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## ABOUT THE AUTHOR

MEHRANGIZ KAR is an Iranian scholar, activist, writer and lawyer specializing in women's rights and family law. Kar is internationally renowned for her writings and activism in defense of women's and human rights. She is the recipient of several human rights awards, including the National Endowment for Democracy's Democracy Award (2002), Ludovic-Trarieux International Human Rights Prize (2002) and the Human Rights First Award (2004). She is on the board of a number of international organizations such as the Advisory Committee of Human Rights Watch on the Middle East (2000-2011). Kar came to world-wide attention in 2000 when she was imprisoned for expressing critical views about Iran's legal system while at an international conference in Berlin. In January 2001

she was convicted and sentenced to four years' imprisonment on charges of acting against national security and disseminating propaganda against the Islamic regime. Kar was later released on bail and her sentence was reduced. In recent years Kar was a Scholar at Risk Fellow at Harvard University, Wellesley College's Newhouse Center for the Humanities and a Ford Foundation Visiting Fellow with the Project on U.S. Relations with the Islamic World in the Saban Center for Middle Policy at the Brookings Institution. In 2009, she was a Visiting Fellow at the University of Cape Town where she works on public law and transitional justice. Currently, she is a Fellow at the Dubai Initiative at Harvard John F. Kennedy School of Government.



# REFORMIST ISLAM VERSUS RADICAL ISLAM IN IRAN

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One of the many paradoxes of Iranian politics is the role of the clergy as both a supporter and an opponent of social movements. Iran has a long tradition of clerical involvement in popular freedom movements, dating back to the Constitutional Revolution of 1906 and earlier. However, there exists an equally long tradition of influential clerics standing in the way of liberal movements. This historical clash between the conservatives and the reformists among the Iranian clergy lies at the heart of the internal struggles that have gripped Iran since the foundation of the Islamic Republic.

The theoretical differences between the conservatives and the reformists raise existential questions about the nature of Iranian society. Are people primarily bearers of divine duties, or holders of inalienable rights? Is Islam compatible with democracy? Can interpretations of Islam be altered to adapt to societal conditions? The fights over such theoretical issues have expanded into practical clashes between the clerical factions over such issues as human rights, women's rights, and political and press freedoms. As Iran continues to reel in the political crisis that began with the disputed presidential election of June 12<sup>th</sup>, 2009, the clash between the conservative and reformist clerics remains central to every development in Iranian political society.

Iranian freedom fighters have allied themselves with the clergy dating back more than a century.

Beginning with the Constitutional Revolution in 1906, members of the clergy have lent crucial support and leadership to movements for political reform. Most notably, Ayatollah Ruhollah Khomeini led the freedom movement in the Islamic Revolution of 1979, which ended Iran's monarchy under the Shah. Even under the Islamic Republic, clerics have played an important role in challenging the religious government. Mohammad Khatami, also a cleric, was at the forefront of the reform movement in 1997. Most recently, clerics such as the late Ayatollah Hossein-Ali Montazeri, Ayatollah Yousef Saanei and Hojjatoleslam Mehdi Karroubi supported the Green Movement that emerged during the presidential elections on June 12<sup>th</sup>, 2009.

For generations, while Iranians have formed their freedom movements with the support of the clergy, it has also been true that other clergy members have stood in the way of such efforts. The Islamic Revolution of 1979 produced two distinct groups of clerics: those who support the promotion of civil society and those who do not. This split between moderate and radical factions within the clergy became more pronounced in 1997 under Mohammad Khatami's reformist government and led to a widespread political crisis that reached a boiling point in June 2009. As this paper will demonstrate, the 2009 election is a testament to the significant role that religious scholars on both sides have played and will continue to play in determining Iran's



political landscape. Now that more than a year has passed since the 2009 election, the clash between the two views remains. As this crisis continues, religious scholars will play a central role in the political transformations that will determine the future of Iran.

## BACKGROUND

### **A Nation Caught in an Ongoing Conflict between Modernity and Tradition**

The contemporary debates on the role of Islam in Iranian politics are informed by five major historical episodes: the Constitutional Revolution in 1906, the White Revolution in 1963, the Islamic Revolution in 1979, the Reform Movement in 1997, and most recently, the Green Movement that emerged in 2009. Much of the contemporary history of Iran is a narrative of clashes between aspirations for and obstacles to political participation. Iran's conflict between modernity and tradition has led to dramatic consequences, including two revolutions. The change from an autocratic system to a constitutional monarchy in 1906 was the central achievement of the Constitutional Revolution that lasted from 1905 to 1911. During this revolution, reformers insisted on the creation of political frameworks based on legal premises, resulting in the formation of constitutional documents. The second constitution was created after the Islamic Revolution of 1979.

Each of these constitutional documents partially succeeded in serving reformers' goals to limit state authority and to protect political liberties. However, the 1906 constitution, while progressive on paper, failed to defend these goals in practice. At the time, political liberties in Iran were held back by a deep sense of traditionalism that was difficult to overcome, and the royal powers refused to concede any of their authority. After 1979, the leaders of Iran continued to obstruct reformers' efforts at securing popular political participation, which became the basis for the ensuing public conflict between reformers and reactionaries. Though the

monarchy no longer exists, a desire to stand above the law still remains among Iran's leaders. Understanding the lasting impact of traditionalism and authoritarianism is critical when identifying why Iran has failed to establish a legally based political framework. These lost opportunities have become the primary markers of Iran's recent history.

