

CIVIL SOCIETY AND HUMAN RIGHTS IN IRAN: A REVIEW ESSAY

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Inspiration for writing this essay comes from Ali Akbar Mahdi's recent book on Iranian culture, civil society, and democracy. I will try to use his perceptive arguments to highlight an important human rights issue that relates to civil society, a central concept in the book.¹ Mahdi offers a balanced, sensitive commentary on Iranian political culture, reflecting the current era, ushered in by the demise of state socialism and the collapse of ideologies like Marxism and radical nationalism.

Mahdi and Iran

Iranian intellectuals have begun to purge themselves of these modern demons. I allow myself to think of Mahdi as an archetypal Iranian intellectual living in the United States today. Thus, the book is as much about him as it is about sociopolitical conditions in Iran. I also see myself in this soul-searching book that reflects the concerns and sensitivities of Iranians who have lived long enough in this Western polity to understand the workings of a society that still struggles to improve human life with the benefit of such ideas as democracy, pluralism, and feminism. From this perspective, the book is fascinating because it speaks to us in a personal way, holding a mirror in front of us and reflecting what we have become and how differently we view Iran today, as compared to our past. Thus, Mahdi's book is also discomfoting in the sense that its guarded optimism about Iran is projected into a distant future. I assume that today he is far more patient than he was in 1978 and more capable of calmly awaiting a favorable outcome for the country's current maladies.

The torrents of blood and tears that Iranians shed for their latest Shiite Imam (Ayatollah Khomeini) washed away not only our illusions but also our impetuosity. Mahdi's discourse shows no traces of Iranian heroism, in the traditional sense of "death or liberty," that clogged the main arteries of political discourse in the 1960s and 1970s. We must all be thankful to Khomeini, who succeeded in carrying a political movement to its final, unambiguous victory, thereby freeing Iranian intellectuals of their illusions about the masses. His victory revealed the true political character of the masses. Previous political movements had all ended in defeat, and

defeat perpetuated not only a cult of martyrdom but also the leftist intellectuals' illusions about the people. They romanticized the prospect of the masses' engagement in political movements against the conservative order and its Western backers. They never had a chance to see what kind of regime the masses would validate in their success. Thus, Mahdi has few illusions about the fact that they often harbor backward tendencies and views. Political activists, Mahdi tells us, never bothered to ask what values the masses would intuitively find more agreeable.² He seems to believe that it could take years of sustained education and political training to overcome the people's cultural and political backwardness.

Thus, the sharp edge of criticism is against the Self, as Mahdi's attention is properly focused on the follies of domestic actors. This is a reversal of the pre-Revolutionary preoccupation with Imperialism and the West. I only mention a few of the bad sociopolitical habits that concern Mahdi. Iranians' ability for self-aggrandizement is legendary, so is their inability to give due consideration to others whose opinions differ from them. Mahdi shows that the leftists and Islamists were equally guilty of these self-destructive attitudes.³ The liberal nationalists were hardly any better. Factionalism and intolerance toward criticism were the most salient cultural characteristics of Iranian political groups.⁴ They also showed little sense of balance in their sociopolitical orientations; the Islamismania (*eslamzadegi*) of the 1980s was the obverse of the Westoxication (*gharbzadegi*) of the 1960s. Mahdi observes that real and sustained political and economic progress can only take place in a sociopolitical environment that respects pluralism and freedom, enabling meaningful participation by all citizens in national reconstruction.⁵

Mahdi is also concerned with the lack of real progress in science and scientific thought. He attributes it to intellectual confusion created by the Western origins of modern science, and he views negatively the Iranian conservatives' abhorrence of the moral or cultural consequences of accepting Western ways of doing things. He seems to be saying that Iranians have failed to create a healthy and innovative balance between their thought and emotion. The intellectuals needed to increase their understanding of sciences and develop a new hermeneutic for their calcified religious tradition. Woe to a people who allow semi-educated men like Jalal Al-Ahmed to charm them by literary gymnastics and to chart their ways in a complex world of science, technology and free inquiry. Religious and cultural reactions, Mahdi seems to be saying, blocked the people's scientific progress.

