, legal professionals, and married individuals. The selection process continued until theoretical saturation was reached, meaning that no new themes or insights were emerging from the interviews.

Data were collected using semi-structured interviews, which provided the flexibility to probe participants' viewpoints while maintaining consistency in core topics across interviews. Each interview lasted between 45 and 75 minutes and was conducted in a private setting to ensure confidentiality and openness. The interview guide included questions about participants' perceptions of traditional marriage customs, the influence of religious and cultural expectations, and the perceived alignment or conflict between these norms and internationally recognized human rights standards. All interviews were audio-recorded with the informed consent of the participants and later transcribed verbatim for analysis.

Thematic analysis was used to identify patterns and underlying meanings in the data. The transcripts were analyzed using NVivo software to facilitate systematic coding and organization of data. The analysis followed a multi-stage process, beginning with open coding to identify initial concepts, followed by axial coding to explore connections between categories, and finally selective coding to develop central themes that addressed the research questions. The trustworthiness of the data was enhanced through strategies such as member checking, peer debriefing, and maintaining an audit trail throughout the research process.

Findings and Results

Theme 1: Cultural Expectations and Social Obligations

Participants emphasized the strong role of family in marriage decisions, with parental authority and family reputation being critical determinants. Many participants described the marriage process as a "family affair," where individual preferences were often secondary. One participant noted, "Even if I like someone, I can't go forward unless my parents approve. It's about family honor." The process of arranged proposals and intergenerational influence was seen as both a tradition and a form of social control.

Gendered expectations shaped the roles and responsibilities assigned to men and women. Girls were expected to uphold chastity and modesty, while boys were expected to be providers. The expectation of virginity before marriage, the cultural pressure to bear sons, and the emphasis on dowry payments were commonly cited. A young woman reflected, "My brother can choose freely, but I was told to behave properly or no one will marry me."

Participants discussed the religious legitimization of marriage rituals as a means to align their practices with moral and spiritual ideals. Islamic clerics were often invited to officiate ceremonies and bless unions. Participants mentioned that adhering to "Sharia-compliant" practices was considered a religious obligation. One respondent stated, "Our family believes only religious marriage counts. Without it, it feels like a sin."

Community pressure and honor served as social mechanisms that regulated behavior. Participants described how fear of gossip, reputational damage, and moral policing led them to conform. For example, a male interviewee said, "Even if you want something different, neighbors and relatives talk. That's worse than the mistake itself."

The cultural definition of a 'good match' was grounded in compatibility based on ethnicity, religion, and socioeconomic status. Participants described how families used these criteria as informal vetting tools. "We have to think if the families are from the same culture," one woman explained. "Otherwise, it leads to problems later."

The public versus private nature of marriage decision-making revealed tensions between appearance and agency. Many described how decisions were made privately but presented publicly as consensual. One participant commented, "They act like I agreed, but everything was already decided behind closed doors."

Traditional ceremonial practices like the *khastegari* (formal proposal) and *mehrieh* (dowry negotiation) were deeply entrenched. These rituals were often carried out symbolically but retained their cultural importance. A female participant explained, “Even if we love each other, we can’t skip the traditions. It shows respect.”

Theme 2: Legal Awareness and Perceived Rights

There was a widespread limited knowledge of legal rights among participants, especially regarding marriage age, consent, and women's protections. Many relied on informal sources for legal information and expressed fear of engaging with the judiciary. One interviewee admitted, “I don’t really know the legal age. I just hear what elders say.”

The misalignment between custom and law was particularly visible in areas such as early marriage and unregistered unions. Participants highlighted how customary practices sometimes bypassed legal safeguards. A participant said, “She was married at 15, but the family didn’t register it until later. Legally it was fine, but she never had a choice.”

Participants expressed significant distrust toward the legal system, citing delays, corruption, and perceived bias. “Even if I go to court, who will listen to me? The system is not on women’s side,” one woman shared. Such sentiments deterred individuals from seeking legal redress.

The perception of international human rights norms was often skeptical. Some participants viewed these norms as incompatible with Islamic values. “They say girls should choose freely. But what if that brings shame?” asked one participant, highlighting the cultural resistance to global standards.

