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## The Janus Nature of Human Rights in Iran: Understanding Progress and Setbacks on Human Rights Protections since the Revolution

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# **The Janus Nature of Human Rights in Iran: Understanding Progress and Setbacks on Human Rights Protections since the Revolution.<sup>1</sup>**

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## Abstract

Since the Islamic Revolution transformed Iran's political system thirty years ago there have been significant violations of human rights including the right to life, the right to be free from torture, and other basic civil and political liberties. This essay examines the ebb and flow of human rights since the Revolution. Why has Iran consistently experienced a lack of political freedom and protection of human rights over the last thirty years and even during the Khatami presidency? Two reasons help explain this pattern: a specific and narrow interpretation of Islam and perceived domestic and international threats to the regime. Given the fact that human rights violations in Iran are less of a priority to many Western governments given the concern with Iran's nuclear program, this essay explores possible approaches to seeing improvements in human rights via a modification of the spiral model.

"We must bear in mind that in their attempt to take societies to a utopian future, free from any suffering, radical social and political projects tend to inflict great suffering on living individuals."<sup>2</sup>

## **I. Introduction**

Assessing Iran's human rights violations in the thirty years since the Islamic Revolution is a major undertaking. However, in these brief remarks it is worth recalling that despite the Shah's rhetorical support for international human rights and the holding of a major conference in Tehran in 1968, the monarch in his 28 years on the Peacock throne had allowed numerous human rights violations to occur. The lack of democracy and free speech, as well as SAVAK's brutal treatment of Iranians, is evidence of the fact that Iran had a poor record on human rights prior to the revolution. The Islamic Revolution did little to significantly improve Iran's human rights record on many issues and there have been serious concerns raised both internally and externally about human rights violations over the last thirty years including the lack of personal and political freedoms.

Given the various concerns raised about human rights in Iran is there any reason to believe there will be an improvement in the protection of human rights in the future? Scholars such as Risse and Sikkink have suggested that states can be socialized to

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<sup>1</sup> Draft essay not for citation. Questions or comments are welcome and can be sent to [flanagan@cwu.edu](mailto:flanagan@cwu.edu)

<sup>2</sup> Akbar Ganji, *The Road to Democracy in Iran*, (Cambridge, MA: MIT Press, 2008), 11

improve at least part of their human rights record. They argue that western states, advocacy networks, and international norms can have a positive impact on rights of personal integrity in most if not all non-western developing countries.<sup>3</sup> Will Iran be socialized to improve its human rights record? Is there any indication that international human rights norms have impacted Iran? This essay examines both the progress on and violations of human rights in Iran over the last thirty years. I want to explain why the Islamic regime has restricted the basic rights of its citizens, as well as what accounts for the progress made on some second generation rights. To understand the progress and setbacks on human rights, this essay examines the limited impact of international human rights by using some aspects of the framework of the spiral model developed by Risse and Sikkink.

This essay will expand the framework of the spiral model originally designed to study how norms, advocacy networks and western states can lead to improvements in personal integrity rights, in order to understand the status of a broad range of human rights in the Islamic Republic of Iran. Given Iran's energy resources and the potential development of nuclear weapons, the spiral model with its focus on international norms and actors does not tell the entire story. To see further improvements in the protection of human rights this essay suggests that minimizing threats is also necessary to see further progress. Therefore, this essay examines Iran's human rights record in the framework of the interplay of international human rights norms and perceived threats.

The first part of this essay begins by examining the dynamics underlying human rights violations in Iran. What are the sources of human rights violations in Iran? I examine some of the specific violations of first generation human rights including the right to life and personal integrity, women's political rights, and those civil and political rights necessary for meaningful political participation.<sup>4</sup> This section explains the motivations and basis of the violations, specifically focusing on threats to the regime and the use of an interpretation of Islam. Then I investigate the condition of some socio-

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<sup>3</sup> Thomas Risse and Kathryn Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices: Introduction," in *The Power of Human Rights: International Norms and Domestic Change*, edited by Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink. (Cambridge: Cambridge University Press, 1999), 1.

<sup>4</sup> One cannot do justice to all of the civil and political rights articulated in the Covenant on Civil and Political Rights or even in the Universal Declaration of Human Rights, so I have selected some specific civil and political rights that are representative of the situation of human rights in Iran.

economic human rights in Iran—specifically the second generation rights of education and health care.

Part two of this essay examines how human rights can be improved in the future by laying out the theoretical framework for the socialization of human rights. Due to the elements at work in Iran, I modify the spiral model to incorporate needed elements to improve human rights in Iran. Although some may see the glass as half empty (there are still many basic civil and political rights that are not guaranteed), there are reasons to see a glimmer of hope. Iran's protection of human rights in some areas is better than the Pahlavi regime (second generation human rights including health care and education) and better than some parts of the Middle East. Furthermore the discourse on human rights has changed over the last thirty years.

## **II. Explaining Human Rights Violations in Iran**

Various individuals and international NGOs and IGOs have voiced concerns about human rights in Iran. Marking the 30<sup>th</sup> anniversary of the Islamic Revolution, Amnesty International, issued a press release which expressed these concerns:

Despite promises made by Ayatollah Khomeini that all Iranians would be free, the past 30 years has been characterized by persistent human rights violations. The vast scope and scale of those violations of the early years of the Islamic Republic did decline somewhat with time. Limited relaxation of restrictions on freedom of expression during the period of reform under former President Khatami raised hopes of a sustained improvement in the human rights situation, although the situation remained poor. However, these hopes have been firmly crushed since accession to power of President Ahmadinejad.

Akbar Ganji, an Iranian journalist, also noted the extensive problems pertaining to first generation rights:

We strongly oppose the current laws and policies in Iran, because they do not recognize freedom of thought, freedom of expression, or freedom of religion and assembly. We oppose them because they still sanction the death penalty for an infidel; because they imprison dissidents and those who live differently; because in the last eight years, they have closed more than a hundred magazines and newspapers. We oppose them because according to their version of Islamic law, they have allowed individuals to kill others deemed *mahdour-al dam*, or deserving of death. We oppose them because they have denied the citizens of Iran the right to determine their own fate. They deny the people the right to replace the current rulers in a peaceful manner. They have blocked all democratic methods of

reform, and they have deprived our women of many of their civic and political rights.<sup>5</sup>

Freedom House, with its focus on civil and political rights, has consistently rated the theocracy in Iran as Not Free with scores of 5, 6, and 7.<sup>6</sup> The World Bank's Worldwide Governance indicators project also gives Iran low marks.<sup>7</sup> Other organizations such as Human Rights Watch have criticized Tehran for its various violations of internationally recognized human rights codified in international law. Many in the west including the United States have repeatedly criticized the lack of human rights protections in Iran. The State Department issued its 2008 Human Rights Report on Iran in February 2009 and criticized a wide range of violations:

The government severely limited citizen's right to change their government peacefully through free and fair elections. The government executed numerous persons for criminal convictions as juveniles and after unfair trials. Security forces were implicated in custodial deaths and committed other acts of politically motivated violence, including torture. The government administered severe officially sanctioned punishments, including death by stoning, amputation, and flogging. Vigilante groups with ties to the government committed acts of violence... Authorities held political prisoners and intensified a crackdown against women's rights reformers, ethnic minority rights activists, student activists, and religious minorities. There was a lack of judicial independence and fair public trials. The government severely restricted civil liberties, including freedoms of speech, expression, assembly, association, movement, and privacy, and it placed severe restrictions on freedom of religion. Official corruption and a lack of government transparency persisted.... On December 18, for the sixth consecutive year, the UN General Assembly (UNGA) adopted a resolution on Iran expressing "deep concern at ongoing systematic violations of human rights."<sup>8</sup>

Most of these criticisms, elaborated on below, revolve around first generation rights and are related to perceived threats to the regime.

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<sup>5</sup> Pages 21-22

<sup>6</sup> In the 1980s (1980-1991) Iran consistently received scores of 5 and 6. The five years from 1992 to 1997 saw a deterioration in rights according to Freedom House: 6 and 7. Between 1998 and 2007 the number has remained relatively stable at 6.

