

## Illusion and Reality of Civil Society in Iran: An Ideological Debate

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For almost two decades, the world saw Iran as a country of believers in a state of mystical unity with a political and spiritual supreme leader. For many, this image, together with terrorism and violence, symbolized the Islamic Republic of Iran. What the world did not know was that this image of unity was made possible and lasting by an unseen, dynamic of exclusion based on the tacitly acknowledged dichotomy between “insiders” and “outsiders.” The insiders were the defenders of God’s rights, their families, and their friends. (1)<sup>1</sup> Any voice of dissent was violently silenced. For the ruling elite, the outsiders were not citizens. (2)<sup>2</sup> They had to passively endure war, violence, and terrorism. In the name of God’s rights, a terrorized civil society was kept in the dark, wholly hidden from the outside world.

The idyllic, compelling image of a united people at one with their spiritual leader vanished suddenly, as if by magic, when Iran held a presidential election in May 1997. In his campaign speeches, presidential candidate Mohammad Khatami broke away from the ideological jargon of the revolutionaries, opting instead for a new terminology. Some of the new concepts on which his speeches were based included “civil society,” “the rule of law,” “citizens’ rights and dignity,” “political participation,” and “women’s presence.” This language was novel in the ideological space of the Islamic Republic. Khatami’s speeches galvanized countless Iranians, particularly women and the youth. On election day, they took to the polls in unprecedented numbers, carrying Khatami to an overwhelming victory. In the aftermath of Khatami’s rise to power, Iran witnessed an

explosion of public speech. Within a few weeks, the political discourse burst through the narrow framework of the official revolutionary language. Expressions like “freedom of thought,” “pluralism,” and “civil society” filled the air. This is how civil society entered the Iranian political stage as a concept, as a project, and as an ideal.

In a country where a strong centralized authoritarian state has predominated for a century, the eruption of the idea of civil society in the public debate does not automatically lead to its empowerment. The development of civil society in a theocracy is, so to speak, a contradiction in terms, since regardless of their differences, theories of civil society are based on the autonomy of individuals and that of associations. (3)<sup>3</sup> The prerequisite for such an autonomy is the ideological and religious neutrality of the state. (4)<sup>4</sup> A recent study on the situation of Iranian NGOs draws attention to the difficulties hampering the development of civil society's structures in a theocracy that lacks basic institutional transparency and accountability. (5)<sup>5</sup> For the time being, Iranian civil society does not have the power to press the state through its representatives. That is why the current public debate pertains essentially to the ideological preconditions for the establishment of civil society. This debate is intertwined with recent political events, which ought to be summarized before further analysis.

Barely a year into his term, Khatami faced problems. “Conservative” elements of the regime, who control the judiciary and the security forces, ordered the arrest of pro-Khatami figures within the circle of insiders. The mayor of Tehran, a Khatami’s supporter and the head of a political party called the “Servants of Reconstruction,” was made to endure a sensational trial on charges of corruption. He was subsequently stripped of his political rights and sentenced to a long term in prison. (6)<sup>6</sup> A few months later, the reformist Minister of the Interior, Abdollah Nouri, was impeached by the conservative-led parliament (June 22, 1998 [1/4/1377]). Undercover agents of the Ministry of Information assassinated two secular pro-democracy activists and three dissident writers in November/December 1998. These killings resulted in the resignation of the Minister of Information. Journalists who had been faithful revolutionary activists were regularly harassed, intimidated, and arrested. Many newspapers and magazines were shut down. Some reappeared under new titles; others disappeared for good.

During the same period, three elections took place. The first were parliamentary by-elections (March 12, 1998 [22/12/1376]), in which reformist candidates were disqualified, even though they belonged to the circle of insiders. The second was the election to the Assembly of Experts, the important body that elects the Islamic supreme leader (October 31, 1998 [8/8/1377]). Not merely outsiders but even reformist insider clerics were barred from campaigning in this election. Nevertheless, Khatami and his supporters called on the population to vote. The third set of elections were for seats in the municipal councils (February 26, 1999 [7 /12/1377]).

Pro-Khatami candidates had to battle long and hard to win the ruling oligarchy's consent to campaign in these elections. When they finally did so, they emerged from the elections with a 71 percent majority. (7)<sup>7</sup>

After the municipal elections, repression reached a crescendo. The reformist jurist and theologian Mohsen Kadivar was arrested, tried by the Special Court of the Clergy, and sentenced to three years in prison for his articles and speeches. The newspaper *Salam*, investigating the killing of dissidents, revealed ties linking the killers with the conservative wing of the regime and the previous majority of the legislative assembly. These revelations resulted in the newspaper's immediate closure.

The closure of *Salam* prompted a peaceful student protest. Backed by the security forces, the regime's thugs retaliated with a ferocious attack on students' dormitories. (8)<sup>8</sup> The ensuing street demonstrations led to a massive wave of arrests among students and leading dissidents, many of whom were not involved in the demonstrations. (9)<sup>9</sup> Revolutionary courts issued death sentences and extended prison terms for many students and secular activists. Trials were held behind close doors. The former Minister of the Interior, Abdollah Nouri, who led the reformist candidates and won the municipal elections, was tried before the Special Court of the Clergy for articles published in his newspaper, and condemned to a five-year prison term. The arrest barred Nouri from running for the forthcoming parliamentary elections. Although the conservative wing of the oligarchy did validate the candidacies of many moderate "insider" reformists, it systematically barred all "outsider" candidates and radical "insider" reformists from running. The electorate voted overwhelmingly in favor of the reformists, giving them a

solid majority in the new parliament (February 18, 2000 [29/11/1378]). On March 12, 2000, less than a month after the reformists' victory, Saiid Hajarian, a former intelligence director and a well-known reformist figure, was seriously wounded in an attack allegedly carried out by members of the Revolutionary Guards. (10)<sup>10</sup>

In short, Khatami's three years in office may be summed up thus: His first year brought some freedom of expression; his second year witnessed a severe blow to secularist forces; and his third year in office saw the broadening of the scope of repression to include key figures in the reformist wing of the ruling oligarchy. By the end of the third year, the modest freedom that had been granted to the press was firmly restricted. Nonetheless, a parliament emerged, entirely oligarchic, and yet apparently supportive of President Khatami's political agenda.

How are we to interpret and explain the developments that have taken place in Iran over the past three years?

For many scholars and journalists, Khatami is a moderate and enlightened cleric who wishes to liberalize the Islamic regime from within. He enjoys the support of the masses, but is challenged by the conservatives, who are violent, corrupt, and unpopular. Whereas Khatami speaks of "democracy," "civil society," and the "rule of law," his conservative colleagues oppose the newly acquired freedom of speech, attack newspapers, and assassinate dissidents in order to undermine his reforms. Some experts believe that this situation arises from the conflicting dual legitimacy that characterizes the Islamic Republic: the juxtaposition between popular sovereignty (as provided by presidential elections) and divine authority (as embodied by the Islamic Supreme Leader or Jurisprudent). According to this view, Khatami is a supporter of people's sovereignty, and Khamenei, a defender of the prerogatives of the Supreme Leader. (11)<sup>11</sup>

It is worth noting that the prevalent interpretation of Iranian events is epistemologically based on the "Good guy/bad guy" dialectic. The freedom of the press, the resignation of the Minister of the Information following the assassination of several dissidents, (12)<sup>12</sup> and the success of Khatami's supporters in the municipal and parliamentary elections are all offered as undeniable proof of the regime's opening up to civil society.

As pertinent as it may appear, the “Good guy/bad guy” dialectic proceeds from a simplification that precludes an understanding of the Iranian question. To begin with, the constitution of the Islamic Republic does not mention people’s sovereignty. God alone is sovereign in the body politic and, as sole legislator, His law is revealed to people and imposed upon them. (13)<sup>13</sup> The people may have some say in the management of their country and they may be the “master of their social destiny,” (Article 56), but they do not rule over their political fate. The preamble to the Iranian Constitution states that :

“On the basis of the concept of Velayat-e Amr va Imamat-e Mostamir (rule by the leader and the perpetual leadership), the Constitution will lay the ground for the realization of leadership by the qualified clergy, recognized by the people as their leader so that the clergy may safeguard against any deviations by state institutions from their true Islamic functions (The affairs of the people have been entrusted to the faithful Ulama, or religious authorities, who know that which is allowed and that which is forbidden)”.

The letter of the constitution is thus not contradictory. It asserts the primacy of the regime's ideology over the rights of the people. (14)<sup>14</sup> The perceived tension between the president and the supreme leader is not a conflict of legitimacy, since the president refers constantly to the constitution as a whole. The conflict, if any, relates to the management of the country: Khatami wants the regime's ideology to rely on technical competence. Such a conflict is not new. To remedy the acute lack of managerial skill, former president Rafsanjani had created a party of technocrats, “Kargozaran Sazandegui” (Servants of Reconstruction) (15)<sup>15</sup>.

Today’s situation, therefore, is the result neither of a dual constitutional legitimacy nor of a tension between orthodoxy and technical competence. Furthermore, one cannot blame the assassination of dissidents on a conservative conspiracy against the reformists. The physical elimination of dissidents is a characteristic trait of Iran’s theocracy. There is nothing new about the 1998 dissident slayings. Since the beginning of the revolution, thousands of Iranians have been executed for their “subversive activities”, political opinions, religion, mores, writings, and so on. Extrajudicial executions have

taken a heavy toll on writers, publishers, political activists, and religious minorities throughout the 1990s, inside as well as outside the country. (16)<sup>16</sup>

If the conflict in Iran today is the open expression of a chronic crisis rather than the result of tension between reformists and conservatives, it has to do with the Iranian people's estrangement from the Islamic government.

In a way, the Khatami phenomenon may be the ultimate form of conciliation offered by the regime to civil society. (17)<sup>17</sup> The shift in the president's choice of expressions from "community of the faithful" (*Ummat*) to "civil society" suggests the regime's willingness to absorb the modernity of Iran, even while adapting it to the orthodoxy, and to confront social realities, rather than ignore and reject them:

"It must be brought to mind that by advocating leniency and tolerance, we do not mean to relinquish principles and faith... democracy in our country must be linked to religion and people's beliefs. We cannot imitate Western democracy, which is founded on a rejection of religion." (Khatami, "Speech in Yazd," *Hamshahri*, (6 Mar. 1999[15/12/1377]).

The challenge is thus to establish an Islamic civil society that is in harmony with a modern theocracy. (18)<sup>18</sup> This willingness to absorb and adapt is new. It seeks to extend the circle of "insiders" to all those who accept and submit to the underlying principles of the regime, (19)<sup>19</sup> above all, the absolute power of the supreme leader ( or the guardianship of the theologian). (20)<sup>20</sup> In return, the regime commits to accommodate the "legitimate" aspirations of the population, (21)<sup>21</sup> to value merit and competence, to improve the country's management, and to curb the favoritism that characterizes access to government institutions. (22)<sup>22</sup> In order to reform the country's management, there needs to be a dialogue between state and society. There needs to be an open space in which such a dialogue can take place. The press provides just such a space. (23)<sup>23</sup>

The press thus becomes the instrument of Islamic reformism. It permits a dialectic between two images of civil society, the one put forward from above, the other, advanced from below. It is through this dialectic that we will attempt to ponder the nature, the

difficulties, and the future of the reformist movement born in the closed circle of the “insiders” of the Islamic Republic of Iran.

### **The Illusion of Civil Society**

To understand the reformist movement, one must first attempt to understand what Khatami means by civil society. Such an understanding is all the more important because Khatami, the insider par excellence, belongs to the old revolutionary guard. (24)<sup>24</sup> He served as Minister of Culture and Islamic Guidance for more than ten years and was one of the main ideologists of the Islamic Revolution. (25)<sup>25</sup> When he uses expressions like “electoral campaign,” “civil society,” “participation,” “rule of law,” and “respect for the constitution”, expressions clearly linked to modern democracy, he integrates them into a philosophy that is explicitly hostile to modern democracy. Therefore, in order to avoid any anachronism, Khatami’s discourse needs to be placed within its own philosophical context.