Each of the historic events intensified the importance of investigating the clash between the moderates and radicals for a better understanding of Iran's history in the last thirty years. The clergy's support has been seen as crucial when the general public wishes to speak in favor of democratic ideals. Although an Islamic government has reigned over Iran for the past thirty years, its moderates and radicals have continued to butt heads, and such ongoing debate within the heart of the Islamic regime has opened up the political space for the general public to voice their opinions and needs.

### CLASH OF THE TWO ISLAMIC VIEWS IN IRAN AFTER THE 1979 ISLAMIC REVOLUTION

The moderate and hardliner views of Islam that have been at odds in the political structure of Iran since 1979 and continue to play a part in the present political unrest. The definitions provided will help to assess the role that they each have played in political changes. I will also identify some of the renowned theorists and experts of each view. Finally, I will address several instances in which moderates and hardliners have negotiated and, at times, reached compromise.

### **Foundation of the Two Islamic Views: Extremist and Moderate**

Extremist and moderate interpretations of Islam are rooted in Iranian history. The views are exemplified in two competing Islamic factions that have openly clashed within Iran's political system, most notably since the election of President Mohammad Khatami

in 1997. The two political factions are known as the *eslahtalaban* (reformists) and *osulgarayan* (conservative group whose name literally means “Principlists”, in reference to the principles of the 1979 revolution).<sup>1</sup> The reformist movement marked a historic turning point in 1997 when it called for a democratic government in Iran. The reformists supported individual freedoms, civil rights, and civil society as “new religious thinking.”<sup>2</sup> This is not to say that they have been, or are currently, working for regime change. Rather, they base their calls for freedom on the constitution of the Islamic Republic, believing that this document has the capacity to foster true democracy through a pro-democratic interpretation of its articles.

The *osulgarayan*, who spent the reform era in opposition, insist upon Ayatollah Khomeini’s views on Islam that were glorified in the 1979 Islamic Revolution. They consider themselves to be following the laws of God and therefore refuse to reinterpret or reform the political system. The *osulgarayan* also consider the West to be the main enemy of Islam. As a result, the reformers are seen by the *osulgarayan* as enemies due to their intricate link with Western political ideas, and are considered by the radicals as being in the same league as secularists, socialists, communists, and nationalists. Like other members of opposition groups, the reformists have become targets by the government’s secret agencies.

The main tenets of the Islamic conservatives are “justice” (which is not synonymous to equality), “Islamic values and morals,” “duties and responsibilities,” the “western cultural threat,” the leadership

of the *vali-e-faqih*—the Supreme Leader entrusted with the highest authority in the state, and the belief in the freedom to promote only their beliefs.<sup>3</sup> Since 1997, these views have had representation from famous clerics and religious scholars, such as Grand Ayatollah Fazel Lankarani and others.

The intellectual current of a more flexible Islam—one that can conform to social realities and international conditions—was transformed into a political movement in 1997 by Mohammad Khatami and his reformist followers. This liberal viewpoint emphasizes concepts such as individual rights, religious tolerance, and political freedoms, with prominent representatives among scholars and clerics, such as Ayatollahs Saanei and Montazeri, Dr. Mohsen Kadivar, and Dr. Abdolkarim Soroush.<sup>4</sup> The Islamic reformists frequently argue that the Koran, the hadith, and the sunnah have all been misinterpreted and that the fundamentalist reading of religious works is faulty. Soroush, for example, has emphasized the reformist interpretation’s philosophy of reconciling Islamic doctrine with modern ideas of freedom and individual rights:

“Notions of liberty, faith, dynamism of religious understanding, and rationality of worldly affairs were evoked to attest the possibility, even the necessity, of such an auspicious reconciliation. Religious morality would be the guarantor of a democracy, where the rights of the faithful to adopt religion would not vitiate the democratic, earthly, and rational nature of the religious government.”<sup>5</sup>

<sup>1</sup> While there are complex technical and religious debates in clerical circles on the definitions of certain ideological currents, here I will use words such as “traditional”, “radical”, “extremist”, “*osulgarayan*” “fundamentalist”, and “conservative” to describe those Islamic views that oppose concepts of human rights and democracy; I will use words such as “reformist”, “moderate”, and “Islamic intellectual” to describe those Islamic views that are more welcoming of these concepts.

<sup>2</sup> Ziba Mir-Hosseini, “Muslim Women’s Quest for Equality: Between Islamic Law and Feminism.” *Critical Inquiry* 32, Summer 2006.

<sup>3</sup> Fariba Parsa. “Islamic Fundamentalist and Islamic Reformists.” Ph.D. Dissertation, Roskilde University. Institute for Society and Globalization. 2008. pp. 125-127.

<sup>4</sup> *Ibid.*

<sup>5</sup> Abdolkarim Soroush. *Freedom and Democracy in Islam*. Translated and edited by Mahmoud Sadri and Ahmad Sadri. London: Oxford University Press, 2000. p. 155. Cited in Parsa 2008.