<sup>7</sup> Worldwide Governance indicators for 2009 (1996-2008). Percentile Rank: Voice and Accountability 8.2; Political Stability 14.4; Government Effectiveness 24.6; Regulatory Quality 2.9; Rule of Law 23.0; Control of Corruption 28.5; All of these statistics have deteriorated since 2003. [infor.worldbank.org/governance](http://infor.worldbank.org/governance).

<sup>8</sup> <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119115.htm>

## The Right to Life and Personal Integrity in the Islamic Republic of Iran

The early years after the revolution saw some of the gravest human rights violations committed against perceived threats to the regime and those considered not sufficiently loyal to Khomeini and the Islamic Republic of Iran. Besides purges of military officers and cabinet ministers, parliamentarians were executed because of their loyalty to the Shah and his un-Islamic policies. Robin Wright, a noted journalist, estimates that “almost six hundred Iranians faced the firing squad” between February 1979 and November 1979.<sup>9</sup>

After many of the monarchists were imprisoned, executed, or fled to exile, the revolution turned on its own supporters. The Revolution’s diverse mix of secular intellectuals, Islamic clerics, and leftists were united in the initial goal of removing the shah. After this goal was accomplished a power struggle ensued between these three factions over what type of political system would develop and who would control this new government.

Many of the secular leaders/non-clerics expected and believed that the clerics would return to their religious seminaries. The Iranian political system would be Islamic (laws would not violate Shari’a) but the government would be run by lay individuals with technical experience. Bazargan, Iran’s first prime minister and Bani-Sadr Iran’s first president both thought that they could increase their power and direct the political system. Both ultimately failed.

Khomeini and his clerical supporters were unwilling to share power with secular elites and this threat to the power of the clerics would result in many violations of the right to life. In addition, *komitehs* (neighborhood committees) were created- often on an ad hoc basis- to protect the revolution from moral vice and a potential counterrevolution. These komitehs existed and acted as an alternative police force except that they were not controlled by the state. Prime Minister Bazargan complained, “The committees are everywhere and no one knows how many exist, not even the imam himself.”<sup>10</sup> The komitehs’ crackdowns on un-Islamic behaviors did not sit well with many former revolutionaries, especially the leftists.

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<sup>9</sup> Robin Wright, *In the Name of God*, (New York: Simon and Schuster, 1989), 69

<sup>10</sup> Wright, 67-8

The Mojahedin (MEK) fought back with a series of assassination attempts some of which were successful. On June 28, 1981 at an IRP (political party of the clerics) a bomb exploded killing over 70 leading IRP officials including Supreme Court Chief Justice Mohammad Beheshti. Additional bombs went off in Qom and Tehran. The bomb that went off in June, 1981 at Friday prayers in Tehran seriously injured Ali Khamenei.<sup>11</sup> In August an additional assassination claimed the lives of the new President Raja'i and Prime Minister Bahonar.

In response to these attacks, the government unleashed a reign of terror with numerous executions in the subsequent months. On September 19, 1981 149 people were executed. The following week saw more bloodshed with 110 people killed on one day.<sup>12</sup> These killings were implemented in part to protect the theocracy from a secular threat to the very existence of the regime. The reign of terror would come to an end in December 1982 when Khomeini criticized "the government for deviating from Islamic behavior and exceeding their mandates."<sup>13</sup>

### Torture

In addition to executions various individuals have been held in confinement and tortured while in jail. Accounts from opposition figures and dissidents tell of harsh treatment while in custody.<sup>14</sup> Ahmad Batebi, a student protestor, who appeared on the cover of the Economist magazine in 1999, recalled how he was beaten and kicked in an interview after his escape and relocation to the United States. In addition to various humiliations and threats to his family, his treatment included sleep deprivation and being hung from the ceiling with his arms tied behind his back.<sup>15</sup> The State Department's annual report also detailed the torture of individuals in prison:

Common methods of torture and abuse in prisons included prolonged solitary confinement with sensory deprivation, beatings, long confinement in contorted positions, kicking detainees with military boots, hanging detainees by the arms and legs, threats of execution, burning with cigarettes, sleep deprivation, and

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<sup>11</sup> Wright, 98

<sup>12</sup> Wright, 100-1

<sup>13</sup> Wright, 107

<sup>14</sup> Zarah Ghahramani with Robert Hillman, *My Life as a Traitor*, (New York: Farrar, Straus and Giroux, 2008); Marina Nemat, *Prisoner of Tehran*, (New York: Free Press, 2007).

<sup>15</sup> Scott Shane and Michael R Gordon, "Dissident's Tale of Epic Escape from Iran's Vise," New York Times, July 13, 2008. [www.nytimes.com/2008/07/13/world/middleeast/13dissident.html](http://www.nytimes.com/2008/07/13/world/middleeast/13dissident.html). See also Molavi, pages 206-7

severe and repeated beatings with cables or other instruments on the back and on the soles of the feet.<sup>16</sup>

Human Rights Watch reported in February 2009 that the head of the judiciary Ayatollah Shahroudi had acknowledged that four men had been tortured in detention: “The interrogators and prosecutors committed a serious negligent and careless acts in this case that lead to the abuse of the detainees’ words and writings in producing confession letters.”<sup>17</sup>

In 2002 when the Reformists had control of parliament they attempted to pass a bill that would prohibit torture. However the Guardian Council rejected the bill arguing that the bill ‘was un-Islamic and unconstitutional’ and that torture may be necessary ‘in some exceptional circumstances.’<sup>18</sup> This contradicts Article 38 of the constitution, which states, “all forms of torture for the purpose of extracting confession or acquiring information are forbidden.”

### Political Rights

#### *Freedom of Expression*

Freedom of speech or the ability to freely discuss ideas without fear of criminal prosecution is not a right that is protected or guaranteed in Iran despite claims to the contrary by political leaders.<sup>19</sup> Freedom of speech (article 26) is limited within an Islamic context. Thus Iranian citizens have freedom of thought and expression within the bounds of Islam. This limitation has been employed against many individuals who criticize the government. Political views that are critical of members of the ruling elite or question the role of religion in the political system have been censored and individuals voicing political dissent have been arrested and thrown in jail.

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<sup>16</sup> One might also note that many of these complaints have also been directed towards the United States with regard to their treatment of detainees at Gitmo as noted by the International Committee of the Red Cross.

<sup>17</sup> Human Rights Watch, “Iran: Four Journalists Sentence to Prison, Floggings,” 2/10/09. [www.hrw.org/en/news/2009/02/10/iran-four-journalists-sentenced-prison-floggings?...](http://www.hrw.org/en/news/2009/02/10/iran-four-journalists-sentenced-prison-floggings?)

<sup>18</sup> Ali Ansari, *Confronting Iran*, (New York: Basic Books, 2006), 207.

<sup>19</sup> In September 2008 President Ahmadinejad in an interview with the New York Times said, “Iran is a free country for people to express their opinions...Mr. Rohani (who has criticized the president’s oil policy) is a free person in Iran who is free to express his views. Everyone is free to express what he or she wants whether for or against the government and there are in fact hundreds of opinions that in fact speak in favor of out policies.” The interview can be found at [www.nytimes.com/2008/09/26/world/middleeast/26iran-transcript.html?ref=world&...](http://www.nytimes.com/2008/09/26/world/middleeast/26iran-transcript.html?ref=world&...)