“Knowledge of God’s commandment must be the foundation of individual and collective life. Such knowledge requires long preparation, several degrees of training, and education... People are not able to comprehend God’s will through the explanations contained in the Koran and the Sunna. Acquiring such comprehension requires several years of studies and much effort.” (26)<sup>26</sup> (Khatami, 25 November 1980)

Hence the legitimacy of the rule of ulemas. The ulema must control the state in order to prevent the development of secularism and avert what happened in the West at the end of the Middle Ages. (Khatami, 29 July 1989[8/5/1368]). (27)<sup>27</sup>

“The secular thinking that appeared after the Renaissance is the essence of arrogance . . . it is a thought that has emancipated itself from the Revelation and, breaking with the world of angels, has striven to deny God and to substitute Him with man. . . . Sovereign man succeeded the virtuous man proposed by monotheistic religions, a man who conquered the forces of nature and exploited them for his materialistic interests.” (Khatami, *Kayhan*, 29 July 1989[8/5/1368]) (28)<sup>28</sup> “At that time, the church’s and later, religion’s domination over man’s

social life was rejected. Parting with the Revelation, reason alone was deemed worthy and capable of knowing the truth ... the foundation of liberalism was laid down in such an atmosphere and context.” (Khatami, 1997, p. 98) (29)<sup>29</sup>

For Khatami, the revolution and the Islamic Republic, based on divine revelation, God’s sovereignty, and guardianship of the Islamic Supreme Leader (Jurisprudent) offer the best path to salvation (Khatami, 1997, p. 147). (30)<sup>30</sup> In Khatami’s words, however: “Today the Islamic Revolution is challenged by a decaying Western civilization.” “What makes things difficult,” he says, “is that this civilization is founded on freedom. In the face of salvation, which is Islam’s ideal, the West brandishes freedom.” (Khatami, 1997, p. 134-35) Khatami introduces Western freedom to his Iranian readers as it is defined by the social contract’s thinkers and formulated in legal and political terms in the Universal Declaration of Human Rights. He recognizes the seriousness of the challenge: “Freedom, as professed in the West, is natural to man, whereas we found our regime on virtue. What we require of our citizens is virtue. Virtue is not natural to man, and must be acquired through effort, deprivation, and abnegation. We ask the citizen to sacrifice his natural passions.” (Khatami, 1997, p. 136-37)

Khatami asks: “What is to be done under these circumstances?” (31)<sup>31</sup>(1997, p.154-55) He proposes cultural openness, since in a world dominated by communication, it is impossible to prevent the intrusion of Western values. Cultural openness aims at immunizing believers against Western freedom. “Just as a body that receives the attenuated form of a microbe through vaccination, so too must society be exposed to the thinking of dissidents. Revolutionaries must be able to respond to dissident ideas with the strength of their thoughts and valid arguments.” (32)<sup>32</sup> (Khatami, 1997, p.152-53)

Western civilization is not the only challenge to the Islamic revolution. According to Khatami, there is another formidable challenge, that of a rigid and reactionary Islamism that rejects any idea of social justice. (1997, p.160-61) (33)<sup>33</sup> To survive, therefore, the Islamic regime must wage a war on two fronts: against its own extremists and against the attraction of the humanistic West. Khatami sums up the Islamic regime’s



impasse thus: “When we mention God, the secularist intellectual responds, ‘the human being.’ When we mention the people, the reactionary faithful responds, ‘God.’ But the religious intellectual says, ‘Godly man, a creature whose discovery and growth is the urgent need of our time and of all time.’” (34)<sup>34</sup> (1997, p. 205)

To survive, according to Khatami, the Islamic regime needs modern religious thought, capable of attracting the youth and responding to the challenge of Western humanism, and a people ready to participate actively in the social and political life of their country. In an Islamic civil society, people are to be respected, for they have not only responsibilities but rights as well. For him, it is essential that people return to politics and participate in the setting up of an ideal divine society. Through such participation, the Iranian people, who are denied the natural liberties of the Westerners, will find a sublime dignity that compensates for the restrictions imposed on their natural instincts. The constitution is the ideal framework for such participation. These are the two main components of the civil-society project.

Several assumptions inform Khatami’s analysis: 1) All Iranians are Muslim; 2) Religion and politics are inextricably intertwined in genuine Islam; and 3) Secularism and humanism have no place in the heart of the Iranian people. (1997, p.198-99) (35)<sup>35</sup> According to this analysis, there is nothing to prevent the emergence of a dynamic Islamic civil society that expresses itself through a more meaningful participation in the country’s political life.

### **Participation**

The university lies at the center of the participation advocated by the reformists. In the wake of the 1997 presidential elections, students started protesting against the clergy’s monopoly in the electoral system. In the year following Khatami’s election, student demonstrators demanded the elimination of the candidate-screening process (*nezarate estesvabi*), the regime’s prerequisite for political participation. The abolition of this policy was the theme of the first meeting organized by students. “This is a violation of the rights of the electorate in its entirety,” said one of the speakers, “because in reality,

it substitutes the vote of a few... for the vote of several millions.” (36)<sup>36</sup> (*Hamshahri*, 3 March 1998)

Faced with the authorities’ refusal to consider electoral reform, the students organized another demonstration against discrimination in May 1998. “Knowing that Article 56 of the Constitution recognizes that man is the master of his own fate, no one can deprive the people from this divine right... Therefore, why have the supervisory bodies of our country ignored this natural right of the people for the past twenty years?” (37)<sup>37</sup> (*Payam Emrouz* 24, June-July 1998, p. 63-5)

Islamic students close to the reformists presented candidates for the parliamentary by-elections, the Assembly of Experts, the municipal elections, and 2000 parliamentary elections. In each instance, the Council of Guardians or some other supervisory body disqualified the candidates on the basis of their convictions. (38)<sup>38</sup> It must be noted that the disqualified individuals were all “insiders” who occupied key positions of power in the first decade of the revolution. The very fact that students demonstrated publicly in favor of a more significant political opening generated a crisis. Each student demonstration was brutally crushed by vigilantes. (39)<sup>39</sup>

The electoral arena is not the only field in which young people have had to fight. Obstacles also interfere with the organization of student groups seeking to defend their interests on the university campus. In 1998, numerous protests broke out over the fact that students were not allowed to create independent organizations or freely elect their representatives. The authorities refused to discuss such student grievances as the poor quality of education, harassment by the vigilantes, and the condition of cafeterias and dormitories. (40)<sup>40</sup>

“The social and political regime in Iran does not allow secularist organizations to be active. In the universities, only Islamist associations are allowed to operate within a specific framework.” (Ganji, *Sobh-e Emrouz*, 21 July 1999) (41)<sup>41</sup> In the view of journalist Akabar Ganji, this is one of the structural causes of students discontent in Iran.

Participation, in the broad sense of the term, inevitably invites institutional obstacles. Between September 1997 and August 1998, Abdollah Nouri, the Interior Minister in charge of implementing the president’s electoral promises, tried to promote

political pluralism, encourage wider participation, open up the political scene to civil-society figures, and manage social tensions through dialogue and other peaceful means.

He issued licenses for the creation of associations and nongovernmental organizations and permitted legal student organizations to demonstrate. Critical of his authorizing student demonstrations and opposition gatherings and accusing him of endangering national security, the parliament moved to dismiss him less than nine months after his appointment. In response, Nouri argued in favor of broader participation:

“Publishing articles, organizing meetings and demonstrations, and participating in decision-making processes are all means by which a healthy society expresses its anxiety, formulates its aspirations, and makes future plans. . . . Breaking the thermometer cannot cure social unrest. . . . Tensions must be cured and not repressed. . . The Minister of Interior must bring to fruition the political potential of the constitution and carry out the President’s program.” (Nouri, *Hamshahri*, 22 June 1998) (42)<sup>42</sup>

On the last day of spring 1998, the parliament dismissed the architect of political opening: “I refused to give in on the principle of political development. I did not want to sacrifice the participation of citizens for the sake of my ministership” (Nouri, 1999, p. 83) (43)<sup>43</sup>

Thus the notion of participation that survives in the framework of the regime is not one that allows civil society to participate in political decision-making. Such participation would necessarily compel the elected to be accountable to the voters and require that elections be genuinely free. Instead, what remains of the participation project is the claim to a better management of the status quo. (44)<sup>44</sup>

It should be remembered that candidates who qualified for the 2000 parliamentary elections do not hail from civil society but rather, belong to the left wing of the oligarchy. Disqualified candidates were rejected for their very insistence on accountability. The constitutional system itself perpetuates exclusion.

That being the case, the question that we need to ask is why can the regime not tolerate public participation even when citizens sign their allegiance to the constitution and the guardianship of the Jurisprudent? Why is civil society, however islamicized,

suspect in the eyes of the oligarchy? Can the reluctance of the oligarchy be explained by the weakness of one of the regime's founding postulates: "The Muslim people of Iran are attached to genuine Islam, which is essentially political"?

### **Religion in Politics**

The clergy is not unanimous on this postulate. The implication of religion and the clergy in the political order is far from "obvious" in Shi'ite dogma. To the contrary, setting up the theologian as political guardian of the people was Khomeini's idea (Amir Arjomand, 1984, p. 268-70. Kadivar, 1999, p. 24-5) (45)<sup>45</sup>. In the early days of the revolution, the highest-ranking ayatollahs argued against the idea with varying degrees of insistence. The grand Ayatollahs Shariat Madari and Qomi were persecuted and arrested for protesting against the direct intervention of the clergy in the affairs of the state. (46)<sup>46</sup> Most of the clergy stayed away from the revolutionary adventure.

The revolutionary terror may have succeeded in silencing the Shi'ite orthodoxy, (47)<sup>47</sup> but it did not manage to impose the doctrine of theological guardianship on the clergy. Upholders of the orthodoxy have constantly disputed the theological postulate of the Islamic Republic. Those who believe in the ideology of the Islamic Republic are in the minority and the regime's authorities are perfectly aware of the fact. (48)<sup>48</sup>

It is for this reason that political participation can only be granted to a small oligarchy. There is no such a thing as one Islam, especially in political matters. A screening system is thus needed to prevent Muslim opponents of the regime's fundamental dogma from coming to power. This is the only way to save the constitution.

A system of selection is all the more necessary because the underground challenge of the traditionalist clergy has been accompanied by a challenge from the regime's own theologians. Concerned about the moral, political, and economic failures of the regime, a whole generation of religious jurists and fervent revolutionaries in the ruling oligarchy set about studying canon law and discovered the heterodox character of Khomeini's thinking. Khatami has called on precisely this generation of theologians to reform the dogma and open it up to modernity. Their work has led them at once to reject categorically the regime's absolutism and to challenge the antihumanistic postulate

supported by Khatami. A few examples are enough to reveal the gap between the ideology of the regime and the hostile reactions it provokes among young mullahs.