The conflict between family authority and individual legal autonomy was evident in participants’ narratives. Guardians often overrode individual consent. A participant said, “I wanted to wait, but my uncle said it was time. No one asked me again.”

Theme 3: Gender Inequities and Power Relations

Participants consistently referred to male-dominated norms in marriage, where men held decision-making and financial authority. One respondent explained, “My husband decides everything—from what I wear to where we live.” Marriage was described by some as a symbolic transfer of control from father to husband.

The female voice and agency was often diminished. Women reported being discouraged from voicing disagreement or expressing autonomy. “I stayed silent even when I didn’t agree. Speaking up is seen as rude,” shared one participant. Many feared social backlash.

Some women described marriage as a form of social security, driven more by economic need than emotional choice. “If you’re not married, people ask what’s wrong with you. You feel like a failure,” said a young woman who married early due to family pressure.

Participants also reported instances of violence and coercion in marital decisions, including emotional manipulation and threats. One woman shared, “They said if I refused, they’d cut me off from the family. I had no option.”

The lack of legal empowerment was a recurring concern. Women lacked access to legal resources, and unequal divorce laws further disadvantaged them. One participant stated, “He could divorce me easily, but I have no say unless he agrees.”

Yet, some narratives reflected redefining masculinity and femininity, where new gender identities were emerging. “My fiancé and I discussed everything together. He doesn’t believe in controlling me,” one woman said, showing a generational shift.

The role of education in resistance was highlighted by several participants. They described how exposure to feminist ideas and legal literacy empowered them. “In university, I learned my rights. That’s when I started pushing back,” explained a participant.

Theme 4: Transformation and Hybrid Norms

Some participants described negotiated marriages where both love and family approval coexisted. This form of hybrid practice allowed space for negotiation. “We chose each other, but still did the family rituals. It made everyone happy,” explained one participant.

Youth-led reforms were also noted, particularly among university students and urban youth. These individuals were more likely to challenge traditional norms. One participant shared, “Many of my friends aren’t marrying young. They want to finish school and build careers first.”

Participants described emerging legal-cultural compromises, where couples sought to balance cultural rituals with legal protections. “We had a small religious ceremony but also signed a legal contract to protect both of us,” said one man.

The role of NGOs and advocacy groups was praised in raising awareness about legal rights and offering support. “There’s a center in our neighborhood that teaches girls about the law. That’s where I learned about consent,” explained one participant.

Participants acknowledged the media’s influence on norm change, especially through television and social media. “Instagram pages talk about women’s rights all the time. It changes how we think,” said a female participant.

Finally, the urban-rural divide was evident in perceptions and practices. Urban participants reported greater exposure to rights discourse, while rural traditions were more rigid. “My cousin in the village was married at 14, but here it’s not so common anymore,” said one participant, noting the disparity.

Discussion and Conclusion

This study sought to explore how individuals in Tehran navigate the intersection of cultural norms and human rights law in marriage practices. Through thematic analysis of semi-structured interviews with 14 participants, four main themes emerged: *Cultural Expectations and Social Obligations*, *Legal Awareness and Perceived Rights*, *Gender Inequities and Power Relations*, and *Transformation and Hybrid Norms*. The findings reveal a complex social landscape in which traditional values, familial authority, and religious practices coexist—often uneasily—with evolving conceptions of gender equality, individual autonomy, and legal rights. These results provide insight into the ways individuals reconcile or resist conflicting normative frameworks, shedding light on the micro-politics of marriage in a legally pluralistic context.

Participants frequently emphasized the dominant role of family and community in shaping marriage decisions, highlighting arranged marriages, dowry negotiations, and the symbolic nature of ceremonial traditions as mechanisms of cultural continuity. This aligns with previous research indicating that marriage in Iran, as in many Middle Eastern societies, is often a collective decision shaped by kinship networks, rather than an individual choice based on romantic or autonomous considerations (Hoodfar, 1996; Mir-Hosseini, 2000). Such practices reflect a collectivist cultural orientation where family reputation and honor are prioritized over personal desires. As noted in the interviews, silence or compliance is often interpreted as consent, underscoring the limits of agency under conditions of intense social surveillance.