In the aftermath of the revolution Ayatollah Khomeini and other religious revolutionaries tolerated very little dissent or criticism. Their distrust for some of their revolutionary companions especially leftists and secular elites who were not considered loyal to the regime led to purges, repression, detention and execution.<sup>20</sup> This was also an attempt by the new government tried to rid the country of western influence. Khomeini was fearful of the influence of western and un-Islamic ideas. In *Islamic Government*, he outlined these fears:

Although all things contrary to the Shari'a must be forbidden, emphasis has been placed on sinful talk and consumption of what is forbidden, implying that these two evils are more dangerous than all others and must therefore be more diligently combated. Sometimes the statements and propaganda put forth by oppressive regimes are more harmful to Islam and the Muslims than their actions and policy....<sup>21</sup>

Other outspoken critics of the repressive nature of the Iranian regime have repeatedly been harassed. Abdolkarim Soroush, an influential intellectual had been fired from various university positions, physically threatened, and prohibited from teaching and travelling outside of the country.<sup>22</sup> Iran's leadership feared the power of Soroush's ideas. Soroush is threatening to the clerical regime because he has proposed an alternative interpretation of Islam. He believes that while the texts of holy books such as the Bible or the Quran do not change our understanding of them may change. So we can always reinterpret a religious text:

Nothing is sacred in human society. All of us are fallible human beings. Though religion itself is sacred, its interpretation is not sacred and therefore it can be criticized, modified, refined and redefined.<sup>23</sup>

The notion that religious texts can be reinterpreted does not sit well with many of the clerical elites. This has led Soroush to argue for Islamic democracy:

I give two bases for Islamic democracy. The first pillar is this: In order to be a true believer, one must be free. To become a believer under pressure or coercion wont be true belief... Thus freedom is the basis of democracy.<sup>24</sup>

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<sup>20</sup> John Esposito and John Voll, *Islam and Democracy*, (Oxford: Oxford University Press, 1996), 66. Bani-Sadr who advised Khomeini in exile, fled to Paris.

<sup>21</sup> Khomeini, *Islam and Revolution: Writings and Declarations of Iman Khomeini*, translated and annotated by Hamid Algar, (Berkeley, CA: Mizan Press, 1981), 113

<sup>22</sup> Mahmoud Sadri and Ahmad Sadri, "Introduction" in *Reason, Freedom, and Democracy in Islam: Essential Writings of Abdolkarim Soroush*, (New York: Oxford University Press, 2000), xi.

<sup>23</sup> Quoted in Robin Wright, *The Last Great Revolution: Turmoil and Transformation in Iran*, (New York: Knopf, 2000), 42

Akbar Ganji, a journalist who served in the Revolutionary Guard and supported the revolution, was jailed for six years for his writings. His exposure of corruption (including family members of Rafsanjani) and a series of high profile murders as well as his passionate defense of human rights landed him in solitary confinement in Evin Prison.<sup>25</sup> Human rights are also mutable according to Ganji and this poses a direct challenge to some of the religious doctrine argued by religious leaders. Some clerics in Iran confine religion to Islamic laws which they view as unchanging and infallible. In contrast Ganji argues:

The concept of human rights remains open to change: new rights might develop, or old rights might lose their relevance. This mutability has two sources: as humans gain more knowledge about their condition, their self-perception evolves and expands. New understandings of causes of suffering may emerge and require new rights. In addition, as life become more developed and more complex, new problems arise.<sup>26</sup>

Ganji's words are threatening to some political elites which is why they have tried to silence him. Very few can openly criticize the president without fear of criminal prosecution or harassment.<sup>27</sup> On December 21<sup>st</sup>, the police confronted Nobel Laureate Shirin Ebadi, entered the office of the Defenders of Human Rights Center (DHRC) which she founded and confiscated cameras and shut down the office. Human Rights Watch's Executive Director criticized the raid as an attempt by the government to intimidate human rights defenders throughout the country:

The closure of DHRC is not just an attack on Shirin Ebadi and her Iranian colleagues, but on the entire international human rights community of which she is an influential and important member.<sup>28</sup>

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<sup>24</sup> Quoted in Wright, *The Last Great Revolution*, page 41.

<sup>25</sup> Akbar Ganji, *The Road to Democracy in Iran*, (Cambridge, MA: MIT Press, 2008) xvii. Ganji's defense of human rights is based on the capacity for suffering: "The common experience of pain is thus the foundation for human rights. We believe that any human being who has the capacity to suffer is entitled to certain rights... Supporters of universal rights, including signatories to the International Declaration of Human Rights, believe that human beings suffer from common sources, and that we must find ways to spare people these experiences." See pages 6-7

<sup>26</sup> Ganji, 7

<sup>27</sup> One of the few individuals to criticize Ahmadinejad in an open and direct manner is former President Khatami who in December 2007 criticized the president's economic policy and crackdown on political activists. Nazila Fathi, "Former Iranian President Publicly Assails Ahmadinejad," *New York Times*, 12/12/07 [www.nytimes.com/2007/12/12/world/middleeast/12iran.html](http://www.nytimes.com/2007/12/12/world/middleeast/12iran.html).

<sup>28</sup> Human Rights Watch, press release, December 21, 2008. "Iran: Reverse Closure of Nobel Laureate's Rights Group." [www.hrw.org](http://www.hrw.org). See also "Iranian Police Shut Down Rights Office," December 22, 2008, [www.nytimes.com/2008/12/22/world/middleeast/22tehran.html](http://www.nytimes.com/2008/12/22/world/middleeast/22tehran.html).

There have been other high profile denials of freedom of expression, the most famous concerning Salman Rushdie. It was on February 14, 1989 that Supreme Leader Khomeini issue a *fatwa* because *The Satanic Verses* was deemed an affront to Islam due to its description of the prophet. The fatwa demanded a response for this insult to Islam:

In the name of God Almighty; there is only one God, to whom we shall all return; I would like to inform all the intrepid Muslims in the world that the author of the book entitled *The Satanic Verses* which has been compiled, printed and published in opposition to Islam, the Prophet and the Qur'an, as well as those publishers who were aware of its contents, have been sentenced to death. I call on all zealous Muslims to execute them quickly, wherever they find them, so that no one will dare to insult the Islamic sanctions. Whoever is killed on this path will be regarded as a martyr, godwilling.<sup>29</sup>

This call for the execution of Rushdie and the denial of free speech that accompanies this intimidation and threat was met with condemnation from many in the West.

University students who have protested against government policies have also encountered many difficulties and have often ended up in Evin Prison in Tehran. The judiciary's closure of the daily newspaper, Salam- a pro-Khatami, reformist paper- led to student protests in the summer of 1999. The protestors were met by Ansar-e-Hezbollah and many students were beaten. Some were killed in these confrontations.<sup>30</sup>

Student protests at Shiraz University in the early months of 2008 also resulted in a harsh crack down with many arrests. More recently students at the Amir Kabir University in Tehran who protested the lack of academic freedom and the burial of war veterans from the Iran-Iraq War on campus grounds were arrested.<sup>31</sup>

We can link the silencing of political dissent to domestic pressure and foreign pressure. Threats from abroad have increased the insecurity of the political elite:

At the same time, the Bush Administration's efforts to promote democracy and threats of military action against Iran- made more vivid by the presence of tens of thousands of American troops in neighboring countries- have given Tehran's

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<sup>29</sup> Mehdi Mozaffari (1995), "Rushdie Affair" in John L. Esposito, ed., The Oxford Encyclopedia of the Modern Islamic World, (New York: Oxford University Press), 443.

<sup>30</sup> Molavi, *The Soul of Iran*, (New York: Norton, 2002), 201-2.

<sup>31</sup> Human Rights Watch, "Iran: Release Students Detained for Peaceful Protests," 2/24/09. [www.hrw.org](http://www.hrw.org). See also BBC, "Arrests after Protest in Tehran," [news.bbc.co.uk/go/pr/fr/-/2/hi/middle\\_east/7907276.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle_east/7907276.stm). Amnesty International, "Iran's Presidential Election Amid Unrest and Ongoing Human Rights Violations," June 5, 2009. [www.amnesty.org](http://www.amnesty.org)

hardliners a pretext to silence dissent and reverse political and social freedoms secured during the Khatami era.<sup>32</sup>

### *Presidential Elections in 2009*

The large scale protests that followed the interior ministry's declaration that President Ahmadinejad had been re-elected a few hours after the polls closed, was one of the most significant domestic threats to the clerical regime. The millions of protestors who came out in the streets day after day signalled a loss of legitimacy and a political challenge to the regime. The Supreme Leader attempted to end the demonstrations when on June 19<sup>th</sup>, 2009 at Friday Prayers he order a halt to the protests. His chilling threat that opposition leaders would be responsible for the bloodshed and chaos that followed left no doubt that he was willing to use force to deal with this threat.<sup>33</sup> Ironically in this same speech he also used the language of human rights by defending democracy and the rule of law. He said "The Islamic State would not cheat and betray the vote of the people."<sup>34</sup> He further suggested that protestors use proper legal avenues to lodge their complaints.