The theologian Mohsen Kadivar, a young revolutionary activist in the early days of the revolution, has written several books on the theories of state in the Shi'ite canon law. (49)<sup>49</sup> He has also published numerous articles since 1997. In his article "The People and the Rule of the Guardian," he refutes R. Khomeini's point that the guardianship of the theologian was "a necessity and a religious statement of the obvious." According to Kadivar, "the political mandate of the theologian in no way originates in the fundamental principles of the Shi'ite religion." (*Rahe No*, 1 August 1998, p. 35) (50)<sup>50</sup>

Said-Zadeh, a cleric who used to be a judge and an insider, goes even further:

"Today in Iran some groups have appeared that have irremediably damaged people's beliefs. Armed with religion, they break into people's houses, public gatherings, press offices, and religious seminaries. They invade people's privacy, dignity, property, and life. People have witnessed these scenes so often and for so long that they have come to believe that this is the true meaning of Islam." "God's message to the prophet was to guide people, not to force them. Who are we to impose our will?" (*Jame'eh Salem*, April -May 1998, p. 65-7) (51)<sup>51</sup>

Mohammad Motjtahed Shabestari, a well-respected theologian, is even more radical: "No one can assert that if one day human beings were to base their social and earthly life upon the Universal Declaration of Human Rights and the different covenants completing it, God would be unhappy. On the contrary, the teachings of the prophets encourage human beings to do so." (*Neshat*, 22 May 1999) (52)<sup>52</sup>

These ulemas are not alone in refuting the fundamental dogma of the Islamic Republic. Many others may be quoted. Mehdi Haeri Yazdi, among others, an influential outsider and a doctor in theology who was a former student of Khomeini, is widely read by the reformist elite. Establishing that the Shi'ite dogma provides for a contractual foundation to the body politic and requires a representative government, Haeri Yazdi is even harsher in his criticism of the system. He asserts that "the notion of the theologian as governor has no basis whatsoever in Shi'ite scripture." He believes that the very

concept of the guardianship of the theologian proceeds from a terminological falsification:

“Setting aside corruption, inhuman, and anti-Islamic consequences . . . to which the dark evaluation of the Islamic Republic attests . . . one must say without hesitation that, theoretically and legally, the system . . . is contradictory, illogical, and irrational. Recognizing its existence and its religious legitimacy would be unimaginable.” (Haeri Yazdi, 1995, p. 216) (53)<sup>53</sup>

According to Haeri Yazdi, the proponents of the Islamic Republic imposed their system on the Iranian people by way of a referendum that was corrupted in its form and in its content. “That being the case . . . as a doctor in theology, I declare null the legal and theological validity of the referendum (of 1979) and the resulting regime.” (Haeri Yazdi, 1995, p. 217) (54)<sup>54</sup>

If Islam is open to interpretations at once so diverse and controversial, surely the will of the Muslim people ought to reflect this diversity and lead to competing political alternatives.

### **Human Rights and Secularism?**

Khatami presumes that his people are dedicated to the tenets of the Islamic Republic and loyal to its constitution. According to him, secular intellectuals and opposition forces have never been able to gain a foothold in Iranian society. Their voices have never been heard outside the cafés where they took pride in being in the opposition. Even when they have spoken out, people have not understood them. (55)<sup>55</sup> The massive turnout in his favor during the 1997 elections bore witness to the people’s attachment to the regime and justified his slogan, “the rule of law.”

According to Khatami, Iranians are so immersed in Islamic dogma that “even if we leave this society alone and do not place supervision or conditions over it, the choice of most of the people would be religion, independence, and honor.” (56)<sup>56</sup> (7 February 2000)

Of course, it is neither easy nor advisable to presume to know what people want in a context where persecution prevails and where expressing opinions freely is always a risky business. Yet as mentioned earlier, over the past three years, the press has become the site for the playing out of a dialectic between two images of civil society. In the face of the regime’s ideal civil society, the press mirrors the image of a diverse and complex society, bearing little resemblance to that portrayed by the president.

One discovers a tormented society that, far from being at peace with itself, its regime, and its constitution, is in search of its identity and an understanding of where it has gone wrong. “In Iran,” a female law student notes, “at first 20 million people demanded the establishment of a civil society. Then the question arose as to the meaning of civil society and its likelihood.” (57)<sup>57</sup> (*Jame'eh Salem*, April-May 1998, p. 37) The story of the sociologist Sadeq Zibakalam is a good example. As a young revolutionary activist, he participated in the Cultural Revolution. Today, he considers this revolution and the closure and purging of the universities as a disastrous betrayal. He repents publicly for what he has done. (58)<sup>58</sup> (*Payam-e Emrouz*, February-March 2000, p. 14)

“Concerning freedom, says the dissident theologian Kadivar, we are at present facing difficulties... The prevailing climate of the past two years has allowed us to experience freedom, to some extent. But... we still have a long way to go... And were it not for these past two years, we could say that, as far as freedom is concerned, the assessment of the past two decades is negative.” (59)<sup>59</sup> (*Payam-e Emrooz*, April-May 1999)

The absence of freedom is not the only grounds for discontent. The deterioration of the judicial system is considered the main cause of the Iranian people’s distress:

“Today’s society is not the pastoral society of the past, where the number of offences and punishments were limited. . . . Judicial science requires specialization. . . . In developed countries, the expert in maritime law only deals

with maritime affairs, while disputes related to commercial affairs are left to judges who specialize in commerce law. . . . How can one expect all financial. . . civil, familial, penal, maritime, aviation disputes be treated by the same judge (as it is the case in Iran)? If the authorities want to eliminate the obstacles that hamper the course of justice and violate the rights of persons on trial, they must recognize the need for judicial reform. They must reinstitute the prosecutor's office alongside the penal courts and envisage the total separation of civil and penal courts.” (60)<sup>60</sup> (Jabari, *Salam*, 23 February 1998)

Many jurists and citizens demand the revision of the penal code along with the reform of the judiciary: “In fact, Article 226 of the penal code allows any individuals to kill. All it takes is for one individual to decide on his own that another is an apostate for the law to authorize him to kill. Even if it means that he has to prove the crime of apostasy a posteriori.” (61)<sup>61</sup> (Kadivar, *Payam-e Emrooz*, February-March 1999, p. 19)

Confronted with the incoherence and the archaism of the judiciary and familiar with the principles of modern law that had prevailed before the revolution, law students do not hide their sense of helplessness: “The aim of our legislators is not to evaluate the needs of our society and to legislate accordingly. Our law's only design is to enforce the Shari'a. Our law is not in harmony with our society.” (62)<sup>62</sup> (*Jame'eh Salem*, April-May 1998, p. 39) Another student concludes: “Today, we can see that the departure from the sacrosanct presumption of innocence and the persistent violation of this principle have, in numerous cases, transformed our judiciary into a *power of fate*, and the logic that rules it is ‘mind your own business.’” (63)<sup>63</sup> (*Jame'eh Salem*, April-May 1998, p. 39)

Humor is the last recourse of a society outraged by an aberrant judicial system:

“The trials in our country seem to be an astonishing experience. In the trial of Gholamhossein Karbaschi, the honorable judge was also the prosecutor (as defined by the legal system) . . . . His aim from the outset was to prove that Karbaschi was guilty and then, as a judge, he found him guilty. . . . The press tribunal is itself a long tale of adventures. *Neshat* newspaper was first closed. Then the director was tried



and in the end, the honorable judge assumed the function of a plaintiff and tried the newspaper's editor..." (64)<sup>64</sup> (Mar'ashi, *Fatth*, 9 March 2000)

The judiciary is not the only institution in dire need of reform. A growing number of voices in the press call for a constitutional reform amending the oligarchic character of the political system. Deploring the Council of Guardians' veto power over candidates in all elections, a student observes: "The ambiguity of the constitution and the absence of any will to revise the law make it possible to fight one law with another law." (65)<sup>65</sup> (*Salam*, 10 February 1999) The religious intellectual Abdol-Karim Soroush, a former regime ideologue who is now a dissident, is even more explicit about the need for constitutional reform:

"There is no single God-given shape for Islamic government... The system of "velayat-e faqih," introduced for Ayatollah Ruhollah Khomeini after the 1979 Islamic Revolution, is an anachronism... Though religion itself is sacred, its interpretation is not sacred and therefore it is criticizable, modifiable, refinable, redefinable." (66)<sup>66</sup> (Soroush, *Reuters*, 9 December 1997)

The demand for basic reforms, often voiced by individuals within the circle of insiders, is echoed by public opinion. While less articulate and difficult to grasp, the public outcry is often more radical in its opposition to the status quo. It is hard to determine the extent to which this outcry—made up of interviews, photographs, and significant incidents—represents the attitude of the Iranian people as a whole. Nonetheless, it is important that it be recorded, for in the absence of truly free elections and reliable opinion polls, it constitutes the only available evidence of the public's voice.

One of the first scandals to break out in the press following Khatami's accession to power surrounded the publication of a reader's letter. In the letter, a woman expressed her feelings about Khomeini's years, wondering how one could believe in a man who condemned Rushdie to death and turned Iran into a terrorist state. (67)<sup>67</sup> Another citizen, a 27-year-old housewife who lived in a poor suburb of Tehran, said:

“The activities that the local mosque offers our children during their vacations are not suited to their needs and aspirations. Our children want courses in English, mathematics, and art. The mosque provides them only with Koran classes and religious studies. These activities are outdated and do not help our children prepare for their future. It is natural that they would not be attracted to the mosque. Our society needs engineers and physicians. Reciting the Koran is not going to make them achieve that goal.” (68)<sup>68</sup>(Kian, 1998, p. 177)

Another example is the interview in a city park of a group of young men and women, ranging in age from 15 to 25 years. “Do you pray?” asked the reporter. Half of them said yes. “Do you go to the mosque?” The answer was a unanimous no. “Do you believe in the veil?” Eighty percent did not. “Do you agree with the principle of enjoining the good and forbidding the evil?” The answer was a unanimous no. “Have you ever been harassed by the revolutionary committees?” Eighty percent of the men and sixty percent of the women responded in the affirmative. (69)<sup>69</sup> (*Kayhan* weekly, 29 January 1998) Behnam, 18, was picked up by Iran’s morals police at a park in the city of Mashhad for wearing a flowing overcoat and scarf. Behnam told police that he had resorted to cross-dressing so that he could go out with his 17-year-old girlfriend under the noses of the vice squads that patrol streets and parks. (70)<sup>70</sup> This state of mind was spectacularly reaffirmed in the aftermath of the soccer championship of July 1998 when tens of thousands of young men and women poured into the streets to celebrate Iran’s victory over the United States. They chanted and danced for hours and many young women took off their scarves.

In light of the gap between public opinion and the regime’s value system, and given the constraints on the electoral system, voting becomes not so much a means of picking a representative as an expression of dissatisfaction with the regime. A 22-year-old man tells a reporter that he was once flogged because he was caught talking to a young woman. He thus voted for Khatami to get rid of the militia. In the same vein, a 16-year-old boy says: “I want everything to be changed. I am voting because I want everything that young people in the world have. I want to wear what pleases me. I want

to have a girlfriend.” (71)<sup>71</sup> (*NBC*, 26 February 1999) “Religion shouldn’t be imposed by force,” says Saha, 27, who makes crafts and voted for reformists in the 2000 parliamentary elections. “It shouldn’t tell me how to dress and how to act. It should just be in my heart.” Adds Hadi, a 20-year-old student: “I think a mullah or a cleric should sit in a mosque and guide people. If he hasn’t studied politics, he shouldn’t be running a country.” (72)<sup>72</sup> (*Contenta, Tronto Star*, 5 March 2000)

It is thus not surprising to hear young people in their twenties call for a new referendum:

“What is our definition of democracy? asks a young woman. Is democracy opposed to the values these gentlemen [the ruling elite] talk about? What are these values and who approves them? The referendum of 1979 legitimated the regime and its constitution. . . . However, one must remember that the number of individuals born after the referendum is higher than the number of those who voted in 1979. So after twenty years, this referendum is automatically nullified. It is not fair to present a whole generation with a *fait accompli* today; there must be a new referendum . . . . How can a people become master of their fate? How many political parties—democrat, nationalist, socialist, liberal—are allowed to function freely in this country? How many candidates were they able to present at presidential and parliamentary elections?” (73)<sup>73</sup> (*Payam-e Emrouz*, June-July 1999, p. 69)

The Universal Declaration of Human Rights, rejected by the regime’s orthodoxy as the product of godless, materialistic, and egoistic men, is acclaimed by the public as the common heritage of humanity:

“You see, the first six articles of the Universal Declaration of Human Rights are all about freedom, equality, and law. As “rights,” these elements form an integral part of the cultural heritage of humanity. Whereas in our public law and judicial system, all that’s mentioned is duties: an individual’s duties toward the law . . . toward the authorities . . . and toward God. . . . So there is a difference in the nature between the two systems, which are incompatible.” (74)<sup>74</sup> (*Jame'eh Salem*, April-May 1998, p. 40)

These future legal scholars stress the incompatibility of the theocratic regime and the project of civil-society: “If the aim of civil society is to ensure social peace and individual rights, including the right to happiness in the present life, then such a society is necessarily worlds apart from the religious order, for which the ultimate aim is the pursuit of eternal salvation in the hereafter.” (75)<sup>75</sup> (*Jame'eh Salem*, April-May 1998, p. 53) And when the regime insists that the human rights bodies of the United Nations are manipulated by American imperialism and Zionism, (76)<sup>76</sup> it is a voice from civil society, that of Shirin Ebadi, a lawyer and a human rights activist, who heads the organization for the defense of the rights of the child, that replies:

“In the case of Iran, human rights are violated by the very laws of the country. Most of the legislation passed after the revolution is in contradiction with human rights values and principles. Iranian women are legally deprived of their right to live. Religious discrimination is legally established. In the family code, women are being discriminated against and men and women are not equal before the law. A grandfather and a father have the legal right to kill their offspring without being subjected to punishment. It is legal to execute children; and slavery is legal in the Islamic Republic’s legislation.” She goes on to ask: “Is it not enough for the Islamic Republic to be rightfully condemned by the UN commission on human rights? Is it not enough to show that this condemnation is not an imperialist conspiracy, but that it is well deserved? Instead of expelling the UN special rapporteur on human rights, should we not right our wrongs and reform our legislation?” (77)<sup>77</sup>(Ebadi, *Jame'eh-Salem*, April-May 1998, p. 26-31)

Hence the paradox of the idea of the “rule of law” promoted by President Khatami. The law is at the heart of the controversy, for it raises a major obstacle to the emergence of a strong civil society. (78)<sup>78</sup> The interplay between the two images of civil society - the assertion, on the one hand, that materialistic and decadent humanism does not fascinate the Muslim people and the unanimous clamor, on the other hand, for human rights, which even permeates the speeches of the reformist members of the ruling oligarchy - reveals a profound crisis. Public opinion seems to evoke human rights as the

necessary prerequisite for the establishment of a civil society. Not surprisingly therefore the debate on civil society often ends up to be a debate on human rights. Thus, there is a gap between the official understanding of civil society and the idea of civil society emerging from below. It is in view of this gap that one could ponder over the sense of the assassination of several dissidents in 1998.