Islamic reformists such as Soroush have also promoted the modern idea of a person's inalienable rights, transforming Muslims into right-holders rather than duty-bearers.<sup>6</sup>

"The language of religion (especially that of Islam as exemplified by the Qur'an and the tradition) is the language of duties, not rights. In these texts, human beings are given commandments by a supremely sovereign authority. The language of shariah is that of commanding. In the modern world people have the right (not the duty) to have a religion; they are free to be religious or non-religious."<sup>7</sup>

Further, Khatami himself has indicated that to protect Islam, Muslim leaders must adapt it to modern conceptions of freedom:

"The destiny of the religion's social prestige today and tomorrow will depend on our interpretation of the religion in a manner which would not contradict freedom. Whenever in history a religion has faced freedom, it has been the religion which has sustained damage. Even if justice has contradicted freedom, justice has suffered and when progress and construction have curtailed freedom, they have been undermined."<sup>8</sup>

The moderate and radical Islamic groups each offer different interpretations for concepts such as the rights of religious minorities, Islamic penal codes, elections and government legitimacy: all of which, especially since 1997, have inspired strong political reactions. The differences between these two different interpretations have not always been seen as negative. Before Ahmadinejad's presidency, both sides successfully negotiated and, in some areas, reached compromises that were sometimes beneficial to the general public. For example, an agreement was formed to equate the blood money of the three recognized religious minorities—Christians, Jews, and Zoroastrians—to that of Muslims. In addition, the usually steadfast radicals agreed not to impede educational and work opportunities of women, under the condition that women wear *hijab* and interactions between the two sexes be strictly controlled at universities.<sup>9</sup> However, since his election, Ahmadinejad—with the help of the Revolutionary Guards, police and security forces, and censors—has undone much of the work of the reformists and moderates. Under his administration, it is no longer possible to encourage dialogue or achieve compromise between the opposing sides.

Ebrahim Yazdi, Secretary General of the *Nehzat-e Azadi* (or Freedom Movement)<sup>10</sup> sums up the vision of the moderate Islamic philosophy but also exemplifies the challenges political actors espousing

<sup>6</sup> Arash Naraghi, "Moderate Muslims in Iran and the Challenge of Human Rights." Unpublished Manuscript. Naraghi cites Abdul Karim Soroush, "The Idea of Democratic Religious Government" in *Reason, Freedom and Democracy in Islam: Essential Writings of Abdul Karim Soroush*, Oxford: Oxford University Press, 2000, edited by Mahmoud Sadri and Ahmad Sadri.

<sup>7</sup> Ibid, p.21.

<sup>8</sup> Mohammad Khatami. Speech at Tehran University, 23 May 1998. Cited in Parsa 2008, p.185.

<sup>9</sup> In the universities, an Islamic morality commission was formed that monitored and enforced controls on these personal issues of student lives, and exerted a dominant presence in all dormitories. For example, females are not allowed to use cellular phones in the dormitories, do not have private spaces for telephone conversations, and are typically not paged for phone calls made to them by males, even male relatives. See Elahe Habibi, "Female Students' Dormitory, Intolerable Control," in *Mahnameh-ye Zanan (Zanan Monthly)*, Tehran, 31 December 2007, which investigated the daily lives of women in the dormitories. It was published in the final issue of *Zanan* before the women's magazine was banned after 16 years of publication.

<sup>10</sup> This organization, comprised mainly of Islamic moderates, served as an underground anti-royalist political party in the years before the Islamic Revolution. After the revolution's success in ousting the Shah, Khomeini tasked the leaders of the organization, such as Yazdi and Mehdi Bazargan, to form the transitional government of Iran. This move angered more radical revolutionaries, who began to assail the identities of these politicians and fabricate claims that they were subservient to America. Eventually, they were forced out of office upon the taking of hostages in the US Embassy, and some of the leaders were arrested and imprisoned. After several years of operating legally, they have been working as a banned political party and continuing their activities underground. Ebrahim Yazdi, who served as foreign minister in the transitional government, remains the leader of the group.



such views face in Iran. Speaking at the Middle East Institute on April 3rd, 2008, on the situation in Iran, he said:

“One of the major questions regarding the process of modernization in Iran is compatibility or incompatibility of Islam with such modern concepts as the natural rights of man, democracy and notions of nation and state. Conservatives who lean towards traditional norms insist on the incompatibility of democracy in their reading of Islam and consider it as a sort of blasphemy. Intellectual Muslims, nonetheless, strongly believe that the Islamic world view, including the perception of man in the context of his rights and liberties is compatible with fundamental elements of democracy. Intellectual Muslim thinkers are of the opinion that in order for the concept of modernity, including democracy, to be institutionalized, they must be incorporated into the national culture and to be domesticated.”<sup>11</sup>

However, it was the elderly Yazdi’s efforts to facilitate the very implementation of these concepts that led to his arrest in the aftermath of the June 12th election; as he remains on bail under significant legal restrictions, he is living proof that while moderate Islamic thinkers are an extremely influential group in Iran, the judicial system and repressive instruments of security remain firmly under the control of the radical Islamist branch.