When protestors took to the streets the day after Friday Prayers, albeit in smaller numbers, they were directly challenging the Supreme Leader. Furthermore there have been hundreds of people arrested including journalists, intellectuals, students, opposition leaders, and reformists. At least 30 people were killed although some suspect the number is much higher. The government has also tried to limit access to the internet as well as social networking sites such as Facebook.

The threats to the regime were material and ideological. If Mousavi and reform minded politicians were able to gain power they may agree to talk to or compromise with the United States which would challenge one of the central tenets of the Islamic Revolution of 1979. It could also have a financial impact if certain ministries were no longer controlled by hardliners. This was, in many ways, a similar response to election of former President Khatami. Khatami, unlike some of the more militant clerics, spoke

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<sup>32</sup> Karim Sadjadpour, "Reading Khamenei: The World View of Iran's Most Powerful Leader," (Washington, D.C. Carnegie Endowment for International Peace, 2008), 2.

<sup>33</sup> Nazila Fathi and Alan Cowell, "Iran's Ruling Cleric Warns of Bloodshed if Protests Persist," *New York Times*, 6/20/09 [www.nytimes.com/2009/06/20/world/middleeast/20iran.html?hp=&pa...](http://www.nytimes.com/2009/06/20/world/middleeast/20iran.html?hp=&pa...) Also look up Supreme Leader's Webpage and his sermon at Friday prayers.

<sup>34</sup> Nazila Fathi and Alan Cowell, "Iran's Ruling Cleric Warns of Bloodshed if Protests Persist," *New York Times*, 6/20/09 [www.nytimes.com/2009/06/20/world/middleeast/20iran.html?hp=&pa](http://www.nytimes.com/2009/06/20/world/middleeast/20iran.html?hp=&pa)

favorably about encouraging human rights in Iran. He wanted to promote a greater democratization of the Iranian political system. He also encouraged more cultural freedoms and freedom of the press.<sup>35</sup> However, many of the reformists' efforts were blocked by the conservatives on the Guardian Council, Judiciary, and other aspects of the government. This was due to the fact that reformers were perceived to be a threat to the power of some of the hard-line conservatives. Thus the regime's response to the elections in 2009, echoing the Khatami years, demonstrated how the regime when faced with a perceived domestic threat to their political security would respond in a harsh manner.

In sum, we can also see many human rights violations occurring as a result of perceived threats to those who control the levers of power. Whether that was a foreign threat, (for example, the Iran-Iraq War 1980-88) or a domestic threat (reformist) Tehran often responded with crackdowns and repression at home. Additional violations of human rights have been a result of Khomeini's interpretation of Islamic concepts and values.

#### *Women's Civil and Political Rights*

The position of women in Iranian society since the revolution has fluctuated with the political winds in Iran. While Iranian women have far greater rights and opportunities than their counterparts in, for example, Saudi Arabia, they do not enjoy complete equality. The mixed and inconsistent messages women have received from the regime are a product of the factional politics (reformers vs. hard line conservatives) and of the evolution of Khomeini's Islamic thinking on the subject. His views have been employed by various political forces for granting women more rights as well as expecting women to uphold their traditional roles within the family.

In the early 1960s Khomeini in his criticism of the Shah's efforts at reform specifically aimed at the policies concerning women:

The court of the oppressor (illegitimate ruler) wants to give equal rights to women and men, and trample on the precepts of the Qur'an and the Shari'a, and to take 18 year old girls into compulsory military service.<sup>36</sup>

Thus, in the 1960s Khomeini, based on his interpretation of Islam, did not articulate equal political rights for women. He would however encourage women's political participation

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<sup>35</sup> Ali Ansari, *Confronting Iran*, (New York: Basic Books, 2006) 158.

<sup>36</sup> Vanessa Martin, *Creating an Islamic State: Khomeini and the Making of a New Iran*, (New York: I. B. Tauris, 2000), 61

in the revolution and the political process thereafter. In 1978, Khomeini offered a different vision for women: “In the Islamic system a woman is a human being who can be equally active as a man in the building of a new society.”<sup>37</sup> And a few months later in March of 1979 he praised the political involvement of women during the revolution:

One of the blessings of this movement is that women have become involved in the matters of the day and in political matters...Now all the people, whether women or men, are involved in the destiny of their country.”<sup>38</sup>

While Khomeini did not argue for full equality in terms of political participation (women are not able to become Supreme Leader and have been rejected by the Guardian Council as candidates for president) he did offer women a limited space in the political realm, far greater than in some other countries in the Middle East. Despite some political rights, Iranian women have not enjoyed the same status as men and in many respects are second class citizens in the Islamic Republic. Ganji has referred to the situation of Iranian women as ‘gender apartheid.’<sup>39</sup> While the constitution guarantees the equal rights of women in Articles 3 and 20, there are also limiting clauses. Article 20 places this within the criteria of Islam:

All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria.

When the revolution occurred in 1979 many women participated not only in street demonstrations but also in the referendum on Iran’s political system. Since 1979 women have been encouraged- at times forced- to play the traditional role of nurturing mother and dutiful wife.<sup>40</sup> Women who were judges prior to the revolution were replaced by men and some women were dissuaded from practicing law.<sup>41</sup> Women are also segregated in many public places including in classrooms, and have been prohibited from attending

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<sup>37</sup> Martin, 155

<sup>38</sup> Martin, 156

<sup>39</sup> Ganji, 33

<sup>40</sup> Azar Nafisi, *Reading Lolita in Tehran*, (New York: Random House, 2003). See also Mahmood Monshipouri, *Islamism, Secularism, and Human Rights in the Middle East*, (Boulder, CO: Lynne Rienner Publishers, 1998), 188. The legal age for girls to marry was raised from 9 to 13 Rebecca Barlow and Shahram Akbarzadeh, “Prospects for Feminism in the Islamic Republic of Iran,” *Human Rights Quarterly* 30 (2008), 21-40 at 27.

<sup>41</sup> Valentine M. Moghadam, “Islamic Feminism and Its Discontents: Towards a Resolution of the Debate,” *Signs*, Vol. 27, No. 4 (Summer, 2002), pp. 1135-1171.

sporting events.<sup>42</sup> Women in Iran do not enjoy equal treatment or equal status with their male counterparts. According to Rebecca Barlow and Shahram Akbarzadeh, this stems from ‘a culture of patriarchy’ and the fundamental belief of many of Iran’s conservative elite that “women are inferior to men in terms of rationality and their ability to live autonomous lives.”<sup>43</sup> This inequality is translated into various laws and practices including the fact that a woman’s testimony in a court of law is “valued at half that of a man’s.”<sup>44</sup>

In addition, women do not have the basic freedom to choose their attire. The veil is mandatory for all women regardless of their religious beliefs in public. Women are mandated to have her head covered because it was a means to protect her chastity and purity. As Ayatollah Khamenei noted, “any hijab removal would lead to the removal of chastity from society and the destruction of the family.”<sup>45</sup> Women who do not wear their veil properly (their veil does not cover their hair) can be brought into police custody and fined by the authorities. There have been various crackdowns on women who do not completely cover their hair.<sup>46</sup>

Some Iranian women have been brave enough to confront what they view as their second class citizenship status in Iran. The response from the government has often been violent and harsh. “In response to peaceful demonstrations by women’s rights advocates challenging discriminatory laws (including stoning for adultery) security forces arrested numerous women. Five women were charged with acting against national security by participating in an illegal gathering even though Article 27 of the Iranian Constitution and Article 21 of the International Covenant on Civil and Political Rights recognizes the

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<sup>42</sup> In June of 2005 hundreds of women demonstrated against the gender discrimination that exist in Iran. Nazila Fathi, “Hundreds of Women Protest Sex Discrimination in Iran,” New York Times, 12 June 2005. [www.nytimes.com/2005/06/12/international/middleeast/13womencnd.html?ei=5094...](http://www.nytimes.com/2005/06/12/international/middleeast/13womencnd.html?ei=5094...) Some women have also complained of the practice of temporary marriage. A temporary marriage is “a religiously sanctioned marriage with contractual obligations but for a finite period of time.” (Nasr, 69)

<sup>43</sup> “Prospects for Feminism in the Islamic Republic of Iran,” *Human Rights Quarterly* 30 (2008), 21-40 at 23.