In the name of an Islamic civil society indifferent to Western humanism, the dissident writer Pouyandeh was allowed to translate and publish the history and the text of the 1949 Universal Declaration of Human Rights. By doing so, he provided food for political thought, nourished an important debate in universities and among intellectuals, enriched the literature in Persian on human rights, (79)<sup>79</sup> and as a result, refuted de facto the indifference of Iranians toward human rights. After having been summoned several times before the revolutionary tribunal, the translator of the UN Declaration of Human Rights was assassinated by government agents on December 10, 1998. The very same day, his book entitled “Human Rights” appeared in print. At his funeral, mourners carried banners depicting articles of the declaration. Within a few days, Pouyandeh’s book became a bestseller in Iran. (80)<sup>80</sup>

The general call for respect of human rights finds its political expression in the open letter to President Khatami from one of the main figures of the student movement. The ideal regime for young Iranians is described in the following terms:

“The reformists desire a political structure that can embrace all political tendencies without discrimination due to religion or opinions. No individual, corporation, group, or party should be able to claim to be the sole representative of God, Islam and the people, and as such, to establish an absolutist autocracy. Such an interpretation of the law and the Shari’a gives rise to individual or group despotism... All must accept the framework established by democracy and popular sovereignty.” (81)<sup>81</sup> (Tabarzadi, 2 June 1999)

Under these circumstances, it is hard to believe that the secular opposition is an irrelevant one, alien to the people. Democracy seems to be on the public’s agenda. It is

from this perspective that one must attempt to understand the assassination in 1998 of two secular opponents of the regime, Parvaneh and Dariouche Forouhar.

The Forouhars were pro-democracy activists whose involvement in politics goes back to Mohammad Mossadeq's National Movement (1951–53). Until their death, they had been the only remaining prominent witnesses of the Mossadeq era.

Just as Pouyandeh was allowed to publish his book on human rights, so were Parvaneh and Dariouche Forouhar able to give interviews with foreign radios and journalists, denounce the constant violation of human rights, criticize the Islamic constitution, promote the separation of church and state, and even boycott the elections because they were not democratic. But in so doing -and this is the crux of the problem- they had begun to attract the youth. (82)<sup>82</sup> In contrast to the Shah's dictatorial regime or today's violent theocracy, they were living proof of the existence of a third model for Iran, that of parliamentary democracy. Iran's youth, drawn to the ideals that the couple advocated, gravitated toward them. To the ruling elite, the Forouhars were becoming dangerous for what they represented in Iran's history. On November 22, 1998, they were assassinated by government agents in the wake of an antiliberal propaganda campaign involving the highest ranking members of the regime. (83)<sup>83</sup> The surprisingly high number of people attending their funeral bare witness to the existence, in Iran's public opinion, of an important trend in favor of secular representative democracy, and therefore unravel the motive behind their elimination. Braving terror an estimated 100,000 people followed Dariouche and Parvaneh's coffins. The crowds carried posters of the couple, along with pictures of Mossadeq, their hero. They waved Iranian flags stripped of the Islamic centerpiece. Not a single picture of clerics was visible, not even that of Khatami.

Hence in the fragile space opened to political dissent, one can see the apparition of an old ghost, Mossadeq, who gave Iran's secular, liberal-nationalist movement its best expression. Mossadeq, Iran's prime minister in the early fifties, had advocated a secular parliamentary democracy. He had nationalized the Iranian oil industry controlled by the British and had been toppled by a CIA-fomented coup. It is worth noting that Khomeini had derided the memory of Mossadeq, and until recently, Mossadeq's name was banned from public debate.

The Forouhars' funeral was far from an isolated incident. The public pro-Mossadeq sentiments was expressed again in March 1999, when more than 20,000 Iranians gathered to commemorate the 32nd anniversary of Mossadeq's death. "We are here today to celebrate someone like Mohammad Mossadeq. What he did forty years ago represents our ideals," said Reyhaneh, a 19 year-old female student." (84)<sup>84</sup> (*Reuters*, 11 March 1999) Another gathering of over 5,000 people held by students in May 1999 to commemorate Mossadeq's birthday was disrupted by pro-regime thugs and followed by a wave of arrests.

And so, before the officials for whom Imam Khomeini is virtually the beginning and the end of history appears another people—a people who brandish Mossadeq's image, relate another history of Iran, (85)<sup>85</sup> and seek to repossess a confiscated past. There is no longer a single version of Iranian history. Faced with the official history taught by the regime, Iranian civil society slowly reconstitutes its memory. (86)<sup>86</sup> The revolution and the advent of the Islamic regime do not escape this revision:

"In fact, we have to find out if the rejection of a despotic monarchy as well as the failure (in 1979) . . . of [the principle of] people's sovereignty within [the framework of] a constitutional monarchy meant that people wanted the Absolute Guardianship of an individual; or if they wanted something else and the revolutionary leaders replaced people's will with their own theories." (86)<sup>87</sup> (*The Islamic Association of Iranian Students and Graduates*, 3 April 1999)

Inventing its image in its own way, Iran's nascent civil society begins to shatter the image of an Islamic civil society, and in so doing, it creates a crisis. As the preeminent forum that echoes the ambivalence of the notion of civil society, the press becomes the focal point of this crisis.

### **The Irrepressible Press**

The simultaneous freedom and harassment that characterizes the press in Iran could have been symptomatic of the overall struggle between reformists and

conservatives. The former's efforts to promote press freedom would be constantly thwarted by the conservatives who would use the power of the judicial system to achieve their political ends. Some Iran analysts do not go beyond this supposition, which still proceeds from the “good guy/bad guy” dialectic. They believe that the (conservative) judiciary's decision to close down a newspaper is neutralized by the granting of a licence by the executive (reformist) for a new publication run by the editorial board of the banned newspaper.

The reality, which cannot simply be reduced to a reformist-freedom versus conservative-repression, is far more complex. First, the banning and closing down of the print media is not only the judiciary's doing. In numerous instances, it is the very reformist ministry of Culture and Islamic Guidance that initiates the repression. (88)<sup>88</sup> The restrictive policy of the ministry of Culture and Islamic Guidance led to the resignation of Ahmad Borqani the Deputy Director for the press in that ministry.

“In this short period, we have failed to fulfill our promises... In the last two month... for every one licence the Ministry has issued for the press, it has revoked two instead... the balance is negative. I was not willing to witness the Supervision Board issuing death sentences against the press...” (*Salam*, 4 Feb. 1999 [15/11/1377]).

Not every banned newspaper and magazine gets its permit renewed; some publications disappear forever. The dynamic of banning and authorizing newspapers seems to serve a dual need: that of altering the image of civil society mirrored by the press so that it conforms to the orthodoxy; and that of correcting the reflection of the regime's own image in the public opinion.

The daily *Zan* (Woman) disappeared for good after having published an extract of the former queen of Iran's message to the Iranian people and a cartoon showing a man who begs a criminal to spare him and kill his wife instead because a woman's blood money is worth half that of a man's. The first crime consists of revealing the monarchy as a political option in the history of Iran. The second uncovers a public opinion ridiculing an archaic penal code that does not meet its values and aspirations. (89)<sup>89</sup>



The monthly *Jame'eh-Salem* was banned for having published debates and commentaries by some youth on the notion of civil society. The court targets and condemns the society's effort to define itself, thereby excluding the state. Moreover, *Jame'eh-Salem* was condemned for having published an Italian journalist's interview with Ayatollah Khomeiny that had taken place in the early days of the revolution. The court judged that the publication of the interview was a blow to the memory of the Imam. (90)<sup>90</sup> Here, the historical truth itself is considered to be an offense. The banning of the newspaper signals the state's attempt to control the collective memory by perpetuating a state of amnesia demarcated by the needs of the orthodoxy.

The director of *Rah-e No*, Akbar Ganji, (91)<sup>91</sup> chose to suspend the publication of his monthly in order to avoid the confiscation of its license by the ministry of Culture and Islamic Guidance. According to Ganji, the authorities disapproved of the publication of theoretical articles. (92)<sup>92</sup> Thus, the authorities systematically hamper the intellectual effort which aims at finding a way out of the structural and ideological impasse of the Islamic Republic.

More significantly, the nine-year-old daily *Salam* was banned for having published an article denouncing the éminence grise of the assassination of dissidents, considered to be at the heart of a project that restricted the freedom of the press and that was overwhelmingly supported in the parliament. *Salam's* revelation brought to light the fact that the serial killings are an inherent part of the functioning of the state machine, (93)<sup>93</sup> hence negating the official version which characterized them as unfortunate incidents caused by the individual initiative of a few agents. The immediate reaction of the judiciary and the permanent ban on *Salam* (94)<sup>94</sup> underscore the gravity of the revelation. *Salam*, one of the oldest opposition newspapers within the oligarchy run by a prominent figure of the revolutionary radicalism, disappeared for having reproduced the image of a regime that incites terror and is in need of structural reforms. The banning of the daily *Khordad* (28 November 1999), run by the reformist Abdollah Nouri, was a response to the same necessity.

The “threat and intimidation” campaigns that do not even spare the enfants terribles of the oligarchy are all the more intimidating for journalists who are less

connected to the state. Thus, the newspapers *Mobin*, *Tavana* et *Farda* voluntarily suspended their publication in 1998 after having received threats. (95)<sup>95</sup>

The fate of the daily *Jame'eh*, a paper favorably disposed to civil society which was banned three times and re-emerged each time under a new name, (*Tous*, *Neshat*, *Asr Azadegan*), reveals the logic of Iran's ambivalent press policy.

*Jame'eh's* license was revoked after having been accused of: publishing articles on embezzlement and misuse of public property by the directors of the foundation of the disinherited (criticism of the corruption decaying the country's economic system); publishing a cartoon suggesting that the regime must beg for votes for the election of the Assembly of Experts (criticism of the oligarchic structures of the regime and the screening process in the elections); publishing a cartoon showing the angel of justice carrying a scale in one hand, a knuckle-duster in the other, and a sword and a dagger by its side (criticism of an arbitrary and violent judicial power or justice); and publishing a photograph showing men dancing in a public garden (image of a fun loving society). (96)<sup>96</sup>

Soon after the banning of *Jame'eh*, its journalists launched *Tous*. On the issue of high level corruption, *Tous* opted for a more moderate tone than its predecessor. Thus, the substitution of *Jame'eh* for *Tous* corresponds to a rectification of the regime's image in the mirror of public opinion. A few months later however, *Tous* is also banned for having published in its September 13, 1998 (22/6/1377) issue an interview with Valery Giscard d'Estaing. The testimony of the former French president challenges the official historiography of the Islamic Republic. "The content of the interview with Giscard d'Estaing was an outrage (insult) to the Imam, and thus, the license of *Tous* was revoked".(97)<sup>97</sup> (Mohajerani, 1 May 1999) The immediate reaction of the very reformist Minister of Culture against this article can be explained by the regime's need to control and shape public opinion.