Overall, Mahdi's tone is one of admirably restrained indignation toward the clerical rulers and their squandering of the nation's opportunity for socioeconomic and political development. The Hojjat ol- Eslams wasted two critical decades by arguing about the real meaning of Islam, while some countries in Asia have succeeded in making economic and social breakthroughs and transforming themselves from supplicants of global donations to notable players in the global economy. For Mahdi, South Korea is a painful reminder of Iran's historic lost opportunities. That a state and its talents were wasted in combating an assumed cultural invasion appears incomprehensible to him. The effort to protect Iran from American contaminants and the attacks on American 'cultural invasion' have particular poignancy for Iranians like Mahdi, who live amidst its alleged widespread corruption.

The attacks of the mullahs on American culture always remind me of how much my own life has been enriched by living in this country for thirty years and becoming familiar with the dynamic American culture. I only wish for a real dose of American contamination of Iranian culture. Driving home many evenings, after teaching a course on human rights to my American students, I always felt a sense of regret that Iranian students in the city of my birth were unable to read the same human rights literature and listen to the same human rights lectures. This is why I said the book is as much about us as it is about Iran. There is no escaping the reality that we have become a different kind of scholars, observing Iran through our American lenses. Looking at Iran in this way has indeed added a new dimension to our pain. We understand democracy and human rights, and we have experienced them through our own lives. Imperfect though it is, without American pluralism, Mahdi and I could not be tenured professors in mainstream American universities. Because we live in democracy and pluralism, we feel pain for Iranians who were never allowed to experience them. How else am I to understand one of Mahdi's dedications at the beginning of his book? "With the hope that the generation who did carry the burden of the revolution on their shoulder will not carry to eternity the regret of not experiencing democracy."

This book hardly evokes optimism. Perhaps our American experience has so elevated our expectations that they exceed Iran's possibilities. Be that as it may, this distinctly unhappy voice is Mahdi's destiny; it is also his responsibility, registering his objections to what traditional and semi-traditional Iranians do to each other and what the state does to all of them. Becoming apologetic for either the state or society

would have been a disgrace to what he has become, an Iranian unlike any typical Iranian in his old home, an American unlike any typical American in his new home.

‘Civil Society’: An Indicator of the Failure of Islamic Rule

Substantively, I will focus on Mahdi’s extensive discussion concerning civil society and relate this concept of civil society to the concept of human rights. As becomes obvious in Mahdi’s discussion, Islamic intellectuals’ attraction to civil society indicates the failure of the Islamic revolution. After Khomeini’s death the masses have been reverting to the traditional Islam they knew best. At the same time, the Islamist techno bureaucrats have been articulating a new version of Islam that can be safely housed in state bureaucracies. Created during Hashemi Rafsanjani’s presidency, this new version was devoid of the zealotry of Khomeinism. Rafsanjani’s version of politicized Islam announced itself in a semi-secular discourse that stressed cultural authenticity, economic development and national self-determination, as practiced within the predictable confines of the authoritarian state.

At the same time, Islamic intellectuals had to salvage their political Islam from the ruins of Khomeinism. Since the turn of the last century, Islamic thinkers in Iran, as elsewhere, have tried to revalidate Islam by adapting it to modern political norms and institutions. They did so by arguing that Islam was inherently supportive of democratic representation, liberal institutions and other sociopolitical manifestations of modernity. In 1979 Khomeini derailed the Islamic reformist movement. His revival of the essentially authoritarian concept of the *velayat-e faqih* (rule of Islamic jurist) contradicted the basic tenants of Islamic liberalism. In the early 1990s, a new generation of Islamic reformists joined the older ones; together they were awakened to the sad reality of the failure of Islamist rule and the unpopularity of the *velayat-e faqih*. We are witnessing a return to the basic premises of Islamic reformism and an uphill battle to update Islamic reformism in accordance with the latest Western concepts such as pluralism and feminism.⁶

The defining characteristic of a civic society has historically been the process whereby certain societal actors come together to form voluntary institutions, and possibly assert themselves vis-à-vis the state. Moreover, these societal actors are modern, equal citizens, and their coming together is based on commonalities of class, profession, interests,

and other civic concerns. To the degree that this process is taking place in Iran, we may apply the concept of civil society and measure progress, using the same yardstick used by scholars in other countries that have developed a civil society. It seems, however, that escaping the Leviathan is difficult, and many of the NGOs that have been formed in Iran appear to be little more than state appendages, dependent on government approval for their formation and handouts for their sustenance. There are scores of governmental "non-governmental organizations." Even the relatively more tolerant high officials in Khatami's administration do not have a clear understanding of the dynamics of civil society's growth, independent of the state. They still look at societal institutions through the state's political interests.