<sup>44</sup> *Ibid.*, 23. Monshipouri, 189.

<sup>45</sup> “Nation Must Develop Insight Prior to Ballot,” 1/23/08 [www.leader.ir/langs/EN/print.php?id=3816](http://www.leader.ir/langs/EN/print.php?id=3816). Women during the Pahlavi monarchy were courageous and stood up to the shah’s pressures to remove the hijab. The hijab covers the head and the neck. Some Iranian women wear a chador which is a cloak that covers the entire body. A burka covers not only the entire body but a woman’s face as well.

<sup>46</sup> Foreign journalists have noted the limited effects of these government actions. BBC, “New Iranian dress code crackdown,” 6/17/2008, [news.bbc.co.uk/go/pr/fr/-/2/hi/middle\\_east/7457212.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle_east/7457212.stm).

right to peaceful assembly.”<sup>47</sup> Some of the peaceful protesters were also beaten before being taken to Evin Prison.

Additional peaceful protests have also encountered a heavy handed response from the Iranian authorities. In March of 2006 several women who were part of the One Million Signatures Campaign were arrested and later convicted of ‘acting against national security, disrupting public order, and refusing to follow police orders.’ Nasrin Afzali, Nahid Jafari, and Minoos Mortazi were given suspended sentences of lashings and prison time.<sup>48</sup> The sentences will not be carried out unless the women commit additional crimes. However, one of the defense lawyers, Zahra Arzani, has suggested that the suspended sentences were an effort to limit human rights activists in Iran. The One Million Signatures Campaign is a campaign to end gender discrimination in Iranian laws especially in the area of family law.<sup>49</sup> Efforts by the campaign to ratify CEDAW have not been successful. The Guardian Council refused to approve CEDAW arguing that it was unconstitutional and un-Islamic.

In sum, we see that perceived threats to the regime (secular types, MEK) and violations against Khomeini’s interpretation of Islam explain many of the human rights violations in Iran. Despite the various violations of human rights in the Islamic theocracy, we have also seen some limited improvements in a few second generation rights.

### **III. Progress on Human Rights**

#### **Basic Needs and Health Care**

In the thirty years since the revolution we have seen some significant improvements in second generation rights although this has received far less attention from scholars discussing human rights. There has been a significant improvement by the government in providing for the basic needs of its citizens. This commitment to improving the lives of the poor can be linked to the goals and rhetoric of the revolution in

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<sup>47</sup> Those charged were Nusheen Ahmadi Khorasani; Parvin Ardalan; Sussan Tahmasebi; Shahla Entesari, and Fariba Davoodi Mohayer. Barbara Ann Rieffer-Flanagan, “Improving Democracy in Religious Nation-States: Norms of Moderation and Cooperation in Ireland and Iran,” *Muslim World Journal of Human Rights*, Volume 4, Issue 2, (2007). Human Rights Watch, “Iran: Women on Trial for Peaceful Demonstration: Activists Arrested for Protesting Discriminatory Laws,” February 27, 2007. Kasra Naji, *Ahmadinejad: The Secret History of Iran’s Radical Leader*, (Berkeley, CA: University of California Press, 2008), 252.

<sup>48</sup> Payvand, “Iran: Women’s Rights Activists Get Suspended Lashing Sentences,” 4/24/08

<sup>49</sup> Ibid.



1979 when Khomeini promised to help the oppressed. Furthermore it is not viewed as threatening to the ruling elite.

Since the revolution Iran has reduced poverty. In the 1990s poverty had decreased from 26% to 21%.<sup>50</sup> Less than 4% of Iranians fall below the poverty line (\$1 per day). This number is more significant in comparison to a state such as India where 25% of the population is below the poverty line.<sup>51</sup> Furthermore, access to electricity and piped water in rural areas increased substantially since the revolution. Access to electricity was below 20% in 1977 and by 2004 it was over 95%. Similar improvements can be seen with access to water.<sup>52</sup>

Iran has continued to invest in its health services and the results are encouraging. In the 15 year period from 1991 to 2006 Iran has increased the social service complexes in urban areas (from 414-980) and in rural areas (1121-1495). These complexes assist Iranians with their health care needs as well as providing orphanages and day care centers.<sup>53</sup> There has also been increased access to medical services. One result has been the decline in child mortality rates.<sup>54</sup> These results have been possible because of government support, including increased female literacy. It has been estimated that the government is spending close to \$2 billion on subsidies for food and medicine. Furthermore various charities which receive government funding also provide direct assistance to over two million Iranians.<sup>55</sup> In addition, there has been greater access to birth control. In the late 1980s, the government developed a policy called The National Birth Control Policy, which “provided free contraceptives (to married couples) through the primary health care system.”<sup>56</sup> This policy was developed to help with family planning and encourage women to have fewer children.

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<sup>50</sup> World Bank, “Poverty in Iran: Trends and Structure, 1986-1998,” Middle East and North Africa Region, Washington, D.C.

<sup>51</sup> Djavad Salehi-Isfahani, “Oil Wealth and Economic Growth in Iran,” in *Contemporary Iran: Economy, Society, Politics*, edited by Ali Gheissari, (Oxford: Oxford University Press, 2009), 16

<sup>52</sup> Electricity: 16.2% (1977) to 98.3% (2004); Piped Water: 11.7% (1977) to 89.0% (2004). Statistical Center of Iran, 1984-2005 Household Income and Expenditure Surveys.

<sup>53</sup> Iran Statistical Yearbook 1385 (2006-7) [www.sci.org.ir](http://www.sci.org.ir)

<sup>54</sup> In 1960 there were 281 deaths per 1,000 births versus 42 deaths per 1,000 births in 2001. World Bank, “World Development Indicators,” 2003, Washington, D.C.

<sup>55</sup> Djavad Salehi-Isfahani, page 15.

<sup>56</sup> Pardis Mahdavi, “Who Will Catch Me If I Fall? Health and the Infrastructure of Risk for Urban Young Iranians,” in Ali Gheissari edition, at page 165.

### Improvements in Education

In addition to the improvements in access to health care, women have also enjoyed access to the education system. Women have used these opportunities to further their abilities and this has been demonstrated in a number of areas. Literacy rates have improved dramatically since the revolution. For example, between 1976 and 1996 women's literacy doubled (1976- 36% of Iranian women were considered literate and by 1996 the figure rose to 72%). By 2006, the literacy rates for girls ten years and older was 80%.<sup>57</sup> Some have suggested that the segregation of gender helped socially conservative families allow their daughters to go to school. That some of the classes were offered in mosques furthered female literacy.<sup>58</sup> Furthermore, by 2000, more women than men were studying at institutions of higher education.<sup>59</sup> The human rights lawyer and Noble prize winner, Shirin Ebadi noted that close to 65% of the students in universities were women.<sup>60</sup>

These improvements helped Iranian women in the labor market as well. In the last thirty years women's participation in the workforce has increased (although there were some women who lost their jobs in the immediate aftermath of the revolution). This increase in the female workforce has not been limited to cheap jobs in manufacturing. Rather women have been increasingly moving into the service sector. In 1976, women made up 38.2% of the manufacturing force, 39.5% of education, health care and social services, and 18.3% in social, personal and financial services. By 2006, women in manufacturing had declined to 18.7%, while education, health care, and social services had increased to 48.6% and in the social, personal and financial services it was up to 28.2%.<sup>61</sup> This shows that women are moving into higher paying jobs.<sup>62</sup>

### Women's Political Rights

Despite some discriminatory practices enshrined in the legal system, women do enjoy some political rights in Iran. Since the revolution women have been given the right

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<sup>57</sup> Statistical Center of Iran, [www.sci.org](http://www.sci.org)

<sup>58</sup> Rokhsana Bahramitash and Hadi Salehi Esfahani, "Nimble Fingers No Longer! Women's Employment in Iran," in Ali Gheissari edition, at page 92.

<sup>59</sup> Jane Howard, *Inside Iran: Women's Lives*, (Washington, D.C.: Mage Publishers, 2002), 85, 79.

<sup>60</sup> Barlow and Akbarzadeh, 24.