"No doubt, I am part of the reformist movement that favors political opening. Yet, if I were a member of the jury, I would vote for the banning of *Tous*. why? Because instead of enlightening public opinion, this paper creates political tensions in Iran... those in charge of the newspaper have gathered around them

journalists from the Shah's era and have offered them the opportunity to publish articles that question religious principles and values - in which the people have faith- They have insulted some religious authorities and have called into question the foundations of religious institutions and ideas.” (Mohajerani, *Hamshahri*, 26 September 1998 [4/7/1377])

The disappearance of *Tous* is the means through which the regime revises and adapts the historic truth with its founding myth.

*Neshat*, which succeeded *Tous* and is run by the same group of journalists, opted for a more cautious tone. (98)<sup>98</sup> The paper's coverage of the massive crackdown on students in July 1999 was meek. However, given that public opinion was infuriated by the judicial's treatment of the students, *Neshat* published an article entitled “Is state violence legitimate?” The article criticizes the regime's officials for justifying violence: “It is impossible to fight the violence of “circles” without a struggle against the cultural root of this useless violence... to believe that killing (legally or illegally) is a remedy to the problems of society is deeply rooted in this culture.” (99)<sup>99</sup> (Bagherzadeh, *Neshat*, 24 August 1999)

This article provoked an outcry among the regime's leaders and in the conservative press. Responding to these criticisms, *Neshat* published another article on “the death penalty and the Lex Talionis”, which asserted that the Koran's philosophy of justice did not necessarily care for the death penalty, even if the penalty existed at the time of the prophet. “The man of faith is bound to respect the spirit of justice, but the way to implement it can vary.” (100)<sup>100</sup> (Baghi, *Neshat*, 30 August 1999) The Supreme Leader denounced the controversial article and charged its author with apostasy. (101)<sup>101</sup> *Neshat* was banned and its chief editor was sentenced to three suspensive years in prison. (102)<sup>102</sup>

To ban *Neshat* is also to break the mirror reflecting the image of a society disgusted with violence and in favor of a radical reform of religion: a reform that would disburden the faith from a traditional and archaic violence.

Thus, the present diversity of the Iranian press cannot be equated with the freedom of the press as it is understood in modern democracies. “The rule of law” is also that of an extremely restrictive law regarding freedom of expression. But more

importantly, the dignitaries of the press are all members of the oligarchy, even if they open their columns to “outsiders”. (103)<sup>103</sup>

“Indeed, freedom and democracy do exist, but not for 'outsider dissidents'. As for 'insider reformists', they can only make use of freedom and democracy within the boundaries established by the conservatives... That no political party completely independent from the official factions (oligarchy) has obtained an approval proves the case. Why is it that no independent political-intellectual movement, and no independent dissident have the right to publish a daily?” (104)<sup>104</sup> (Youssefi Ashkevari, *Asr Azadegan*, 8 November 1999).

Further, it is their position of insiders that empowers the most daring journalists to openly criticize the weaknesses of the regime and lift the veil of a part of the social reality. Consequently, the limited visibility granted to civil society in the press is a precarious one, depending upon the good will of the “insider reformists” and the limits of their power. The margin of this visibility is determined by the exigencies of the orthodoxy.

These remarks on the vitality of journalistic life in Iran do raise a question. Why, at the risk of provoking a crisis - and, since 1997, Iran has lived through numerous successive crises - has the Islamic regime lent itself to a policy of broadening the space allocated to ideas?

For it is the regime in its entirety that seems to have consented to a limited pluralism in the press. Once again, the tension between reformists and conservatives is not enough to explain this openness. One reason is that the promoter of reform in Iran, President Khatami, was elected by the oligarchy before being elected by the people. From 238 candidates to the presidential elections of 1997, only four were approved by the Council of Guardians, dominated by the conservatives and the Supreme Leader. Therefore, Khatami's accession to power is not the outcome of a social power struggle, even if the electorate sanctioned it subsequently. Furthermore, the political philosophy from which Khatami's project originates is, as we saw, in line with the ideology of the regime. That is why Khatami does not advocate any constitutional reform.

Apart from Khatami's background and creed and the ambiguous policy of the Ministry of Culture and Islamic Guidance vis-à-vis the press, there are other reasons for refuting the reformist-conservative dichotomy interpretation. Indeed, the Minister of Culture in charge of reforming the situation of the press obtained a vote of confidence from the conservative dominated parliament after pleading in favor of his opening policy: “the absence of a few newspapers will not attest to the absence of debate. We must mention forcefully ideas contradicting ours and, in some cases, discuss among ourselves. Of course, this does not mean that we will tolerate and show indulgence whenever principles and foundations are undermined.” (105)<sup>105</sup> (Mohajerani, *Hamshahri*, 2 May 1999)

By voting against the impeachment of the Minister of Culture, the parliament approved the need for his policy of openness as a more effective and pragmatic means of managing tensions between civil society and the Islamic regime. It endorsed the ideas of President Khatami who affirms:

“We can make sure that no one dares give his opinion anymore, but this opinion will surge uncontrolled and create social problems. In any case, when a theory constitutes the foundations of a regime, and is sanctioned by people's vote, weakening it does not proceed from a theoretical debate.” (106)<sup>106</sup> (Khatami, *Hamshahri*, 30 September 1998)

Faithful to his political philosophy, the president establishes here, in two sentences, the extent and the limits of the freedom of the press in an Islamic civil society. The exegesis of this enigmatic phraseology requires a moment of attention to this nebulous, complex, and diverse movement commonly called the Islamist reformism in Iran. For the vote of confidence of the conservative parliament in the reformist Minister of Culture draws a line of demarcation within reformists themselves and not between conservatives and reformists. In reality, the tension analyzed above between the illusion and the reality of civil society has left a distinct mark on the reformist movement.

### **The reformist, a split figure**

A close look at the current political debate within the reformist circles of the ruling oligarchy shows an ideological divide that breaks the unity of the movement born out of the presidential elections of 1997. The dual contradictory path of President Khatami and his former minister of Interior, Nouri, two prominent figures of reformist Islamism, is an illustration of this cleavage. Both belong to the regimes's radical wing of the apparatchiks. Both have held important ministerial positions. Both joined their forces to reform the regime. The former survived the successive crises that have marked his term and eroded his project of civil society by circumventing them. The latter stumbled over the first obstacle that infringed upon citizen's political participation, thereby losing his ministry. As an insider journalist and an elected member of the Municipal Council of Tehran, Nouri follows relentlessly the case of the assassinated dissidents, and his daily, whose columns are opened to a number of religious and secular dissidents, echoes public grievances against the regime. Abdollah Nouri is condemned to five years in prison for outraging religion, insulting the founder of the Islamic Republic, slandering, and disseminating false rumors aimed at disturbing public opinion. Nouri is not the only insider reformist to be condemned by the judicial authorities. As Khatami continues to exercise his presidential duties, the nucleus of an important faction of reformists who brought him to power has been politically neutralized.

Thus, the figure of the reformist splits. One remains in office, while the other is excluded from the circle of insiders and suffers repression. (107)<sup>107</sup> This rift is mainly due, as mentioned earlier, to an ideological cleavage regarding the status of the truth in the body politic, which informs the analysis of the Islamic Republic's problems, and determines the solution to these problems.

According to Nouri and his friends “each of us must admit that we are fallible; we must not believe that we hold the whole truth ... The absoluteness (as opposed to relativity) of the truth does not necessarily imply that it is held exclusively by a group of individuals.” (108)<sup>108</sup> (Nouri, 1999, p. 238) They believe that except for a few prophets and immaculate saints, and because of their essential finitude, humans, be they lay men or clerics, cannot have access to the whole truth. No one can claim to be the sole

possessor of the truth. Therefore, this faction of reformists rejects unanimously the absolutist character of the Supreme Leader's power in the body politic and maintains that the leader, like every other public official, is not above the law and must be accountable to the people. The assassination of dissidents - since it relates to the status of the truth in the body politic - becomes crucial for Nouri and his ideological allies. The victims were killed because of their heterodox opinion. (109)<sup>109</sup> Therefore, the crimes amount to a structural deficiency of the regime that the reformists want to remedy. That is why they demand clarification on all suspicious crimes committed against dissidents in the 1990s. (110)<sup>110</sup> They want the highest state authorities to explain themselves clearly on the assassinations, and for the mechanism of terror to be brought out into the open. They have realized that attempting to establish a single version of the truth as the basis of the state leads necessarily to the denial of the individual and his or her rights. Therefore rights will not derive from the humanity of the citizen but from the orthodoxy of their beliefs. The inescapable consequence of such a philosophy is the creation of an oligarchic regime based on the privileges of the guardians of the truth. (111)<sup>111</sup> The reforms they dream of would ultimately bring about the collapse of the regime. Even if they do not say so openly, Nouri and his friends are at odds with the constitution of the Islamic Republic, which assumes the existence of a revealed truth, understood by the clergy alone and expressed by the Supreme Leader. Thus, in one way or another, they all call for constitutional reform. (112)<sup>112</sup> The ideological mutation of the reformists leading to the formulation of such a demand is demonstrated by the use of concepts that were considered taboo until two years ago. Democracy, liberalism, rights of people, people's sovereignty, individual rights, the individual, freedom of expression, freedom of thought, and dissidence are new values, which, in their discourse, supplant the old revolutionary terminology.

Though Khatami is a friend, companion, and political ally of the Islamic reformist elite, philosophically, he is close to their conservative adversaries. Hence, in times of crisis, his discourse and behavior are ambiguous; an ambiguity that many commentators see as a tactical caution. Tactics alone cannot explain Khatami's behavior, which is in harmony with his political creed. For him, the state is founded on the revealed truth. Yet, the truth, by definition, does not suffer criticism. For Khatami and

his government, the *red line* that limits the boundaries of the sphere of freedom of expression responds to the exigencies of the politico-theological dogma of the Islamic Republic: “In any case, when a theory constitutes the foundations of a regime, and is sanctioned by people's vote, weakening it does not proceed from a scientific (theoretical) debate.” (113)<sup>113</sup> (Khatami, *Hamshahri*, 30 September 1998) Thus, the dogma is the limit of freedom and the enigmatic quote from the President indicates this limit. For, according to democratic principles, people's choice can legitimately be criticized. One day's minority can become the next day's majority. In the language of Khatami and his Minister of Culture, the concept of people is a relic of the revolutionary discourse. In this discourse, far from being the sum of free and equal individuals, people are the historical incarnation of the orthodoxy. By implicitly assimilating people to orthodoxy, Khatami is able to win a vote of confidence for his cultural policy in a conservative dominated parliament.