Mahdi explains that the concept of civil society has proven difficult to define. I do not care much about social scientists' tendency to define everything to the point of virtual incomprehension. I suggest that it is somehow futile today to ransack the theories of long-dead writers of the Enlightenment to come up with a definition for civil society. I assume that the Universal Declaration of Human Rights has created a set of indivisible standards of achievement for every society and state, and the subsequent two Covenants made these standards into international human rights law. Using these standards, which are relatively free of ambiguity and the personal preferences of social thinkers and political activists, I suggest that a civil society is a society that respects internationally recognized human rights.

Mahdi's book, however, shows that the discourse on civil society in Iran is not analytical or descriptive, but normative and expectative; it is more about outlining future hopes than describing current realities. Thus, the concept of civil society is often used as an inspirational concept, and those who use it hope that people, by building civic associations (the NGOs) will change the balance of forces between the state and society in favor of the latter. Many observers think that the current discourse on civil society may be indicative of a positive development in Iran. This will lead, they hope, to a slaking of the obsessive preoccupation with the strength of the state that was supposed to protect the country against internal centrifugal forces and external enemies. Mahdi seems to think that the discourse on civil society may have a positive influence by redirecting the nation's political attention from the state to the developing civil institutions. This counterbalances the state and lessens its overwhelming dominance.⁷

As for the existing realities, Mahdi points out that the concept of civil society is symbiotically linked to the notion of democracy and respect for the right to freedom of thought and conscience.⁸ Thus, he considers its use inappropriate in a country that fails to protect the civil rights of citizens. For example, he observes that civil society is inconceivable in a country where citizens have no unhampered access to information. Without free flow of news and information, there could be no civil dialogue between informed citizens; without civil discourse, there could be no civil society. The absence of reliable information has created a political edifice based on lies and a political atmosphere saturated with conspiracy theories. During the two-decade Islamic rule, Iran appears to Mahdi more a rumor society than a civil society.⁹

Civil Society, a Society of Equal Citizens

Mahdi explains, concisely and thoughtfully, the national barriers that have frustrated the blossoming of civil society in Iran. Some of them seem insurmountable, at least in the imaginable future. A discussion of one of these obstacles brings me to an important human rights issue. Mahdi argues that one of the major impediments to the emergence of civil society is the continued existence of patriarchy, with its primordial relations based on blood, clan, ethnicity and religion. It seems that a better understanding of this obstacle may help to create a consensus on civil society's main characteristics.

To call a society "civil society" means it is not just a society, or a properly constituted society, or even a right kind (as opposed to a wrong type) of society, organized around a particular set of moral precepts. Every society has a sense of right and wrong; every society accords its members a particular sense of dignity. However, only civil society accords its members equal respect and concern. Thus, the analytical usefulness of the concept of civil society resides in this particular distinction, in its depicting of a society that is composed of citizens who accord each other equal respect and concern, regardless of other social variables or ties. In the ideal civil society, associations are voluntary and not based on blood, religion, or any other organic links and status groups, and they certainly do not claim a person's total loyalties. Loyalties are given and withdrawn by the free consent of members.

Reflecting a pervasive cultural defensiveness, many Muslims have a proclivity to find in Islam antecedents for every modern concept and

value that had originated in the West. In March 1999, Ayatollah Mohammad Taqi Mesbah-e Yazdi, a close political ally of the Leader and a senior teacher in the theological seminary in Qom, proudly declared that civil society has its roots in Islam and the Western societies borrowed it from Islam. He observed that the reason Muslims have departed from civil society is that they have distanced themselves from Islam. They “must return to Islam in order to have civil society.” In the same breath he continued: “Having the Islamic civil society does not mean a person with another religion or different tendencies could assume an important position in the country. It is clear that in Islamic society an infidel cannot be superior to a Muslim.... In contrast to a Western society, there is no equality between different religions and groups in the Islamic system, and we will never allow Jews and Zionists to acquire important posts....”¹⁰ This dark view may not be an accurate representation of public opinion, but few Iranians would be outraged by its uncivil meaning. It may appear so normal that it simply escapes attention.