<sup>61</sup> Statistical Center of Iran.

<sup>62</sup> As Bahramitash and Salehi Esfahani note this is contrary to the female workforce in other parts of the global south. "The trend has been the opposite: women have increasingly left nimble-finger jobs in the carpet industry to go to school so as to take on clerical, technical and professional positions." Page 79.

to vote and have participated in every election in the last thirty years. In the June 2009 Presidential Election women were active in the campaign including Mousavi's wife, Zahra Rahnavard, who campaigned with her husband and energized the women's vote. In response, some of the candidates promised to address women's rights. A few women have even been elected to the Majlis and have participated in the governance of the country, although they "did not succeed in producing substantive and lasting changes to the status of women in Iranian society."<sup>63</sup> However, Iran has more female members elected to Parliament than some other countries in the Middle East.

Some Iranians have even suggested that Iran's treatment of women should be a model for other Muslim countries- going so far as to suggest that Iran is more progressive than other countries because women can vote, drive and hold positions within the government.<sup>64</sup> When examining the issues of birth control and women's education we see that neither is viewed as a threat to the political elites. Ultimately, while women enjoy some rights and some limited progress has been made, women do not enjoy full equality in many areas.

In sum, we can explain the lack of political freedom and personal integrity rights stem from perceived domestic and international threats to the regime and a specific and narrow interpretation of Islam. The role of threats can also explain the improvement on some second generation rights. The progress we see in the areas of health care and education are available because they can be seen as non-threatening to the regime. Therefore beyond a commitment to Islamic purity, the self-interest of political leaders in Tehran and their desire to remain in control of the levers of power can explain many of the human rights violations in Iran over the last thirty years. Having examined the progress and limitations on human rights in Iran, I now turn to the spiral model developed by Risse and Sikkink to explore the role of norms and discourse for the future of human rights in Iran.

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<sup>63</sup> Barlow and Akbarzadeh, 28.

<sup>64</sup> Hassan Hanizadeh, "Women's Rights in Iran," Tehran Times, 7/08/07.

## IV. Socialization of International Human Rights

### Norms

For decades scholars have discussed the value and broad appeal of human rights.<sup>65</sup> Richard Rorty has discussed the elevated status of human rights:

Some have argued that a human rights culture is persuasive throughout the world. This human rights culture refers to the fact that human rights have reached iconic status in modern culture such that the belief in human rights, at least in the importance of the concept, is near universal.<sup>66</sup>

Beyond the question of the importance or universality of human rights lies the more pragmatic question: how does a state evolve from a flagrant abuser of human rights to one where the rule of law protects the basic human rights of its citizens? Risse and Sikink have offered a way to get from here (violation of rights) to there (protection of human rights). They offer a five phase spiral model as a process by which international human rights norms concerning personal integrity rights are socialized and ultimately protected.<sup>67</sup> They argue that western states and advocacy networks can pressure states to improve their protection of human rights.

The first phase of the model involves the repression by the government and the initial activity of a transnational network. Domestic opposition groups are impotent to confront the government at this stage. In the next phase, there is more international activity on behalf of the victims. International NGOs raise awareness about the human rights situation in the country. Human rights organizations in the state complain about the violations at the same time international organizations are openly criticizing the state and trying to get western states to put pressure on the government. The government typically denies the charges:

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<sup>65</sup> “The idea of international human rights has proved broadly appealing. Even those like Stalin, who denied most human rights in practice, wrote liberal constitutions and organized elections so as to pretend to recognize human rights.” David Forsythe, *Human Rights in International Relations*, 2<sup>nd</sup> edition, (Cambridge, Cambridge University Press, 2006), page 11. See also Richard Falk, *Achieving Human Rights*, (New York: Routledge, 2008). “In these contexts the language and pursuit of rights provides a moral motivation for initiatives that aim both to resist oppressive moves emanating from the established order and to transform the status quo in accord with goals associated with equity, equality and human solidarity.” Page 27. Despite the broad appeal of human rights, many governments have not found it appealing to protect the human rights of its citizens.

<sup>66</sup> Richard Rorty, “Human Rights, Rationality, and Sentimentality,” in *The Philosophy of Human Rights*, ed. Patrick Hayden, (St Paul, MN: Paragon House, 2001), pages 241-257 at 245.

<sup>67</sup> The description of the five phase spiral model can be found on pages 22-35.

‘Denial’ means that the norm violating government refuses to accept the validity of international norms themselves and it opposes the suggestion that its national practices in this area are subject to international jurisdiction. Thus, denial goes further than simply objecting to particular accusations. The norm-violating government charges that the criticism constitutes an illegitimate intervention in the internal affairs of the country. The government may even succeed in mobilizing some nationalist sentiment against foreign intervention and criticism.<sup>68</sup>

After denying the validity of international human rights, in the third phase of the model, the targeted state will offer tactical concessions. The state will try to pacify international and domestic criticism with a few minor, cosmetic changes. Thus the regime begins to ‘talk the talk’ and uses the language of human rights. There may be further limited acts such as releasing prisoners or allowing some additional limited press freedoms. Risse and Sikkink note that at times the regime can become ‘entrapped’ by their own rhetoric when it is later used against them.

The fourth phase is the prescriptive phase or the stage at which despite continuing human rights violations the regime is regularly invoking human rights norms- thus the norms are no longer controversial.<sup>69</sup> These norms concerning international human rights are accepted by the regime as legitimate. At this stage the government may sign international human rights conventions or establish institutions to protect human rights.

The last phase occurs when international human rights have become institutionalized and habitual through the rule of law. International human rights are no longer controversial instead they are regularly protected within the domestic political system. Risse and Sikkink do allow that their model of norms and socialization will not work with all states: “The less dependent national governments are on the outside world- in terms of both material and ideational resources- the less they should be concerned.”<sup>70</sup> In sum, we see that the spiral model is important because it shows how international norms and pressure from Western actors can influence non-Western states. The model also acknowledges that for states that are more independent of the Western community the model will not be as effective. It is in the context of norms, ideas and socialization that this essay seeks to examine additional progress on human rights in Iran by modifying the spiral model.

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<sup>68</sup> Risse and Sikkink, page 23.

<sup>69</sup> Page 29.

<sup>70</sup> Page 34.

## V Adjusting the Model: Threats

Given the source of human rights violations and the limited improvements in some human rights in Iran, the spiral model is inadequate in its formation to deal with the situation in Iran. Since threats, perceived and real, are central to understanding the human rights violations in Iran, the role of threats must be incorporated into any model that seeks to explain progress on human rights. Additionally, Risse and Sikkink note that states that are less dependent on the West will be less sensitive to pressure from Western states and NGOs. While Iran is not entirely independent of the West due to its dependence on oil (and the need to see it in foreign markets not to mention the issue of refinement), the Islamic Republic has managed to survive thirty years worth of sanctions. Thus under the model previously discussed international pressure from NGOs and western states would only have some limited impact.<sup>71</sup> Thus limited changes must be made to the spiral model to incorporate some features unique to Iran.<sup>72</sup> In light of this I seek to add to the model the notion of threat perception. Namely that in addition to international norms a diminishing level of threats from the international community and the United States in particular is necessary if we are to see improvement in the protection of human rights and the eventual institutionalization of human rights in Iran.

### Modification to the Spiral Model:

Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Phase 6
Repression	Denial	Threat	Tactical	Prescriptive	Rule
		Reduction	Concessions	Status	Consistent
			& Negotiated	& Domestic	Behavior
			Transition	Pressure on	
				Islam	

While the early phases of the spiral model remain applicable to Iran, the third phase of the process removes external threats. Decreasing threats (and perceived threats) from abroad, specifically foreign countries can provide the space for the gradual

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<sup>71</sup> Note criticisms of Iran by various international NGOs discussed earlier in the paper.