Furthermore, participants described gendered expectations that reinforced traditional roles for women and men, particularly regarding female chastity, obedience, and the imperative to marry at a socially appropriate age. These findings echo those of Moghissi (1999), who argued that the regulation of female sexuality is central to maintaining patriarchal order in Islamic contexts. The gendered double standards surrounding premarital behavior and spousal choice were especially evident in narratives describing how brothers and male cousins enjoyed greater freedom in marital decisions, whereas women were expected to adhere to family-defined criteria for a “suitable” match. This reinforces existing studies which document the persistence of structural gender inequalities in both family law and informal cultural norms in Iran (Afshari, 2001; Kian-Thiébaud, 2002).

The second theme—*Legal Awareness and Perceived Rights*—revealed a troubling gap between formal legal rights and individuals’ understanding or willingness to exercise them. Many participants lacked basic awareness of marriage-related laws, such as the legal age of marriage or the conditions for divorce and guardianship. Moreover, several respondents expressed skepticism toward the judiciary, citing corruption, gender bias, and the slow pace of legal procedures as deterrents. These perceptions resonate with existing critiques of legal implementation in Iran, where formal rights often remain inaccessible due to institutional inefficiencies and societal distrust (Harris, 2017; Freeman, Chinkin, & Rudolf, 2012). This disconnect between law and practice demonstrates that codified rights alone are insufficient unless they are accompanied by accessible, trusted, and culturally sensitive enforcement mechanisms.

Significantly, participants viewed international human rights norms with ambivalence, seeing them as either incompatible with local religious values or as foreign impositions. While some respondents appreciated the ideals of equality and consent promoted by documents like CEDAW or the UDHR, others viewed them as disconnected from lived realities. This tension between universality and cultural relativism is well-documented in the literature on human rights localization (Engle Merry, 2006). As noted by Cowan, Dembour, and Wilson (2001), resistance to international norms often stems not from their content but from their perceived association with Western secularism. The interviews illustrate this clearly, with one participant stating, “*They talk about individual rights, but they don’t understand what family means to us.*” Such narratives underscore the importance of contextualizing rights discourse in culturally resonant terms.

The third theme—*Gender Inequities and Power Relations*—further illuminated how patriarchal norms operate within both formal and informal domains. Participants described limited female agency in marital decisions, with many referencing social pressures, emotional manipulation, and even coercion. This is consistent with findings by Mir-Hosseini (2000), who observed that despite legal reforms, Iranian women continue to face obstacles in asserting autonomy due to deeply embedded patriarchal ideologies. The interviews also reflected concerns about women’s lack of legal empowerment, such as unequal divorce rights and limited access to legal representation. These observations support the broader scholarly consensus that gender justice in Iran is hindered by a combination of discriminatory laws and cultural entrenchment (Merry, 2001; Kian-Thiébaud, 2002).

Nevertheless, the study also identified spaces of transformation and resistance. In the final theme—*Transformation and Hybrid Norms*—participants described negotiated marriages, youth-driven reform efforts, and the growing influence of education and social media in reshaping marital expectations. These findings align with recent research showing how Iranian youth, particularly in urban areas, are challenging traditional family models and seeking more egalitarian partnerships (Harris, 2017; UNFPA, 2021). Social media platforms, legal literacy campaigns, and exposure to global discourses were cited as critical tools in expanding awareness and agency.

Importantly, these hybrid practices were not framed as outright rejections of tradition but rather as adaptive strategies that balance cultural identity with individual rights—a phenomenon also noted by Merry (2006) in her work on vernacularization of rights norms.

One of the most significant contributions of this study lies in its attention to legal pluralism as an analytical lens. Participants' narratives clearly revealed the coexistence—and often the conflict—of multiple normative systems: state law, Islamic jurisprudence, customary practice, and international rights frameworks. This supports Griffiths' (1986) conceptualization of legal pluralism as a defining feature of many postcolonial and religiously grounded societies. In Iran, the overlapping jurisdictions of the civil code, religious courts, and cultural traditions create a fragmented legal landscape that individuals must navigate strategically. As this study shows, individuals often mediate between these systems through informal negotiations, selective compliance, or outright resistance, depending on their socio-economic status, gender, and access to resources.

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Authors' Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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