## THEORETICAL CLASH OF THE TWO VIEWS

The principles of moderate and hard-line Islam with respect to human rights and republicanism will be discussed in this section. The main purpose of this section is to study the extent to which each side

accepts or denies human rights. Furthermore, I will present some of the theoretical discussions within these two views surrounding the topic of republicanism and Islamism in the political structure of Iran.

## HUMAN RIGHTS

The Islamic reformists took a major step by emphasizing the difference between modern and traditional notions of rights. They have emphasized the need—articulated above by Soroush—to reconcile Islam with modern human rights. According to their observations, conservative Islamic thinkers believe that Muslims should perform their prescribed duties before enjoying certain rights. Many Iranian theological intellectuals such as Arash Naraghi fall into this traditional school of thought; he asserts that a person is primarily a “duty-bearer” rather than a “right-holder.” This stance remains dominant among radical clerics. In his 1987 speech on “The Source of Rights,” for example, Ayatollah Mesbah Yazdi said: “[T]he first duty of a man originates from the real overlordship of the Almighty Allah and no duty can take precedence over it. All other rights and duties spring from this right and duty,”<sup>12</sup>

In the past thirty years, Iran has seen the clash of these two theoretical views on human rights in real-life debates and legal controversies. The discussion on human rights has raised many extremely difficult questions, such as:

1) *Do Muslim women have the right to choose their own garments?* At the Berlin Conference of 2000 entitled “Iran after the Reforms”, which saw many reformist-minded participants arrested and jailed upon their return to Iran, Hassan Yusefi Eshkevari, an important moderate Islamic figure in Iran, said that *hijab* is a matter of choice for Muslim women. As it is only *advised* by the

<sup>11</sup> <<http://payvand.com/news/08/apr/1204.html>>.

<sup>12</sup> Text of speech available <<http://mesbahyazdi.org/english/index.asp?writen/articales/articales01.htm>>.

Qur'an, not mandated, a decision not to wear hijab is not punishable under Islamic law. Eshkevari explained:

“This is a question that is frequently asked here too. I believe that [the hijab ruling] is essentially changeable. Dress is a [matter of] custom. It is a cultural [issue] related to a specific time and place. What are [the rules] on wearing or not wearing hijab? [They are to be determined] on the basis of the link between a ruling and its subject matter that I spoke about earlier. But perhaps this argument seems too deviant, too heretical; and many do not accept it. Let me stress my second argument. Let us suppose that [the ruling for hijab] is not changeable. At the very least it is a personal issue; that is, one can choose to wear hijab or not.”<sup>13</sup>

Because of his comments on the *hijab*, Eshkevari was charged in a special clerical court run by conservative clergymen who opposed this view, disrobed, and served more than five years in jail.<sup>14</sup>

2) *Are women's rights under Islamic law so different from women's human rights provided for by international human rights mechanisms?* Grand Ayatollah Saanei, for example, has issued fatwas over the past two decades that proclaim that men and women are equal in blood money, and allow women to serve as judges, religious authorities, and rulers. While the fatwas are far from comprehensive on women's status in Iran, Saanei's influential views are closer to international women's rights standards.<sup>15</sup> In contrast, one of

the many notable clerics who supported the dominant view that took hold in the regime, the *marja* Ayatollah Shariatmadari, told Reuters less than two weeks before Khomeini's victory in the 1979 revolution that women, according to religious law, are not qualified to serve as judges.<sup>16</sup>

Although *fiqh* (jurisprudence) is the basis of the religious government of Iran and the *vali-e faqih* uses religious principles to govern, the government has accepted the principle of *ijtihad*—the practice of interpreting shari'a law and Islamic doctrine according to the needs of the people—which allows rulings to be dynamic instead of rigid, open to reinterpretation and adaptation. Clerics (*fuqaha*) who independently exert effort to develop *fiqh* are known as *mujtahids*.

The noted moderate theologian Mohammad Mojtabeh Shabestari has championed the view that *ijtihad* can and should be used to adapt Islam to the modern need for principles of human rights:

“The radicals claim that the human rights and its standards are western concepts. Classical Islamic scholars never considered their rulings inviolable and diversity was always seen in judicial rulings. Legal rulings were always grounded in logical reasoning and therefore they could be abrogated. Accordingly, there was no claim that these were eternal. Islamic society had not in times past encountered human rights. Human rights have been advocated to counter the undisputed sovereignty of states. As such, the classical theorists of Islamic governance can be responsive to modern-day demands. Islam intends to create a fair

<sup>13</sup> As quoted in Ziba Mir-Hosseini and Richard Tapper, *Islam and Democracy in Iran: Eshkevari and the Quest for Reform*. London: I.B. Tauris, 2006, pp. 169-170.

<sup>14</sup> *Ibid.* p. 1.

<sup>15</sup> Further details on Grand Ayatollah Saanei's views can be found at his website, <<http://www.saanei.org/>>.