<sup>72</sup> It is also worth noting that none of the countries discussed in *The Power of Human Rights* were oil producing states that were also making progress on the nuclear front.

improvement of human rights. Risse and Sikkink suggest that international pressure (Western states and NGOs) and potential sanctions can push a targeted state on the road to socialization and institutionalization of international human rights. However in Iran's case, thirty years of sanctions have defused some of the pressure at work in the spiral model. Over the last thirty years various attempts to pressure Tehran have been viewed as threats from Western states, especially the United States.<sup>73</sup> This is why there is a need for threat reduction. Reducing the threats prevents a rally around the flag effect from political elites. In Iran's case removing threats would include avoiding any rhetoric about regime change and discouraging the threat from Israel.<sup>74</sup> President Obama's efforts to reach out to Iran and negotiate are steps in this direction. Further international cooperation on the nuclear issue including economic incentives would be helpful. Threat reduction can provide the opening for a negotiated gradual transition.

Phase four of the adjusted model would incorporate some tactical concessions of human rights in the context of a domestically negotiated transition. In order to see some significant improvements in civil and political rights, domestic elites (reformists, pragmatic conservatives) must be willing to allow hard-line conservatives to maintain financial benefits and control over some military forces (Revolutionary Guard) in return for a gradual power sharing agreement. This power sharing arrangement (as seen in Zimbabwe or Chile) would require hard liners to release control of the presidency and parliament (specifically who is allowed to run and hold office) and eventually control over the judiciary as well in order to start making progress towards the rule of law.

Phase four gradually shifts to phase five where more political power is being shifted to elected bodies and away from unelected bodies (Guardian Council, Supreme Leader). In the fifth phase human rights would have prescriptive status. We further see greater domestic NGOs pressure especially concerning Islam. Domestic NGOs arguing for a re-interpretation of Islam in a more human rights friendly manner can lead to

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<sup>73</sup> Tehran is particularly concerned with the rhetoric of regime change that was used during the George W. Bush Administration. Criticisms from western NGOs, while inconvenient do not pose the same threat as Washington does.

<sup>74</sup> While the United States does not control Israeli foreign policy, Washington can apply pressure to Tel Aviv to avoid threats to Tehran and especially a strike on Iranian territory. Towards the end of George W. Bush's presidency, Israel sought permission to fly in Iraqi airspace for a mission over Iran. This request was denied and despite various hawkish statements from Israel's Prime Minister Netanyahu, Israel has not engaged in provocative actions towards Tehran.

progress on human rights while continuing to work within an Islamic context. Thus efforts by Soroush and others who work within an Islamic framework to improve human rights protections in Iran are instructive. This is less threatening than a Western approach because it incorporates elements that are consistent with the culture and history of the people.

The last phase would incorporate rule consistent behavior- the institutionalization of human rights under new leaders. In order for this to occur you will need to see a gradual transition of power (perhaps similar to Pinochet in Chile). Iranians reformers and pragmatic conservatives will need to agree to guarantee the hard-liners that they will be protected financially and from judicial punishment in return for a gradual handover of power and then you will have the opening to make more progress on human rights. While this is occurring in the realm of civil and political rights progress can still be made on human rights on issues such as education or health care because they are not viewed as threatening as political rights.

#### **VI Applying the Adjusted Model:**

If we examine Iran in the context of the spiral model, on some basic human rights, Iran has moved through the first three phases. In the past, Iranian leaders have denied the applicability and the worth of international human rights. However, in more recent years, we have seen various Iranian leaders, including hard-line conservatives using the language of international human rights. This section shows that linguistic transition.

#### **The Discourse on Human Rights**

For Khomeini, international human rights treaties were inferior to Islamic law. (Khomeini had a general disregard for many aspects of international law. This was demonstrated by the violation of diplomatic immunity by the hostage crisis in 1979.) On February 19, 1978, Khomeini gave a speech in which he articulated the hypocrisy of the West and the Universal Declaration of Human Rights:

All the miseries that we have suffered, still suffer, and are about to suffer soon are caused by the heads of those countries that have signed the Declaration of Human Rights, but that at all times have denied man his freedom. Freedom of the individual is the most important part of the Declaration of Human Rights. Individual human beings must all be equal before the law, and they must be free. They must be free in their choice of residence and occupation. But we see the



Iranian nation, together with many other suffering at the hands of those states that have signed and ratified the Declaration.<sup>75</sup>

Khomeini went on to add that “The Declaration of Human Rights exists only to deceive the nations; it is the opium of the masses.”<sup>76</sup> At another time he asserted, “What they call human rights is nothing but a collection of corrupt rules worked out by Zionists to destroy all true religions.”<sup>77</sup>

This hostility towards international human rights law was echoed by Supreme Leader Khamenei who said, “changing some absolute Islamic decrees to correspond to certain international conventions is quite wrong.”<sup>78</sup> Thus some prominent leaders have denied the validity of international human rights law. However, the language of some political elites has evolved from a denial of the legitimacy of international human rights to a denial of wrongdoing.

More and more we see Iranian leaders using the language of human rights in recognition of the Iranian public’s demand for human rights. For example, in his remarks on June 19, 2009 Supreme Leader Khamenei said that the Islamic Republic is a strong supporter of human rights especially the oppressed.<sup>79</sup> Of course the notion that Iran is flag bearer for international human rights is fanciful especially in light of the harsh crackdown after the presidential elections in 2009.

Other Iranian leaders have denied that their country systematically violates human rights. For example, Mohamad Javad Larijani who is on Iran’s human rights committee (a committee established by the supreme leader) had argued that stoning is not torture and hence not a violation of a person’s rights. The use of stoning as a punishment for adultery is neither “torture nor disproportionate punishment.”<sup>80</sup> Further, some Iranians have suggested that much of the criticism from the United States and other Western countries

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<sup>75</sup> *Islam and Revolution: Writings and Declarations of Iman Khomeini*, translated and annotated by Hamid Algar, (Berkeley, CA: Mizan Press, 1981) page 213.

<sup>76</sup> Algar, page 214.

<sup>77</sup> Ann Elizabeth Mayer, *Islam and Human Rights*, (Boulder, CO: Westview Press, 2007), 35. Khamenei, while president expressed similar sentiments: “When we want to find out what is right and wrong, we do not go to the United Nations, we go to the Holy Koran. For us the Universal Declaration of Human Rights is nothing but a collection of mumbo-jumbo by disciples of Satan.”

<sup>78</sup> Tehran Times, “Leader: No Conflict Between Women’s Social and Family Roles,” 7/5/07.

<sup>79</sup> His remarks from Friday Prayers can be found at <http://www.leader.ir/langs/EN/index.php>

<sup>80</sup> Tehran Times October 1, 2007, “West’s Criticism of Iran’s human rights record is politically motivated: IPM Director.

is politically motivated. The head of the Judiciary, Ayatollah Shahroudi argued that “the international community uses human rights as a weapon against the Islamic world.”<sup>81</sup>

While Iran has not compiled a perfect record of protecting international human rights at home, they have voiced concerns about human rights abroad. One of the most pressing concerns for many in Iran (both political elites and Iranian citizens) is Palestine. For the last three decades, the Iranian government has raised concerns about the human rights of Palestinians. Many believe that Palestinians lack basic human rights including fundamental freedoms and political rights.

Khomeini often voiced concern for Palestinians. In February 1971 he urged Muslims to help liberate “the Islamic land of Palestine from the grasp of Zionism.”<sup>82</sup> After the Revolution he continued to argue for the plight of the Palestinians in a message to pilgrims in September 1979:

Today the first *qibla* of the Muslims has fallen into the grasp of Israel, that cancerous growth in the Middle East. They are battering and slaughtering our dear Palestinian and Lebanese brothers with all their might.<sup>83</sup>

The language of the concern voiced for the Palestinians has evolved over the years to incorporate aspects of international human rights. In the early months of 2009 the president submitted an international war crimes bill to parliament. The bill seeks to prosecute individuals in any part of the world with crimes against humanity and war crimes. Specifically this includes denying a civilian population humanitarian assistance, attempts to exterminate a group of people, rape, as well as using toxic weapons.<sup>84</sup> This bill is aimed specifically at Israel and was drafted in response to the war in the Gaza Strip in 2008. Although politically motivated it is important to note that Iran is using the tools and language of the international human rights community. This can also be used against Iran itself.