Whether Khatami likes it or not, from his perspective, the state organs become the institutional crystallization of the truth. Therefore, they cannot be at fault. (114)<sup>114</sup> If he condemns the assassination of dissidents and deplores the attack on Tehran University's dormitories, he fails to see them as an unavoidable consequence of the regime's structural shortcomings. According to Khatami, the assassination of dissidents, like the attack at the university, was the work of uncontrolled elements and, to some extent, resulted from the incompetence of some officials. Unfortunate as they may be, these events remain contingencies. This explains Khatami's anger against students who, in July 1999, demanded freedom of expression as a right inherent to human nature, and accused the Supreme Leader of protecting the assassins of dissidents. (115)<sup>115</sup> If the deadly attack at the university appears to the president only as an unfortunate “incident”, he sees the students' demands and their criticism of the state's highest authority as the expression of a “plot against national security”, a “declaration of war against the President.” (116)<sup>116</sup> (Khatami, *IRNA*, 25 July 1999) Khatami renews his message to the students in September 1999:

“When we chant: 'Death to the opponent of the guardianship of the theologian, this is a just slogan, in keeping with the principles, and aiming at the preservation of the regime; but the slogan 'Death to the opponents of the President' implies that



we believe that the voice of all opponents must be suppressed. This is not good. In my opinion, everybody must be able to criticize the authorities in the framework of the constitution.” (117)<sup>117</sup> (Khatami, *Resalat*, 30 September 1999)

In other words, what Khatami wants is a more competent management of the status quo and a higher mobility inside the ruling oligarchy. The suspension en masse of more than a dozen newspapers and periodicals' licences between April 21 and 25, 2000 responds to the limits set for the freedom of the press in the reformist policy of the president. It is therefore not a coincidence that the Supreme leader strongly supports the president while justifying the crackdown against the press in the name of principles:

“all persons, groups, and factions loyal to Islam must come out and take strong positions against those ... who are attacking the revolution, the path of the imam, the constitution and the role of the supreme leader... Your line and political tendency and those of your rivals and your differences have nothing to do with me, but I insist that you should respect principles while competing and debating.” (118)<sup>118</sup> (Khamenei, CNN, 26 April 2000)

Ultimately, the civil-society project promoted by the Iranian president has little resemblance to the idea of civil society as it is commonly understood. It is a new utopia, a modernized form of the orthodoxy. To exist in Iran, the organs and components of civil society must obtain the approval of the authorities. In this perspective, it is the state that generates civil society. The reactivation of the writers' association illustrates this point well. Two problems were raised in the debates over the creation of this association. In the first place, some writers believed that an apolitical group dealing with the art of writing was not a state concern, thus, no state authorization ought to be required. In the second place, some writers argued that since faith is a private matter, the statutes of the association should refrain from referring to it. Following the assassination in December 1998, of Pouyandeh and Mokhtari, two of the most outspoken supporters of the above-mentioned thesis, panic-stricken writers, hurriedly formed the association.

In his defense speech before the parliament, the Minister of Culture and Islamic Guidance mentioned the fact that the writers had finally applied for an authorization to

form their association and that they had included “in the name of God” in their statutes as a victory for Khatami's cultural policy. Terror was the ultimate weapon of this victory.

In such circumstances, the disillusionment of journalists and students is understandable. It is in the broken promise of civil society that the students saw the origin of the unrest of July 1999, (119)<sup>119</sup> and a journalist invented the expression “movement for pseudo-civil society” to describe the pro-Khatami party. (120)<sup>120</sup> (Leylaz, Neshat, 27 July 1999) The civil-society project devised by Khatami is inconsistent; it is to borrow from a philosophical school, in this case from modern individualism, a model of society and graft it on an antinomic postulate. A project based on a contradiction generates crisis, and the presidency of Khatami is punctuated with successive crises. The crackdown on the reformist press in April 2000 is certainly not the last act in the drama for which Iran has been a stage in the past three years. It is, however, a significant illustration of the paradox of Islamic civil society. Be it temporary or permanent, this suspension is crucial because of its timing. At the time when the authorities are dealing with the intricate questions of the assassination of dissidents, the attack on students' dormitories, and finally the parliamentary elections, by stifling the press, the orthodoxy shatters the mirror of civil society. Civil society thus becomes the silent spectator of a parody of a trial staged to elude the regime's responsibility in the assault against dissidents.

To conclude on this note however, is to omit the essential. For the important issue in this story is the Islamic republic's recourse to the concept of civil society, even if it results in an illusion, or a paradox. Disavowed at birth as a heterodoxy by the highest authorities in the Shiite clergy, rejected by a majority of the population, denigrated by the youth that the regime indoctrinated, deprived of the international support it used to enjoy thanks to its revolutionary, anti-liberal, and anti-imperialist nature, and finally refuted by some of its own architects, the politico-theological dogma of the Islamic Republic is beginning to disintegrate. The very idea of civil society in the discourse of President Khatami reflects this disintegrating process; it is the expression of a profound crisis. If this crisis is an important ideological step in the urgently needed confrontation of a people with its culture, if it is indeed a crucial moment in the development of the democratic idea in the Islamic culture, it should not distract from the reality that underlies

it. The dismantling and the feudalization of the structures of the modern nation-state, the prevailing judicial anarchy and chaos, the clientelism and the generalized corruption characterizing the country's management, the huge masses of futureless and unemployed youth, and the growing pauperization of the population at large are the backdrop of an interesting debate on political philosophy that should not conceal the explosive nature of the current situation in Iran.

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<sup>1</sup> “You do not need higher education to be an insider... There is no need to be good, honest, and truthful to be an insider... Experience and competence are not required to become an insider... What matters most for an insider is to have connections... To be related... is the necessary condition for becoming an insider... public monies are the property of the insiders, and the outsiders are not entitled to it,” Khomei, A. “The Iranian Insiders and the Iranian Outsiders,” *Gozarash* 97-98, (Mar.–Apr. 1999 [farvardin 1378]): 67-70.

<sup>2</sup> That is how the regime's dignitaries justify this dichotomy: “The debate on insiders and outsiders has its roots in Islam. The prophet's family has defined the norms and attributes distinguishing insiders and outsiders. Our people, our youth in particular, must be aware... The enemy wishes to suppress the barrier between the insiders and the outsiders. The enemy wants to come in under the guise of the insiders... and make our surprised youth say that there is no barrier. No my brother, it is not so.” Rayshahri, M. Friday sermon of 4 Feb. 2000 at Tehran University, *Fatth*, (5 Feb. 2000 [16/11/1378]). On the distinction between first class and second class citizenship see, Mesbah Yazdi, M. T., member of Khehbregan Majlis (Assembly that elects the Supreme Leader), *Arya*, ( 19 Dec. 1998 [28/9/1377]). In the minds of ordinary citizens, the distinction between insiders and outsiders is as follows: “Those who divide people into two categories, insiders and outsiders, separate men ... into two species: men with divine attributes and those with evil attributes. Nothing links these two species together ... Insiders enjoy all constitutional and civil rights and benefit from the privileges of *citizenship*... Outsiders must pass an ideological and moral test before they can be employed or continue with their studies... Outsiders are not authorized to publish newspapers or books. They do not have the right to produce films or organize themselves into political parties. They are never promoted to high managerial positions... They cannot be candidates in presidential or legislative elections. They cannot even organize funerals for their dead... Outsiders have the right only to participate in the elections of insiders...” Mohammadi, M. “The Foundation of the Two Concepts of Insiders and Outsiders,” *Iran Farda* 43, (May–Jun. 1998 [khordad 1377]): 10–12.

<sup>3</sup>(3) Cohen, J. L. and Arato, A. *Civil Society and Political Theory*, the MIT Press, 1992: 18-26. See also, Diamond, L. “Rethinking Civil Society, Toward Democratic Consolidation”, *Journal of Democracy* 5: 3 (3 July 1994): 5-6.

<sup>4</sup> See Gellner E., *Conditions of Liberty: Civil Society and Its Rivals*, Allen Lane (Penguin), 1994:188.

<sup>5</sup> This study underlines serious structural and legal constraints met by the NGOs “This Ministry (Interior) is the key government agency involved in the registration of NGOs. However, NGOs and political parties undergo the same procedures for registration. The unit concerned with registration in this Ministry is more security oriented. Procedures are geared for security clearances more than anything else. If a NGO were to comply with all the procedures and requirements put out by this unit it would not be able to consider itself truly independent.” Other Ministries issue permits to NGOs interested in their fields, sometimes with a less cumbersome process. Namazi, B. *Iranian NGOs: Situation Analysis*, Tehran, Jan. 2000: 35. “ The presence of a large number of high-level government officials among the ranks of NGOs has created controversies... During group discussions, involving government representatives, NGOs endorsed the new vision and government policies... They also... described the structural constraints that were in contradiction to declared policies. In actual practice the NGOs continued to face very serious legal, registration management, structural, capacity building, and financial constraints...” Ibid: 49.

<sup>6</sup> *IRNA* 11 Jul. 1998. Karbaschi was sentenced to five years in prison, directed to pay a heavy fine and banned from holding public office for 20 years. *Reuters*, Tehran, 27 Jul. 1998. Eventually the Supreme Leader, pardoned Karbaschi who was released on January 24, 1999. Monthly *Payam-e Emrouz* 37, (Feb.-Mar. 1999 [esfand 1378]): 56.

<sup>7</sup> *Daily Salam*, (18 Mar. 1999 [28/12/1378]).

<sup>8</sup> “The students have called for the resignation of the police chief, whom they hold responsible for an attack on student dormitories which they say resulted in the death of seven students and injuries to more than 200. The government has confirmed only one death,” *Reuters*, 18 Jul. 1999. “As for the exact number of the victims, said M.K. Koochi, Director of Tehran University dormitory, since I pledged to speak the truth, allow me not to answer this question.” Interview. *Hamshahri*, (22 Jul. 1999 [31/4/1378]) The attack against

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the students of Tabriz University was even more violent. Tabriz University's Islamic Students Council said that at least 15 people were shot... A Council spokesman ...noted that some 80 people had already been injured by stones, clubs, and knives when security forces began opening fire into the crowd... Other vigilantes went to a local hospital and abducted those who had been wounded by gunfire." *Khordad*, (3 Aug. 1999 [12/5/1378]).

<sup>9</sup> *BBC NEWS*, 23 Jul. 1999.

<sup>10</sup> *AFP*, 25 Mar. 2000.

<sup>11</sup> See Kian, A. "La révolution iranienne à l'heure des réformes", in *Le Monde Diplomatique*, Jan. 1998. See also Bakhsh, Sh. "Iran's Unlikely President," *The New York Review of Books*, 5 Nov. 1998.

<sup>12</sup> It is worth noting that it was not the investigative authorities that first implicated the agents of the Ministry of the Interior in the killings of dissidents. About a month after the killings, a leak provided the daily *Salam* with the information. *Salam*, (5 Jan. 1999 [15/10/1377]). The Ministry of the Interior issued its communiqué a day later, *Hamshahri*, (6 Jan. 1999[16/10/1377]).

<sup>13</sup> Article 2. The Islamic Republic is a system based on the belief in: "1) The One God (...) His exclusive sovereignty and the right to legislate, and the necessity of submission to His commands; 2) Divine revelation and its fundamental role in setting forth the laws; 3) the return to God in the Hereafter, and the constructive role of this belief in the course of man's ascent towards God; 4) the justice of God in creation and legislation; 5) continuous leadership (imamat) and perpetual guidance, and its fundamental role in ensuring the uninterrupted process of the revolution of Islam." The Constitution of the Islamic Republic of Iran, General Principles, Section 1.

<sup>14</sup> Article 24 of the Constitution provides for freedom of expression "except when it is detrimental to the principles of Islam." In the Article 26, the Constitution guarantees citizens the freedom of association unless such associations violate "the criteria of Islam, or the basis of the Islamic Republic. "

<sup>15</sup> On January 16, 1996, 16 regime's technocrats, ten of them ministers, announced in a communiqué the creation of a coalition, "Servants of Reconstruction". For the history of the coalition see *Payam-e Emrooz* 37, esfand 1378 (Feb.-Mar. 2000): 64-66.

<sup>16</sup> Within Iran, at least 80 people are listed as victims of extra-judicial executions. See Khatami, M.R., "Engagement in Politics is costly in our country." Interview. *Fatth*, (12 Feb. 2000 [23/11/1378]). Outside Iran, at least as many as 114 people are believed to be victims of extrajudicial executions. In *Report on the Islamic Republic's Terrorism abroad*, Unpublished report, National Movement of Iranian Resistance, 1997. These numbers are not exhaustive and do not include disappearances.

<sup>17</sup> "Our interpretation of religion must not contradict the dignity and freedom of the people," Khatami, M., Speech in Yazd, *Hamshahri*, (6 Mar. 1999 [15/12/1377]).

<sup>18</sup> "Religious intellectuals ... must defend Islam in a way that would be acceptable to our youth and show that Islam can lead the world." Khatami, M. "Speech in Yazd," *Hamshahri*, (6 Mar 1999 [15/12/1377]).