<sup>16</sup> *Ettela'at* (Tehran), 11 Bahman 1357 (31 January 1979).

and just political order. We have to move in that direction. In any case, human rights can be the basis of a democratic order in an Islamic country and religious belief can only survive if it can liberate itself from the fetters of irrational thought.”<sup>17</sup>

In the present political context, a discourse grounded in religion seems to be the only plausible hope for removing illegitimate violence from *shari`a* within the legal framework of the Islamic Republic. However, if *ijtihad* is the key to solving the problems confronting the Muslim world, then freedom of expression is the key to opening the door to productive *ijtihad*. Human rights and Islamic reform are therefore mutually dependent—one cannot be realized without the other. Freedom of expression—and hence, freedom to practice *ijtihad*—is hindered by Iran’s strictly controlled judiciary and secret police. As a consequence, liberal Muslim jurists and secular reformers have faced tremendous difficulty in making *ijtihad* meaningful. The lack of freedom of expression is the main reason why many reformers and *fugaha* remain silent—lest they face a punishment like that of Eshkevari for his comments on *hijab*—and why attempts at exercising *ijtihad* can only flourish once there is at least minimal respect for human rights. In order to improve women’s rights in Iran, it is essential that religious scholars, sociologists, politicians, and the people recognize the need for open debate on the interaction between Islamic standards and socio-political development.<sup>18</sup>

Even though the constitution of the Islamic Republic of Iran has accepted *ijtihad* as the aligning force between the principles of Islam and social realities, the concept and purpose of *ijtihad* are often neglected in practice. Islamic moderates insist on the need for *ijtihad* while radicals resist elevating the role of *ijtihad*. This difference of opinions is also

portrayed in human rights debates and regulations of freedom of expression and freedom of speech (especially in the media) and leads to serious clashes between the two conflicting views.

The constitution of the Islamic Republic of Iran includes an article that appears to recognize fundamental freedoms when they do not clash with Islamic principles. This restriction has made the principle of human rights extremely complicated in Iran. At the heart of the debate over human rights are serious differences over interpreting Islamic principles and texts on the one hand and determining what constitutes fundamental human rights on the other. For example, after Mohammad Khatami was elected in 1997, he championed an expansion of freedom of the press; hardliners responded by trying to control the content that could be published. In 1999, Ayatollah Mohammad Yazdi—the head of the judiciary, which is independent of the executive branch under the Iranian Constitution—used the Friday prayer pulpit to explain his position on freedom of the press:

“Our Constitution tells us that the press are free to write provided that they do not harm the Islamic tenets and the interpretation of public rights, otherwise, they are not free and they do not have the right [to publish their views]. Now, if a newspaper owner is summoned to the court, others raise a hue and cry that everything is lost. Our law tells us that they do not have the right to undermine the tenets of Islam. You ask what is Islam? Is it the Ministry of Islamic Guidance [in the executive branch]? Can the ministry explain what the Islamic tenets are? No, it is not qualified for this task.”<sup>19</sup>

Conflicting definitions of freedom of the press deepened the division between the Khatami

<sup>17</sup> Mohammad Mojtaba Shabestari, *Naghdi bar gharaate nismi az din (Critique of the Official Interpretation of Islam)* (Tehran: Tarh-e Naw, 2002-3). See, also, Shabestari in *Iran Daily* (Tehran) vol. 6, no. 1578 (2 December 2002).

<sup>18</sup> Kar, Mehrangiz, “Iranian Law and Women’s Rights,” *Muslim World Journal of Human Rights* 4(1), January 2007.

<sup>19</sup> <<http://www.iranhrdc.org/httpdocs/English/pdfs/Legalcom/Constitutional%20Obstacles.pdf>>.

administration and the judiciary. While there were many arrests and newspaper closures, Khatami's efforts to open up greater freedom of the press proved too large to quash entirely. Though reformists have not held significant power since Ahmadinejad was elected in 2005—empowering the Principlists to greatly reduce press freedoms—not all of the opposition press has been silenced. The legacy of the 1997 movement for freedom of the press allowed for the emergence of a strong public communications platform, which mobilized the unprecedented reformist participation in the 2009 presidential campaign.

### THE SIGNIFICANCE OF THE JUNE 12<sup>TH</sup> ELECTIONS

During the 2009 election, two entirely different political views clashed at a level unprecedented in the Islamic Republic. At first, this clash manifested itself in the form of an election. People excitedly supported candidates, pre-approved by the six radical clerics of the Guardian Council. The political atmosphere of the country grew tense after the televised debate between Mahmoud Ahmadinejad and Mir-Hossein Mousavi as Iranians who were opposed to Ahmadinejad gained more self-confidence and energy to openly critique his policies. The opposition utilized technologies such as SMS, cell phone cameras, and the Internet to express protest against Ahmadinejad.

The explosion of energy in the presidential race resulted in the participation of 40 million people in the voting. After the polls had closed, before the designated time was over, and without the approval of the Guardian Council, the leader hastily announced Mahmoud Ahmadinejad's victory in the election. Protests ensued as supporters of both Ahmadinejad and Mousavi took to the streets of Tehran. June 12<sup>th</sup>, 2009 has since become another violent encounter of the two Islamic views.

Since the campaign of Mousavi adopted the color green—a symbol of peace, justice, and Islam—the series of protests after the election have collectively been called the Green Movement.