And an Arab intellectual from Yemen argued that tribes “with their customs, traditional and electoral arrangements, and division of labor practices, are the oldest institutions of civil society in Yemen....”¹¹ A tribe, whose membership is not based on consent, can hardly be considered a voluntary association. As aspect of human rights that needs to be emphasized is that we will not necessarily create civil society by simply reducing state power and allowing kinship groupings, guilds, mosques, tribes, and other traditional associations to assume important societal functions. In fact, civil society could emerge only when individuals are sufficiently protected from all such organic associations. Modern civil society necessitates civil culture. Civil culture differs from the holistic cultures of traditional society that ascribes fixed categories to individuals, based on ethnicity, tribes, clans, religion, and gender. Civil society emerges only after the traditional cultural patterns, with their primordial loyalties, are sufficiently undermined. This will allow the emergence of the new ideas of citizenship. For civil society to have any meaning, distinguishing it from other types of societies, the values of the individual as a private person must emerge. These values recognize the right of the individual to separate himself/herself from the society. The moral order of civil society is constructed solely based on human rights, and this moral construction is radically different from that of other types of societies. In Iran, the transition from traditional royalties to modern

citizenship has often been blocked; therefore, the country still lingers in a transitional period, as Mahdi convincingly argues.

A strong primary categorization is the one ascribed by religion. Civil society cannot exist in a multi-religious country where the dominant religion gives individuals and groups their primary identity. Where not a matter of personal choice, religion acts as an emotionally powerful bond attaching individuals to their communities of faith. In the grip of such a bond that operates most effectively at the level of family, an individual is left without a choice among religions and between being religious or irreligious. A society that retains ascriptive categorizations violates the rights of individuals. In such a society, claims to human rights are advanced not only against the state but also against society. The struggle to create civil society is not only against the authoritarian state, but also against the traditional society that often validates its illiberal norms and habits by recourse to religious dictates.

State-Civil Society Dynamics

Apart from the ignorance displayed by ayatollahs like Mesbah-e Yazdi, who appropriates the concept of civil society for Islam, the view he expresses clearly points out one of the main obstacles Mahdi identifies to the emergence of civil society in Iran. If we do not wish to empty the concept of its intrinsic meaning, we must view civil society as a society of citizens who are freed from ascriptive categorizations. A modern state that allows considerable autonomy to a society that still upholds these categorizations of the Self v. the Other does not bring us closer to civil society. Voluntary associations, if formed in accordance with traditional norms, will not foster civil society, nor would they foster experiences that would free the society from its ascriptive categorizations.

Interacting with civil society, a state must abide by certain rules, allow independent functioning of societal associations and recognize their autonomy. However, the paradox in a country like Iran is that civil society can only come into existence with sustained actions of a strong state. This is the main paradox of state-civil society dynamics, in the sense that it is often through a strong state's deliberate actions that traditional society is transformed to civil society. The paradox lies in the fact that the state must greatly diminish its weight and power, allowing the associations of civil society to be formed, while itself increasing its interventions in society, for example, creating legislative framework for changing the traditional habits

and norms that are inimical to a civil society of equal citizens. It is primarily within the ability of the state to dislodge the heterogeneity of Iranian society and use political means to create the homogeneity of citizenship. A human rights scholar describes the process for the Western states:

This is a forced enclosure of all citizens within a common boundary of liberal beliefs that prescribe tolerance of the Other, even when the Other is demonstrably different in ethnicity, race, or religion. The modern Western state has forced its citizens to discard their identification with substate groups, in order that people from many groups can be incorporated into a common secular community.¹²

A society that retains ascriptive categorizations violates the rights of individuals. In such a society claims to human rights are advanced not only against the state but also against society. The struggle to create civil society is not only against the authoritarian state but also against the traditional society that validates its illiberal norms and habits by a recourse to religious dictates. The prejudicial views that Iranian society harbors against religious minorities and atheists can be overcome by the state's protective legal measures. The Islamic Republic has done the opposite, as it has tapped into long-standing prejudice that society has harbored against Baha'is, Jews, and Christians, who are considered *najis*. It has codified primordial societal prejudices into state's legal system.

If an acceptable definition of civil society eludes us, then how do we judge its existence, or measure progress towards its creation? I propose to use internationally recognized human rights as the only standards of judgment, since they have assumed the status of international law. The yardstick by which we measure progress toward a full realization of civil society is the country's compliance with human rights. It is impossible to imagine a state-civil society that stands accused of human rights violations. A society-state that still considers "apostasy" a crime belongs to the category of primordial society. Any discourse on civil society must focus on the symbiotic link between civil society and the state that enforces the international human rights. A society becomes civil only in relation to the contemporary state, wherein the political order respects the civil and political rights of citizens and leaves a private space to them to pursue their wishes and interests. The couplet state-civil society, rather

than civil society, must remain the subject of inquiry. A state that is guided by principles of Islamic *shari`a* does not belong to the state-civil society couplet. Nor does a society that exhibits anti-Baha'i announcements in its daily papers.