Thus over the last thirty years we have seen changes in the language employed by various elites in Iran. Instead of denying the importance or validity of international human rights, some political leaders are simply denying that Iran is acting improperly. In other cases, elites are using the language of international human rights to criticize other

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<sup>81</sup> State Department Report 2/25/09

<sup>82</sup> Algar translation, 195

<sup>83</sup> Algar, 276

<sup>84</sup> Tehran Times, “Ahmadinejad submits International War Crimes Bill,” 2/23/09. [www.tehrantimes.com](http://www.tehrantimes.com).

countries. This suggests a change in the regime's relationship to internationally recognized human rights. International human rights went from being a product of the West and hence easily rejected to the current status of accepting human rights as legitimate but claiming that the West manipulates the discussion of human rights or that the country's human rights record is misunderstood.

## VII. Improving Human Rights

There have been relatively short periods in which there was less repression engineered by the regime. In the aftermath of Khomeini's death in 1989, Ali Khamenei became the new Supreme Leader. The real power in Iranian politics however was held by President Rafsanjani. The Rafsanjani presidency saw some limited liberation in Iranian politics. After the reign of terror and after much of the opposition had been purged including the Tudeh party (communist party) there was some limited cultural openings and enhanced liberties. Universities that had been closed due to western influenced were reopened and Iranians with professional skills (doctors and engineers) who had gone into exile due to the revolutionary changes were encouraged to return home.<sup>85</sup> Further indications of a small gradual opening on dissent could be found in the parliament. As speaker of the Majlis, Rafsanjani allowed feisty debates and criticism of the government.<sup>86</sup>

Various dissidents and domestic NGOs have tried to improve the country's protection of human rights. Some have done so from a religious reference point arguing that Iranians leaders have misinterpreted Islamic texts. Thus, if a more accurate understanding of the Qur'an and Sunnah were applied to laws, a more just and rights protective society could be realized in Iran. Efforts to strengthen human rights protections from within an Islamic framework have the greatest potential for success because these efforts use the cultural and religious tools of the society.<sup>87</sup> (This corresponds to phase 5 in

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<sup>85</sup> Wright, *In the Name of God*, 124-5

<sup>86</sup> Wright, *In the Name of God*, 181

<sup>87</sup> Abdullahi Ahmed An-Na'im has argued for both an internal dialogue within Islam and a cross-cultural dialogue between the Islamic world and the west that would alleviate any conflicts between Islam and international human rights. He specifically suggests that this can happen in the controversial area of family law: "A clear acknowledgement of this reality will open the door for more innovative approaches to family law reform that may be guided by Islamic principles, without being confined to outdated understandings of Shari' a." "Shari' a and Islamic Family Law: Transition and Transformation," *Ahfad Journal*, (December 2006), Volume 23, Issue 2, pp. 2-30 at page 5. See also *Toward An Islamic Revolution: Civil Liberties, Human Rights, and International Law*, (Syracuse, NY: Syracuse University Press, 1990).

the revised model- domestic pressure for a re-interpretation of Islam.) For example, some Islamic feminists or religiously oriented feminists in Iran have argued that women's rights can be protected in an Islamic state if a proper reading of the Qur'an is undertaken.<sup>88</sup> In this sense, Islamic feminists do not challenge the religious foundations of the political system. They are seeking to reform- not overturn- the present political system.<sup>89</sup> When Shirin Ebadi, a prominent human rights lawyer won the Nobel Peace Prize in 2003 she specifically stressed the compatibility of Islam and internationally recognized human rights.<sup>90</sup>

### VIII. Implications for the Future

Given that there has been some progress made in areas such as education, should we expect to see further gains in the protections of human rights? The picture is somewhat mixed. The nuclear issue will hinder progress on human rights. The international community's main focus is preventing, either through persuasion or sanctions, the Islamic Republic from becoming a nuclear power with the ability to build a nuclear weapon. While Iran insists that it is developing a peaceful nuclear energy program, the rest of the world has not been convinced.

Although the nuclear issue is a hindrance to human rights, there are some other developments which offer hope for progress on human rights. To begin with political leaders in Iran from various political leanings have used the language of human rights. They are 'talking the talk.' One example of this was the international war crimes bill discussed earlier. Even if selectively applied this still suggests a use of the language of international human rights which is a large step from Khomeini's rejection of human rights and a step towards the protection of human rights. In addition, when discussing the case of journalist Roxana Saberi, President Ahmadinejad's Chief of Staff, Abdolreza Sheikholeslami wrote, "Take care that the defendants have all the legal freedoms and rights to defend themselves against the charges and none of their rights are violated."<sup>91</sup>

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<sup>88</sup> It is worth noting that some Iranian women believe the notion of Islamic feminism is "a contradictory notion" and implausible. Nafisi, 262.

<sup>89</sup> Barlow and Akbarzadeh, 26

<sup>90</sup> Shirin Ebadi, *Iran Awakening: A Memoir of Revolution and Hope*, (2006), p 191. See also Barlow and Akbarzadeh, 38.

<sup>91</sup> Nazila Fathi, "Iran Judge Asks for Review Case of Jailed Journalist," *New York Times*, 4/12/09. [www.nytimes.com/2009/04/21/world/middleeast/2/iran.html](http://www.nytimes.com/2009/04/21/world/middleeast/2/iran.html). Some have suggested that the review and release of Saberi were tied to American-Iranian relations and the potential to improve relations. Still the language used was of the discourse on international human rights, even if political motives were at play.

This statement echoes the values of the rule of law. Furthermore, with President Obama now occupying the White House, there are less threats emanating from the Great Satan.

## IX. Conclusion

Michael Ignatieff has argued that the protection of human rights in authoritarian states comes about “when activists risk their lives and create a popular and indigenous demand for these rights, and when their activism receives consistent and forthright support from influential nations abroad.”<sup>92</sup> This essay has argued that the process is more complicated than that. Many of the human rights violations committed by the government stem from two sources: a specific interpretation of Islam (as opposed to Islam itself) and real and perceived threats to the political elite. Limitations on political rights including freedom of expression occur to limit political opposition to the regime and especially the hard-line conservatives in power. Human rights violations that occur in the name of Islam (requiring women to wear a veil or punishing an individual accused of adultery by stoning) may offer more hope for progress. Since *ijtihad* (interpretation of religious texts/independent reasoning) allows for the reexamination of some Islamic doctrines and ideas, this may provide an avenue for improving the human rights’ record in Iran. Article 2 of the constitution specifically allows for this:

The exalted dignity and value of man, and his freedom coupled with responsibility before God; in which equity, justice, political, economic, social, and cultural independence, and national solidarity are secured by recourse to: 1. continuous *ijtihad* of the *fuqaha*’ possessing necessary qualifications, exercised on the basis of the Qur’an and the Sunnah of the Ma’sumum, upon all of whom be peace.

But we should also note the limitation to using Islam to promote human rights. Islam will only go so far when the political elites feel they are threatened.

Iran’s political system is far from a mature, liberal democracy which guarantees all of its citizens basic internationally recognized human rights. Various human rights including freedom of speech, press, assembly, the right to a fair trial, due process and bodily integrity are often violated due to perceived threats to those in power. However we have also seen some limited progress on second generation rights such as improved

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<sup>92</sup> Michael Ignatieff, *Human Rights as Politics and Idolatry*, (Princeton, NJ: Princeton University Press, 2001), 24.

health care and access to basic needs such as water. Since real and perceived threats account for some of the human rights violations in Iran, removing threats will be essential to improving human rights protection in the future. This is why threat reduction is part of the adjusted spiral model. While the spiral model alerts us to important aspects of improvement in human rights especially the socialization of norms concerning international human rights, it requires some adjustment to be applicable to a country such as Iran which has dealt with sanctions and international pressure for over three decades.

Given some of the limited progress on second generation rights and the fact that political elites are using the language of international human rights there is some basis for hope for the future. When coupled with the fact that Iran has generally (2009 was an exception) held regular elections in which Iranian citizens are able to vote for a narrow list of candidates and the fact that theocracy that Khomeini created is far more inclusive than many of the political systems found in the Middle East or under the Pahlavi regime there is some basis for improved human rights protection in the future. The spiral model with some modifications offers a blueprint (although not a teleological guarantee) for greater protection of human rights in the future. While the road is not guaranteed, the less threatened the regime feels the greater chance there is for improved human rights protections in Iran.