The most important slogan used by the peaceful protesters after June 12<sup>th</sup> was the question, “Where is my vote?” A large movement of Iranians, who formed a silent majority in the thirty years after the Islamic revolution, began a peaceful battle against Supreme Leader Ayatollah Khamenei for legitimizing an election they believed to be fraudulent. Though protesters were violently crushed under the order of the Supreme Leader, they continued the movement with a new slogan: “We should not be afraid, we should not be afraid, we are all together.” The protestors used other religious tools to express their malcontent, and, just as in the 1979 Revolution, they chanted “Allah’u Akbar [God is great]” on the rooftops from dusk until dawn.

Most importantly, the election caused the ideological conflict between moderate and extremist views to resurface, particularly around two main points: the legitimacy of the regime and human rights.

### LEGITIMACY OF THE REGIME

The tension in the country continued to mount after the election as members of the clergy on both sides issued fatwas and opinions on the results. The hardliners believe that the view of Khamenei, as the Vali-e-Faqih, is indisputable since his word is from God. For example, the head of the Center for Seminary Management, Morteza Moqtadaei, unequivocally supports the Supreme Leader and election results in a viewpoint true to the hardliners. According to Moqtadaei, the election results were approved by God, and Khamenei's words are the “hidden Imam's words, when he says there was no manipulation in the election, he should be heard as the ultimate arbiter.”<sup>20</sup>

<sup>20</sup> Mehdi Khalaji, “Shiite Clerical Establishment Supports Khamenei,” Washington Institute for Near East Policy PolicyWatch #1548, 8 July 2009. <<http://washingtoninstitute.org/templateC05.php?CID=3086>>.

Another important fundamentalist and an important supporter of Ahmadinejad's government, Ayatollah Mesbah Yazdi, preached that "when the leader consented to Ahmadinejad's presidency, obedience to him was the same as obedience to God."<sup>21</sup>

The belief in Iranian politics that an order by the Vali-e-Faqih is divine has left the public with no true role in the elections or voice in politics. Mesbah Yazdi succinctly summarizes obedience in Iranian politics: "When the leader approves a law, it becomes a religious duty on people similar to daily prayers and fasting."<sup>22</sup>

Contrary to the extremists' views, the moderates consider the people's approval as a source of legitimacy for government. The late Ayatollah Hossein-Ali Montazeri, the highest source of Shi'a emulation in Iran, supported a more moderate theory and believed that "the rule of those who seek to remain in these positions by means of force, fraud, or forgery lacks any kind of legitimacy." Montazeri added that "oppression is intentional opposition to religious decrees and principles of logic and reason. If a ruler opposes such decrees and principles, his rule is unjust." When identifying an "oppressive ruler," Montazeri urges that "the responsibility for this falls firstly on the shoulders of the social elite, meaning intellectuals familiar with religion who are independent of government, as well as legal scholars and law makers and, secondly, on the shoulders of the public."<sup>23</sup>

In addition to those clerics issuing theological criticisms of the radicals' actions during and after the election, some have been active in publicizing and condemning certain transgressions. Amongst

all the clergy members, Karroubi has been most courageous in reporting on the many human rights violations occurring in Iran. Karroubi is under a significant amount of pressure after his statements announcing the torture and rape of Iranian civilians; however, despite the government's efforts to silence him, Karroubi remains the voice of human rights in the Islamic republic.

## HUMAN RIGHTS

In addition to the debate over the legitimacy of government, human rights violations have plagued Iran since the June 12<sup>th</sup> election. As the clash between moderates and extremists intensified, the Islamic regime became more oppressive toward the public. Grand Ayatollah Saanei released a statement to "all forces that must protect order and the public's life, liberty and honor" regarding the violence incurred by millions of Iranians protesting the election results. He reminded the forces that "no command or order can permit or excuse aggression towards peoples' rights, let alone their beating, injury, or murder, which is befitting of punishment in this world and the hereafter."<sup>24</sup> Further, in a public letter, Dr. Soroush accused Ayatollah Khamenei of being "willing to sacrifice God's dignity to keep" his own.<sup>25</sup>

After the post-election protests erupted in the streets of Iranian cities, the security forces made hundreds of arrests, often using intense psychological and physical pressure to extract confessions. The goal, when possible, appeared to be to coax confessions that protestors were seeking to topple the regime or working on behalf of America. The controversial tactics needed to be justified in order to

<sup>21</sup> *Rooz Online*, "Obedience to Ahmadinejad is Like Obedience to God." 14 August 2009. <<http://www.roozonline.com/english/news/newsitem/article/2009/august/14//obedience-to-ahmadinejad-is-like-obedience-to-god.html>>.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Rooz Online*, "Dissident Ayatollah Montazeri Issues Fatwa: Unjust Ruler is not Legitimate." 13 July 2009. <<http://www.roozonline.com/english/news/newsitem/article/2009/july/13//unjust-ruler-is-not-legitimate.html>>.

<sup>24</sup> Grand Ayatollah Yusef Saanei, "Persistence is a Condition of Success and Lack of Faith in God's Mercy is a Great Sin." ("و گناهان کبیره است") 3 July 2009, <<http://saanei.org/?view=01.00.00.00#01.01.01.63.0>>.

<sup>25</sup> Available at <<http://www.roozonline.com/english/news/newsitem/article/2009/september/11//happy-decline-of-religious-dictatorship.html>>.





be seen as acceptable, and many radical clerics provided this approval. Extremist clerics have justified violence towards the protestors. Just as Ayatollah Jannati, the speaker of the Guardian Council, said that confessions would be extracted from detainees and appropriate parts released to the public,<sup>26</sup> the extremists continued to defend their violent acts.