<sup>19</sup> "Iran for all Iranians" is the the electoral slogan of the pro-Khatami Islamic Iran Participation Party. Khatami's brother, Mohammad Reza, who heads the party, elaborates on the question of opening the circle of insiders. Interview. *Fatth*, (14 Feb. 2000 [25/11/1378]).

<sup>20</sup> Khatami's adviser insists that the demand for a civil society is not a rejection of the Guardianship of the Supreme Leader. Rabii, A. *Fatth*, (6 Mar. 2000 [16/12/1378]). The constitution lists the prerogative of the Supreme Leader as follows: Section 8, Article 110. Following are the duties and powers of the Leadership: 1. Delineation of the general policies of the Islamic Republic of Iran after consultation with the Nation's Exigency Council. 2. Supervision over the proper execution of the general policies of the system. 3. Issuing decrees for national referenda. 4. Assuming supreme command of the armed forces. 5. Declaration of war and peace, and the mobilization of the armed forces. 6. Appointment, dismissal, and acceptance of resignation of: a) the fuqaha' on the Guardian Council; b) the supreme judicial authority of the country; c) the head of the radio and television network of the Islamic Republic of Iran; d) the joint chief of staff; e) the chief commander of the Islamic Revolution Guards Corps; and f) the supreme commanders of the armed forces. 7. Resolving differences between the three wings of the armed forces and regulation of their relations. 8. Resolving the problems, which cannot be solved by conventional methods, through the Nation's Exigency Council. 9. Signing the decree formalizing the election of the President of the Republic by the people. The suitability of candidates for the presidency of the republic, with respect to the qualification specified in the Constitution, must be confirmed before elections take place by the Guardian Council, and, in the case of the first term [of the presidency], by the leadership; 10. Dismissal of the President of the Republic, with due regard for the interests of the country, after the Supreme Court

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holds him guilty of the violation of his constitutional duties, or after a vote of the Islamic Consultative Assembly testifying to his incompetence on the basis of Article 89 of the Constitution...

<sup>21</sup> "A government consistent with religion and religious rule is one that proves that religion is not opposed to the dignity of humans or to their reasonable freedoms. He said religion argues that man does not need a guardian but that he does need a leader and an instructor," Khatami, M.: *IRNA*, Tehran, 5 Aug. 1998.

<sup>22</sup> "Young people who study extremely hard and attain important scientific successes cannot accept that, while they hardly make ends meet, ... the children of the ruling elite, who have barely finished high school, easily become extremely wealthy." Rabii, A., President Khatami's adviser on social affairs, *Fatth*, (6 Mar. 2000 [16/12/1378]).

<sup>23</sup> "A free press has a fundamental role and guarantees transparency, as does the freedom of thought. The visibility conferred to important sectors of society enables the authorities to cope more efficiently with realities". Khatami, M., meeting with the Minister of Information and the directors of the Ministry, *Salam*, (30 May 1999 [9/3/78]).

<sup>24</sup> Representative of Ardakan in the Majlis (Islamic parliament) (1980–82), head of the Majlis Committee on Foreign Relations; Supervisor of the Kayhan Publication Group (1980-82); member of the Central Committee of Friday Imams; Minister of Culture and Islamic Guidance (1982-92).

<sup>25</sup> "The condemnation to death of the author of *The Satanic Verses* and of all those who publish this work and contribute to its circulation represent the height of the Islamic Republic," Khatami M. *Salam*, (15 Feb. 1998 [26/11/1376]): 9. The fatwa against Rushdi was declared on 14 February 1989 [25/11/1367].

<sup>26</sup> Khatami, M. "A Glance at the Principle of "Guardianship of the Jurisprudent Islamology, the Necessary and Sufficient Condition," *Kayhan*, (25 Nov. 1980 [4/9/1359]).

<sup>27</sup> Khatami, M. "The Islamic Revolution is the beginning of a new stage in the destiny of human beings." *Kayhan*, (Jul. 29, 1989[8/5/1368]).

<sup>28</sup> M. Khatami, "The Islamic Revolution is the beginning of a new stage in the destiny of human beings," *Kayhan*, (29 Jul. 1989 [8/5/1368]).

<sup>29</sup> M. Khatami, *Bim-e Moj* (Fear of Wave), Tehran, Simaye Javan, 1997: 98.

<sup>30</sup> M. Khatami, *Bim-e Moj* (Fear of Wave), Tehran, Simaye Javan, 1997:147.

<sup>31</sup> Khatami, M., *Bim-e Moj*..., *op. cit.*: 154-55.

<sup>32</sup> *Ibid*:152-53.

<sup>33</sup> *Ibid*: 160-61.

<sup>34</sup> *Ibid*: 205.

<sup>35</sup> *Ibid*: 198-99.

<sup>36</sup> This demonstration, which was authorized by the Ministry of Interior, took place on March 2, 1998. *Hamshahri*, (3 Mar. 1998 [12/12/1376]).

<sup>37</sup> See *Payam-e Emrooz* 24 (Jun.–Jul. 1998 [tir 1377]): 6365.

<sup>38</sup> Interviews of the students at the Universities of Esfahan, Mashhad, Yassouj, Shiraz, and Tehran. *Salam*, (10 Febr. 1999 [21/11/1377]).

<sup>39</sup> Vigilantes attacked the first demonstration, organized on 2 March 1998, while the security forces passively looked on. *Hamshahri*, (3 Mar. 1998 [12/12/1376]). The events surrounding the Laleh park meeting of (25 May 1998[4/3/1377]) on municipal councils and the Assembly of Experts' elections is reported by a witness: "As for the security forces, instead of defending the demonstrators, they protected the assailants," *Payam-e Emrooz* 24, (June–July 1998 [tir 1377]): 63–65.

<sup>40</sup> From December 1997 through January 1998, students of the University of Tehran (3 January, 1998), Beheshty University(19 January 1998), and Tabriz University, among others, went on strike to protest against the poor conditions of cafeterias and dormitories. The authorities ignored their first efforts at negotiation. To have their voices heard, the students had to resort to violent actions like breaking the windows of the cafeteria. See "Students' Protest Extent and Characteristics" *Payam-e Emrooz* 23, (April–May 1998[ordibehesht 1377]): 105-11.

<sup>41</sup> Ganji, A. *Sobeh-e Emrooz*, (21 Jul. 1999 [30/4/1378]).

<sup>42</sup> *Hamshahri*, (22 Jun. 1998 [1/4/ 1377]).

<sup>43</sup> Nouri, A. *Naghdi bar tamam-e Fosool, goftogooy-e Akbar Ganji ba Abdollah Nouri* (A critique for all seasons, conversation of Akbar Ganji with Abdullah Nouri), Tehran, Tarhe-No Publishing (second edition), 1999: 83.

<sup>44</sup>As for the silence of the Islamic Iran's Participation Front on the subject of the clergy's privileges, M. R. Khatami responded: "I think that this issue is not a priority in our society... We have a lot of problems in

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the cultural, social, political, athletic, and economic... fields. We cannot create a diversion on subsidiary issues. Questioned further on the necessity of following up on the cases of the assassinated dissidents, M.R. Khatami's response was evasive and unclear." *Fatth* (14 Feb. 2000, [25/11/1378]).

<sup>45</sup> See Amir Arjomand, S. *The Shadow of God and the Hidden Imam*, the University of Chicago Press, 1984, p. 268-70. See also Kadivar, M. *Anidshe-ye Siasi dar Eslam (Political thinking in Islam)*, vol. 1, *Nazariyeh hay-e dolat dar Fiqh-e shi'a (theories of state in Shi'a Canon law)*, Tehran, Nashr-e Nay, 1999 (first edition 1997): 24-25.

<sup>46</sup> "The...doctrinal objections to the Velayat-e Faqih [Guardianship of the Jurisprudent] have been voiced by the Grand Ayatollahs Kho'i, Qomi, and Shari'at-madari....And by Ayatollahs Baha' al-Din Mahallati, Sadeq Ruhani, Ahmad Zanjani, Ali Tehrani, and Morteza Ha'eri Yazdi." Amir Arjomand, S. *The Turban for the Crown: The Islamic Revolution in Iran*, Oxford University Press, 1988: 156.

<sup>47</sup> On the persecution of high clerical authorities in the Islamic Republic of Iran, see Baghi E., "In Defense of Clerical Authority : Who are Those who Attack the Clergy?"; *Fatth*, (6 Feb. 2000 [17/11/1378]). See also Ganji, A. *Naghdi bar tamam-e Fosoul, goftogooy-e Akbar Ganji ba Abdollah Nouri (A critique for all seasons, conversation of Akbar Ganji with Abdollah Nouri)*, Tehran, Tarhe-No Publishing (second edition), 1999: 78.

<sup>48</sup> "The Shi'ite clergy, before and after the revolution, is composed of two minorities and one majority. A minority (A) supports the regime, the other minority (B) advocates religious reform." E. Baghi, "The Reformist Clergy," Speech at a seminar in Nicosia, *Neshat*, 28/4/1378 (19 Jul. 1999).

<sup>49</sup> Kadivar, M., jurist, theologian, professor of public law at Shahid Beheshti University. "The Theories of Government in Shi't Figh," translated by Hossein, M. in *Hikmat* 1:3-4, 1997-98: 303-29, 413-43.

<sup>50</sup> See Kadivar's conclusions in *Rahe No* 15, (1 Aug. 1998 [10/5/1377]): 35. M. Kadivar was arrested on February 28, 1999. *Hamshahri*, (1 Mar. 1999[10/12/1377]). Judged by the Special Court of Clergy, he was declared guilty of having "offended the Supreme Leader, weakened the Islamic Republic, and troubled the public mind." See *Payam-e Emrooz* 29, (Mar.-Apr. 1999 [farvardin 1378]):10-13.

<sup>51</sup> Said-Zadeh, M. "Let God Stay in Heaven?" *Jame'eh Salem* 38, (Apr.-May 1998 [ordibehesht 1378]): 65-67. The monthly *Jame'e-ye Salem* was closed down by the authorities in the summer 1998. Shortly after Said-Zadeh's article was published, he was arrested, kept in prison for several months, and then tried, defrocked, and released.

<sup>52</sup> Mojtabeh Shabestari, M. "Human Rights, the True Foundation of the Social Order", in *Neshat*, (22 May 1999[1/3/1378]).

<sup>53</sup> Haeri Yazdi, M. *Hekmat va Hokumat*, Shadi Publishing, 1995: 216.

<sup>54</sup> *Ibid*: 217.

<sup>55</sup> Khatami, M. *Bim-e Moj (Fear of the Wave)*, *op. cit*: 198-99.

<sup>56</sup> In a 25 January 2000 meeting with the Islamic Students Association's Central Council. *RFE/RL IRAN Report*, Samii, W. Extract 3: 6, 7 Feb. 2000 .

<sup>57</sup>(57) "What We learn and What We Witness," Roundtable organized by the monthly *Jame'eh-Salem*: 38, (Apr.-May 1998 [ordibehesht 1377]): 37.

<sup>58</sup> *Payam-e Emrooz* 37, (Feb.-Mar. 2000 [esfand 1378]): 14.

<sup>59</sup> Kadivar, M., "The Result of Twenty Years of the Islamic Republic," conference in the Hossein Abad Mosque in Esfahan, *Payam-e Emrooz* 30 (Apr.-May 1999 [ordibehesht 1378]).

<sup>60</sup> Attorney Jabari, Z. *Salam*, (23 Feb. 1998 [4/12/1376]). On the downside of the islamization of the judiciary see Niknam, A., "Les revers de l'islamisation du Droit", *Les Cahiers de l'Orient* 49, 1998: 53-70.

<sup>61</sup> Kadivar, M., *Payam-e Emrooz* 28, (Feb.-Mar. 1999 [esfand 1377]): 19.

<sup>62</sup> Male law student, *Jame'eh-Salem* 38, (Apr.-May 1998 [ordibehesht 1377]): 39.

<sup>63</sup> *Jame'eh-Salem* 38, (Apr.-May 1998 [ordibehesht 1377]): 37.

<sup>64</sup> Mar'ashi, H., *Fatth*, (9 Mar. 2000 [19/12/1378]).

<sup>65</sup> Student of Tehran University, *Salam*, (10 Feb. 1999 [21/11/1377]).