State Must be Held Accountable for Violations

Finally, focusing only on civil society, and not the state-civil society couplet may have a negative impact on the task of monitoring human rights and the question of accountability for violations. Recently, apologists for the Islamic Republic have often advised us that real progress is being made in Iran toward creating civil society associations and urged us to be more patient with the state, allowing for the growth of civil society and possible improvement of human rights over time. They call on us to pay attention to positive trends in the growth of civil society.

For my purpose as a human rights observer, the use of the concept of civil society by politicians creates confusion in the critical task of monitoring human rights. It also creates political implications that can possibly muddle the state's responsibility for human rights violations. The state must be held accountable for all civil and political rights that it violates today. Identifying positive trends in the development of civil society, and what they may entail once realized in the future, should not become substitutes for the present accountability of the state. The promises of civil society are hopeful for the future's free citizens; they are little consolation to today's victims of rights violations. The discourse on civil society often focuses on progressive realization of rights rather than on the identification of violations.

The UN Commission on Human Rights and UN Human Rights Committee call on all states to comply with international human rights *now*, and not in an unspecified future, when civil society may possibly emerge. The language is one of "immediate obligation to respect and ensure all of the relevant rights." In human rights discourse, the realization of civil and political rights is not prospective, as the trend-discovery approach of the advocates of civil society made it to be. The International Covenant on Civil and Political Rights (ICCPR) goes beyond a mere declaration of rights and requires the signatory state to provide a remedial system in the event of violations of rights. In Article 2, state parties agree to "ensure" to all persons within their territory the rights recognized by the Covenant, and to adopt such legislative or other measures as may be

necessary to achieve that goal. Moreover, the parties agree to “ensure” that any person whose rights are violated “shall have an effective remedy,” and that “the competent authorities shall enforce such remedies when granted.” Only the International Covenant on Economic, Social and Cultural Rights can be considered prospective, allowing gradual realization of the enumerated rights.¹³ In contrast, the ICCPR demands immediate satisfaction of rights and contains terms such as ‘everyone has the right to...’ or ‘no one shall be.’ As the Committee on Economic, Social and Cultural Rights stated in 1990, the concept of progressive realization of all economic and social and cultural rights “differs significantly from that contained in article 2 of the Covenant on Civil and Political Rights which embodies an immediate obligation to respect and ensure all of the relevant rights.”¹⁴

Therefore, discussions about civil society and its future prospects should not be used to divert attention from the state’s responsibility for the current human rights violations. In a sense, the more we focus on human rights violations and bring them to the attention of the international public, the more we contribute to the development of the civil society whose appearance we are all patiently awaiting. Mahdi’s book shows that the path is far more difficult than the revolutionaries of the 1960s and 1970s assumed it would be.

Notes:

- ¹ Ali Akbar Mahdi, *Farhang-e Irani, Jame`eh-ye madani, va Daghdaghe-ye Demokr`asi (Iranian Culture, Civil Society, and Concern for Democracy* (Toronto, 1998)
- ² Mahdi, 111.
- ³ Mahdi, 51-52.
- ⁴ Mahdi, 52.
- ⁵ Mahdi, 61.
- ⁶ These ideas are fully elaborated in my *Human Rights in the Islamic Republic: The Irrelevance of Cultural Relativism in Human Rights Discourse*, (forthcoming).
- ⁷ Mahdi, 111.
- ⁸ Mahdi, 118.
- ⁹ Mahdi, 125.
- ¹⁰ *Kayhan*, (London) March 11, 1999, 2.
- ¹¹ Quoted by Mustapha Kamel al-Sayyid, “The Concept of Civil Society and the Arab World,” *Political Liberalization and Democratization in the Arab World, Theoretical Perspective* (Lynne Rienner Publishers, Boulder, 1995), volume 1, 137.
- ¹² Rhoda E. Howard, *Human Rights and the Search for Community*, (Westview Press, Boulder, 1995), 38. My argument about ascriptive categorizations is drawn from Howard’s book, a major contribution to human rights discourse.
- ¹³ Audrey R. Chapman, ‘A “Violations Approach” for Monitoring the International

Covenant on Economic, Social and Cultural Rights,' *Human Rights Quarterly*, 18 (1996), 23-66.

¹⁴ Committee on Economic, Social and Cultural Rights, General Comment No.3 (1990), UN.E/1991/23, Annex III, para. 9.