In spite of this legitimacy that the radicals gave to the interrogation techniques, pressure from moderate clerics, the people, jurists, and the international community forced the hardline elements to weaken some of their positions. In the last Friday prayer on Qods (Jerusalem) day, however, he announced a softer position, allowing the confessions of the imprisoned to be used against themselves and according to the Shari'a; the confessions would not bring other people into question. Condemning some of the violence, the Ayatollah Khamenei admitted to crimes in the Kahrizak detention center and ordered it to be shut down. However, this action was also a tactical move when facing the opposition in the Green Movement. The Supreme Leader said, "Demonstrators may not have colluded with the west."<sup>27</sup> This statement is significant because many of the reformists and protesters have been accused of coordination with the West, specifically against the Supreme Leader. This shift may have been merely tactical due to pressures from moderates and the international community, but it is noteworthy nonetheless.

## IMPLICATIONS FOR U.S. POLICY

The events of June 12, 2009, and the issues that followed should carry the following messages for the United States government:

A large number of Iran's population who protested the results of the 2009 election will feel greatly disadvantaged if Obama's administration enters into

open negotiation with Iran without paying attention to the reformists' requests. As a result, the United States may lose a valuable opportunity afforded by the public's desire for democracy and its trust in US efforts. Rushed action by the United States may endanger its own national interests, since the Green Movement will view any progress by Ahmadinejad's government as an act of contempt. Those who oppose Ahmadinejad demonstrated their trust in the United States in the recent demonstrations on November 4, 2009, marking the 30<sup>th</sup> anniversary of the Iran hostage crisis. Thousands of opposition supporters ignored the calls to recite the official slogan of "Death to America;" instead, they remained silent or even shouted "Death to Russia," after Russia recognized Ahmadinejad's re-election. Many activists within the Green Movement want to play a larger role in the public sphere in Iran while simultaneously rejecting the official policy of animosity towards America.

As government-sponsored violence has taken place in open view of the international community, the turbulent situation that is occurring should motivate the United States to put human rights on its list of priorities in Iran. Many voices from the Green Movement have made requests that human rights violations be included in U.S.-Iranian negotiations; other Green Movement activists, as mentioned, still advocate for no engagement with what amounts to—in their opinion—an illegitimate government. On November 4, 2009, media sources reported opposition protestors chanting: "Obama, Obama, either you are with them or with us." Ignoring Ahmadinejad may or may not be a beneficial way to support the opposition reaction. In my personal opinion, this demand made by the opposition is an understandable emotional reaction, but any rapprochement between the United States and Iran will have the long-term result of promoting human rights in Iran. First and foremost, an

<sup>26</sup> Available at <[www.roozonline.com/english/news/newsitem/article/2009/july/06//confessions-in-prison-have-no-legal-or-moral-value.html](http://www.roozonline.com/english/news/newsitem/article/2009/july/06//confessions-in-prison-have-no-legal-or-moral-value.html)>.

<sup>27</sup> "Supreme Leader Softens Stance on Charges Against Iran Reformists," *The New York Times*, Friday, Aug. 28 2009, pg A9.

improvement in relations between Tehran and Washington will reduce the ability of the Iranian government to crush all dissidents on the pretext that they are working for the enemy—that is, the less animosity exists between Iran and the United States, the less the clerical leadership will be able to use the fear of the Great Satan to demonize activists. Further, even those opposition members who seek regime change should remember that even the 1979 revolution occurred at a time of extremely close relations between Iran and the United States, yet Washington's support could do nothing to keep the Shah from being overthrown.

The election of June 12<sup>th</sup> and the resulting movement allowed the masses of people who were previously silent, scared, and depressed for thirty years to speak out, regardless of the consequences. The resulting movement has also raised significant questions about Iran's future that remain difficult to answer. Is this truly a time of transition in Iran and is there any hope for change? Are moderate clerics and politicians the appropriate leaders to lead the civil rights movement in Iran to success? After thirty years of experience with the complex political system of the Islamic Republic, pro-democracy masses in Iran are using the clash between the two clerical factions to transform the political system or, at the very least, make significant reforms within the current framework. While the de facto reformist leadership that has emerged since the election has made

great strides towards coalescing into a true opposition, the movement has become more radical than the political elites (such as Khatami, Mousavi, and Karroubi) who have become its faces. New leaders will have to emerge as the movement transforms from anger over electoral fraud into a long-term movement for civil rights and democracy.

The international community will not be able to provide direct support and aid to this movement for two reasons. First, the Iranian public will not want foreign governments to determine their political movement. Second, support from foreign countries will only confirm the current government's suspicion of foreign support for the opposition. Instead of advocating directly for the Green Movement like broadcasters from the Voice of America did, the international community should support educational campaigns. By using media outlets, both internet and broadcast, to increase awareness of the methods and historical successes of non-violent movements—such as the anti-Apartheid movement and the American civil rights movement—the West can help reduce the information deficit that hinders the growth of Iran's pro-democracy opposition. Western broadcasters like the VOA are valuable tools due to their strong audience within Iran; however, their influence is wasted when their broadcasts attempt to spread heavy-handed political messages instead of educating the population to make their own political choices.