<sup>66</sup> Soroush, A. Interview, *Reuters*, 9 Dec. 1997 Tehran, Iran.

<sup>67</sup> The weekly *Khaneh* was banned after the publication of this letter in its 15 July 1998 issue.

<sup>68</sup> Quoted by Kian, A., in " L'individu dans le monde: le paradoxe de l'Iran islamique," *Cemoti* 26, Paris, 1998: 177.

<sup>69</sup> *Azadi*, quoted in the weekly *Kayhan* 692, London, 29 Jan. 1998.

<sup>70</sup> *Kayhan*, 4/6/1378 (26 Aug. 1999).

<sup>71</sup> *NBC*, (26 Feb. 1999 [7/12/1377]).

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<sup>72</sup> Contenta, S. "Reformers won the recent election, but conservatives still have a stronghand," *The Toronto Star*, 5 Mar. 2000.

<sup>73</sup> *Payam-e Emrooz* 31, (Jun–Jul 1999 [tir 1378]): 69.

<sup>74</sup> *Jame'eh-Salem*: 38, (Apr–May 1998 [ordibehesht 1377]): 40. In its program of action for the 2000 parliamentary elections, the coalition of reformist journalists and religious intellectuals included the establishment of a human rights commission in parliament to ensure the respect of human rights by the judicial power and the information services. *Asr Azadegan*, (15 Dec. 1999 [24/9/1378]).

<sup>75</sup> *Jame'eh-Salem* 38, (Apr–May 1998 [ordibehesht 1377]): 53.

<sup>76</sup> Rahchamani, M.R., the General Secretary of the pro-Khatami Islamic Iran's Solidarity Party, *Payam-e Emrooz* 35, (Nov.–Dec. 1999 [azar 1378]): 47.

<sup>77</sup> Ebadi, S., "Human Rights, Iran and International Commitments," *Jame'eh-Salem* 38, (Apr.–May 1998 [ordibehesht 1377]): 26–31.

<sup>78</sup> See Namazi, B., *Iranian NGOs: Situation Analysis*, Tehran, Jan. 2000: 34–35, 49–50.

<sup>79</sup> Pouyandeh's translation has become a reference in the public debate. See for instance *Fatth*, on Islam and human rights (20 Jan. 2000 [30/10/1378]).

<sup>80</sup> *Payam-e Emrooz* 27, (Dec.–Jan. 1999 [day 1377]).

<sup>81</sup> Tabarzadi, H., "If no action is taken today, tomorrow will be too late," *Open letter to the president*, 2 Jun 1999. Tabarzadi is an insider who headed for years the state sponsored student organization. He is the brother of two war martyrs and former director of two banned weeklies, "*Payam-e Daneshjoo*" and "*Hoviat e Kheesh*." The Council of Guardians rejected Tabarzadi's candidacy for the 2000 parliamentary elections.

<sup>82</sup> Authors' interview with Arash Forouhar, the son of Parvaneh and Dariouch Forouhar, 25 Jan. 1999.

<sup>83</sup> See R. Safavi, the commander of the Revolutionary Guards, *Payam-e Emrooz* 23, (Apr.–May 1998 [ordibehesht 1377]): 19. On 4 Oct. 1998, the deputy commander of Revolutionary Guards Zolqadr *Salam*, (12 Nov. 1998 [218/1377]). See also Nateq-Nouri, then speaker of the parliament, 22 Nov. 1998 *Hamshahri*, (23 Nov. 1998 [3/9/77]).

<sup>84</sup> *Reuters*, 11 Mar. 1999.

<sup>85</sup> The weekly *Rah-e No*, for example, publishes a series of articles devoted to Mossadeq, entitled "Twenty eight months of a different kind." These articles quote Mossadeq extensively: "Democracy, which is realized through free elections, is our only salvation... If elections are free, people will, in general, make the best choice..." *Rah-e No*, 15, (1 Aug. 1998 [10/5/1377]): 26–27.

<sup>86</sup> King Cyrus the Great, the founder of the Achemenaid dynasty, and Mossadeq were mentioned in a resolution adopted by students gathered at Tehran University on (25 May 1999 [4/3/1378]) to demonstrate in support of political prisoners, freedom of thought, and freedom of speech. The meeting resulted in numerous arrests. After his release from prison, one of the students noted that his interrogator had reproached him for evoking in the resolution the names of a king and Mossadeq, who was allegedly against the clergy. The student replied: "If the students chant the names of Satar or Cyrus the Great, it is because they are attached to their culture and origins. You should not change history, you cannot change it... History shows that many kings have ruled Iran. They should be mentioned for their great achievements as much as for their evil deeds." Mohajeri-Nejad, Gh.. Interview. By Mohri, H. *Radio Seday-e Iran*, Los Angeles, 1 Jun. 1999. Along with many others, Mohajeri-Nejad has been arrested in the wake of July 1999 students' unrest and kept in detention since.

<sup>87</sup> The Islamic association of University Students and Graduates, *A solution for Iran's future political structure, the untold story of the revolution* 2, (3 Apr. 1999 [14/1/1378]).

<sup>88</sup> The daily *Manteq-e-Azad* was compelled to let go of its chief editor, A. Zeid Abadi, to meet the demand of Mohajerani, the Minister of Culture and Islamic Guidance. The chief editor was blamed for having published extracts from an open letter of the students of the University of Science and Industry on the events of 20 May 1999. *Payam-e Emrooz* 31, (Jun.–Jul. 1999 [tir 1378]): 28–29.

<sup>89</sup> The Revolutionary Court ordered the ban of the daily *Zan* on 7 April 1999. *Salam*, (8 Apr. 1999 [19/1/1378]).

<sup>90</sup> *Hamshahri*, (29 Sep. 1998 [7/7/1377]).

<sup>91</sup> A fervent revolutionary activist and formerly in charge of the Ideology Office of the Revolutionary Guards, Akbar Ganji was arrested and judged by the Revolutionary Court on February 18, 1998 for a discourse in which he had compared the conservatives to fascists. *Salam* (18 Feb. 1998 [29/11/1376]). Ganji was again arrested in 21 Apr. 2000, for having attended a seminar on democracy held in Berlin.



- <sup>92</sup> *Payam-e Emrooz* 29, (Mar.-Apr. 1999 [farvardin 1378]): 20.
- <sup>93</sup> "Saïd Eslami is the initiator of the reform of the Press Law", *Salam*, (6 Jul. 1999 [15/4/1378]).
- <sup>94</sup> *Salam* was banned on 7 July 1999, the day following the publishing of the article on the press. On 25 July 1999 *Salam*'s publisher Khoeiiniha was found guilty by the Special Clergy Court. *IRNA* (25 Jul. 1999 [3/5/1378]).
- <sup>95</sup> See *Payam-e Emrooz* 29, (Mar.-Apr. 1999 [farvardin 1378]): 19-21.
- <sup>96</sup> Interestingly, the prosecutor interprets the fact that the angle of justice is blindfolded, symbolizing impartiality, as an insult to justice: "it is implying that the judicial power is violent, cruel, lacking in judgment and blind." *Payam-e Emrooz* 24, (May-Jun. 1998 [khordad 1377]): 41-48
- <sup>97</sup> Mohajerani, A. "Speech in the Parliament", 1 May 1999 (11/2/1378), *Hamshahri*, (2 May 1999 [12/2/1378]). Three members of *Tous*' staff were arrested by the Revolutionary Court. They are all part of the oligarchy. One of the paper's directors, Jalai -Pour, is the brother of three war martyrs, which is a great privilege in the Islamic Republic.
- <sup>98</sup> "Truly, *Neshat* is much different form *Jame'eh* and *Tous*; it seems that it proceeds more carefully." Mohajerani, A. "Speech in the Parliament", 1 May 1999 (11/2/1378), *Hamshahri*, (2 May 1999 [12/2/1378]).
- <sup>99</sup> Bagher-Zadeh, H. "Is State Violence legitimate", *Neshat*, (24 Aug. 1999 [2/6/1378])
- <sup>100</sup> Baghi, E. "The death penalty and lex Talionis", *Neshat*, (30 Aug. 1999 [8/6/1378]).
- <sup>101</sup> Khamenei, A. *Neshat*, (2 Sep. 1999 [11/6/1378]).
- <sup>102</sup> The last issue of *Neshat* (no 149) is dated 3 September 1999, (12/6/1378), *Payam-e Emrooz* 35, (Nov.-Dec. 1999 [azar 1378]): 31-34.
- <sup>103</sup> On the revolutionary credential of the press notables see Mohajerani, A. "Speech in the Parliament", 1 May 1999 (11/2/1378), *Hamshahri*, (2 May 1999 [12/2/1378]).
- <sup>104</sup> Youssefi Ashkevari, H. "In Which World Do We Live", *Asr Azadegan*, (8 Nov. 1999 [17/8/1378]).
- <sup>105</sup> Mohajerani, A. "Speech in the Islamic Parliament", 1 May 1999 (11/2/1378), *Hamshahri*, (2 may 1999 [12/2/1378]))
- <sup>106</sup> Khatami, M. "Speech at Tehran University", 29 September 1998, *Hamshahri*, (30 Sep. 1998 [8/7/1378]).
- <sup>107</sup> On the metamorphosis of the insider into an outsider see, Shariatmadari, H. daily *Kayhan*, (8 Aug. 1999 [17/5/1378]).
- <sup>108</sup> Nouri, A. *Shokaran-e Eslah (the hemlock of reform Defense of Abdollah Nouri before the Special Court of Clergy)*, Tarhe No, (5th edition), Tehran, 1999: 238.
- <sup>109</sup> On the victims' heterodox opinions, see Hosseini, R. *Kayhan*, (11 January 1999 [21/10/1377]).
- <sup>110</sup> See Nouri, A. *Shokaran-e Eslah...*, *op. cit.*: 79-80. See also Ganji, A. "Alijenab-e khakestari (The Gray eminence)", in *Tarikkhaneh Ashbah (Darkroom of Ghosts)*, *op. cit.*: 394-398.
- <sup>111</sup> Ganji, A. "the ideological justification of a crime", *ibid.*: 32-35.
- <sup>112</sup> "the constitution can be criticizable because it is neither the word of God, nor that of an immaculate saint... to express an opinion on the constitution is neither a fault nor a conspiracy." Nouri, A. "Speech at Tehran University", October 13, 1998, *Salam*, (14 Oct. 1998 [22/7/1377]). See also Ganji, A. *Naqdi bar tamam-e Fosuls* (A critique for all seasons), *op. cit.*: 93-94.
- <sup>113</sup> Khatami, M. "Speech at Tehran University", September 29, 1998, *Hamshahri*, (30 Sep. 1998 [8/7/1377]).
- <sup>114</sup> "The peace of mind of the leader is important for all as the calm and stability of the entire system originates from the leader's peace of mind. Therefore, he stressed, leader's concerns [allusion to Khamenei's diatribe against the reformist press, which resulted in the closure of more than a dozen of newspapers and periodicals] should be identified and all efforts should be directed towards elimination of those concerns..." Khatami, M. quoted by *IRNA*, (24 Apr. 2000 [5/2/1379]).
- <sup>115</sup> "Freedom of thought for ever for ever" ; "It is impossible to confiscate ideas by the force of canon and tank". See "The assault against the university's dormitory from the beginning to the end; five days of turbulence and the sixth day," *Payam-e-Emrooz* 32, (July-August 1999 [mordad 1378]): 6-27.
- <sup>116</sup> Khatami, M. "Speech in Hamadan", *IRNA*, (25 Jul. 1999 [3/5/1378]).
- <sup>117</sup> "Speech on the tomb of Ayatollah Khomeini for the school opening", *Resalat*, (30 Sep. 1999 [8/7/1378]).
- <sup>118</sup> *CNN World*, 26 April 2000 Web posted at: 9:58 p.m. EDT (0458 GMT)

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<sup>119</sup> News conference held by the Office of Consolidating Unity, a pro-Khatami student group, Jonathan Lyons, *Reuters*, 20 July 1999.

<sup>120</sup>(120) H. Leylaz, *Neshat*, (27 Jul. 1999 [5/5/1378]).