## About the Brookings Project on U.S. Relations with the Islamic World

***The Project on U.S. Relations with the Islamic World*** is a major research program housed within the Saban Center for Middle East Policy at the Brookings Institution. The project conducts high-quality public policy research, and convenes policy makers and opinion leaders on the major issues surrounding the relationship between the United States and the Muslim world. The Project seeks to engage and inform policymakers, practitioners, and the broader public on developments in Muslim countries and communities, and the nature of their relationship with the United States. Together with the affiliated Brookings Doha Center in Qatar, it sponsors a range of events, initiatives, research projects, and publications designed to educate, encourage frank dialogue, and build positive partnerships between the United States and the Muslim world. The Project has several interlocking components:

- The U.S.-Islamic World Forum, which brings together key leaders in the fields of politics, business, media, academia, and civil society from across the Muslim world and the United States, for much needed discussion and dialogue;
- A Visiting Fellows program, for scholars and journalists from the Muslim world to spend time researching and writing at Brookings in order to inform U.S. policy makers on key issues facing Muslim states and communities;
- A series of Brookings Analysis Papers and Monographs that provide needed analysis of the vital issues of joint concern between the U.S. and the Muslim world;
- An Arts and Culture Initiative, which seeks to develop a better understanding of how arts and cultural leaders and organizations can increase understanding between the United States and the global Muslim community;
- A Science and Technology Initiative, which examines the role cooperative science and technology programs involving the U.S. and Muslim world can play in responding to regional development and education needs, as well as fostering positive relations;
- A Faith Leaders Initiative which brings together representatives of the major Abrahamic faiths from the United States and the Muslim world to discuss actionable programs for bridging the religious divide;
- A Brookings Institution Press Book Series, which aims to synthesize the project's findings for public dissemination.

The underlying goal of the Project is to continue the Brookings Institution's original mandate to serve as a bridge between scholarship and public policy. It seeks to bring new knowledge to the attention of decision-makers and opinion-leaders, as well as afford scholars, analysts, and the public a better insight into policy issues. The Project is supported through the generosity of a range of sponsors including the Government of the State of Qatar, The Ford Foundation, The Doris Duke Charitable Foundation, and the Carnegie Corporation.

The Project Conveners are Martin Indyk, Vice President and Director of Foreign Policy Studies; Kenneth Pollack, Senior Fellow and Director, Saban Center; Bruce Riedel, Senior Fellow in the Saban Center; Stephen R. Grand, Fellow and Director of the Project on U.S. Relations with the Islamic World; Shibley Telhami, Nonresident Senior Fellow and Anwar Sadat Chair for Peace and Development at the University of Maryland; and Salman Shaikh, Director of the Brookings Doha Center.

## About the Saban Center for Middle East Policy at Brookings

THE SABAN CENTER FOR MIDDLE EAST POLICY was established on May 13, 2002 with an inaugural address by His Majesty King Abdullah II of Jordan. The creation of the Saban Center reflects the Brookings Institution's commitment to expand dramatically its research and analysis of Middle East policy issues at a time when the region has come to dominate the U.S. foreign policy agenda.

The Saban Center provides Washington policymakers with balanced, objective, in-depth and timely research and policy analysis from experienced and knowledgeable scholars who can bring fresh perspectives to bear on the critical problems of the Middle East. The center upholds the Brookings tradition of being open to a broad range of views. The Saban Center's central objective is to advance understanding of developments in the Middle East through policy-relevant scholarship and debate.

The center's foundation was made possible by a generous grant from Haim and Cheryl Saban of Los Angeles. Ambassador Martin S. Indyk, Vice President of Foreign Policy at Brookings, was the founding Director of the Saban Center. Kenneth M. Pollack is the center's Director. Within the Saban Center is a core group of Middle East experts who conduct original research and develop innovative programs to promote a better understanding of the policy choices facing American decision makers. They

include Bruce Riedel, a specialist on counterterrorism, who served as a senior advisor to four presidents on the Middle East and South Asia at the National Security Council and during a twenty-nine year career in the CIA; Suzanne Maloney, a former senior State Department official who focuses on Iran and economic development; Daniel Byman, a Middle East terrorism expert from Georgetown University; Stephen R. Grand, Fellow and Director of the Project on U.S. Relations with the Islamic World; Salman Shaikh, Fellow and Director of the Brookings Doha Center; Ibrahim Sharqieh, Fellow and Deputy Director of the Brookings Doha Center; Shadi Hamid, Fellow and Director of Research of the Brookings Doha Center; and Shibley Telhami, who holds the Sadat Chair at the University of Maryland. The center is located in the Foreign Policy Studies Program at Brookings.

The Saban Center is undertaking path breaking research in five areas: the implications of regime change in Iraq, including post-war nation-building and Gulf security; the dynamics of Iranian domestic politics and the threat of nuclear proliferation; mechanisms and requirements for a two-state solution to the Israeli-Palestinian conflict; policy for the war against terrorism, including the continuing challenge of state sponsorship of terrorism; and political and economic change in the Arab world, and the methods required to promote democratization.



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