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The muzzling of the liberal press in Iran

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ABSTRACT *One of the major and tangible achievements of President Khatami's reform movement was the freedom that the press enjoyed in Iran in recent years. Not since the 1940s had the press been so free and so diverse in its coverage of sociopolitical topics. However, when the conservatives lost the parliamentary elections of February 2000 to the reform candidates, they blamed, to a degree correctly, the press for their crushing defeat. The hard-line conservatives then decided to strike back by punishing the press. In May Ayatollah Ali Khamenei, the supreme leader, accused the liberal press of acting as bases of the nation's enemies, ie the USA. His attack on the press served as a green light to the conservative-dominated judiciary to ban the pro-reform newspapers and to jail journalists and editors. This article will examine and analyse the reasons behind the press crackdown, and the inability of the president and the reform-dominated parliament either to prevent the closure of the newspapers or to revive the banned ones.*

Introduction

The conflict between the conservatives and reformers in Iran has been nowhere more in evidence or more intensely fought than in the press arena. In the absence of established political parties, the flag bearers of the reform movement had become the liberal newspapers which had gradually been unshackled a couple of years before the election of President Muhammad Khatami in May 1997 and raised higher after that. For instance, in the first three years of his presidency, the number of newspapers, weekly and monthly publications increased from a couple of hundred to several hundred. At no time since the early 1940s had there been so many newspapers, so varied in cultural, social and political orientation and, more importantly, so free of state control. The many controversial social and political issues they discussed, their strong, though justified, criticisms of the sacred icons of the clerical establishment and, more significantly, their revelations of the widespread corruption in the state institutions—all these infused energy and optimism into the reform movement. Judging by the relaxation of social restrictions and the apparent triumph of political openness that the press was projecting, one could not but conclude that the conservatives, who had reigned supreme for nearly two decades, were fast losing power to the reformists. What was interesting, and not insignificant in terms of a clear division of opinions within the religious circles, was that a number of the

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editors and writers of the liberal publications belonged to the clerical class, albeit of the middle-ranking clerics. However, in Iran, as in other comparable countries where often a single leader, and not the state or civil institutions, determines the social and political agenda, things can and do change rather fast. Hence the dramatic change in the fortunes of the short-lived liberal press in Iran.

The catalyst for the sudden change was a speech that the supreme leader and the patron of the conservatives, Ayatollah Ali Khamenei, made in April 2000. In it he castigated the liberal press, describing it as bases of the enemies (presumably the USA and Israel) of the Islamic Republic. Shortly after that the conservative-dominated judiciary began closing down some 40 liberal newspapers and weeklies and jailing a dozen of the editors, journalists and writers. In some cases the editors and journalists have been barred from political, and/or media activities for as much as five years. The media crackdown has thus further widened the gap between the conservatives and the reformists. The following two views illustrates the extent of that gap. A leading conservative cleric is reported to have said, 'You cannot save Islam with liberalism and tolerance. I am announcing clearly and openly that the closure of the newspapers was the best thing the judiciary has done since the revolution.'[1] This harsh treatment of the liberal press moved even a pro-establishment daily, *Teheran Times*, to suggest that while criminals have benefited from the judiciary's light handed approach to crimes, journalists, intellectuals and political critics have received heavy-handed treatment from the same judicial system.[2]

This article will discuss and examine the reasons and circumstances behind the closure of the pro-reform press and the inability of President Khatami and the parliament, where the reformists have the majority, to prevent it from happening or to reverse the situation in favour of the banned press. It will argue that the closure of the newspapers has much wider political implications than meets the eye. For example, it poses the question as to whether the establishment of civil society and the 'Islamic democracy', two major planks of the reform movement, can be realised, or remain like a dream in the collective consciousness of the people. To put it differently, is it the case that the people are allowed freely to elect the president, members of parliament, and members of the city councils but that a minority clerical establishment will all the same continue to be the final arbiter and judge of all things? These and other related questions will be discussed and analysed in this article. Ayatollah Khamenei was, to say the least, indirectly involved in the closure of the liberal press. More than that, he personally ordered the parliament to stop debating a new press law, proposed by reformist deputies, which would have given the press greater freedom. This he did in his capacity as the *faqhih* who, in his supporters' view, is infallible and above the law; therefore, his action against the press is justified. Such a view is totally rejected by the reformists. So the fallibility or infallibility of the supreme leader will also be discussed in this article, but only insofar as this issue is related to the measures taken recently against the press in Iran.

Extreme sensitivity to press criticism

In order to put into historical perspective the sensitivity that the conservative

clerics have shown towards the free press, it will be helpful to discuss briefly here how the Pahlavis viewed and reacted to newspapers and journalists who were critical of the old regime. This brief comparison should demonstrate the remarkable similarity that exists between the contempt the Shah's regime held for the press and the hostility and disdain that Ayatollah Khamenei and his hard-line followers have exhibited towards a critical media. The press in Iran under the Pahlavi regime was tightly controlled, and no amount of sycophantic language was good enough when it came to describing the Shah. All newspapers, regardless of how many times they mentioned him, had to print his name and title in full—even in headlines: 'His Imperial Majesty Muhammad Reza Pahlavi, the Shahanshah [king of kings] Araymehr'. Not only was there not the slightest criticism of the regime in the newspapers but they were obligated to print almost daily his picture and publish in full all his pronouncements. However, in those years it was the foreign press that the Iranian authorities regarded as a thorn in their side. The Shah was particularly sensitive to any criticism of him or his regime in the foreign media.

For the purpose of the present discussion, two examples of the Shah's sensitivity to the foreign press criticisms of his regime will suffice. There were, in 1972, several clashes between the security forces and the anti-Shah dissidents in Teheran and some other Iranian cities. In August of that year the government put on trial a number of dissidents charged with disturbing the public order and engaging in terrorism. A BBC correspondent in Teheran had dubbed it a 'show trial', which made the monarch furious, according to the Minister of the Royal Court and a confidant of the Shah, Assadollah Alam. He told the Shah that the report was accurate and that the Shah had concerned himself with a trivial matter. The following day the monarch produced a copy of the BBC report that had said that, although the public prosecutor had delivered a swingeing attack on terrorism in general, he had failed to bring any specific charges against the accused. '"Well, well," said HIM [His Imperial Majesty], "and yet you still maintain this is trivial stuff?". "Yes," I said, "the report is factually quite accurate." "Well, now we know then" the Shah said. "Now we know what some people consider to be factually accurate," and he launched into such an outburst of ranting and shouting that his mother, HMQ, and the whole royal family gasped in alarm."'[3] So, on the instructions of the Shah, Alam met the British ambassador, and pointed out to him that if the British government were sincere in their desire to maintain special relations with Iran, then 'they should make some effort to discipline their media … I then threatened the cancellation of every commercial deal we have with his country',[4] if his government failed to stop press criticism of the Iranian government. And in 1976, *The Economist*'s correspondent in Teheran, David Housego, wrote a series of 'extremely hostile' articles against the regime. 'That bastard Housego either has a grudge against us or he is working on someone else's orders', the Shah said. Once again Alam complained to the British ambassador about Housego and the British media's criticisms of the Shah's regime. The Shah was also outraged by the *New York Times*' criticism of his regime. 'The same goes for Eric Page of the *New York Times*—every time he refers to our government he feels obliged to describe it as a "dictatorship"'.[5]

These days the hard-liners know they cannot threaten Western governments

with severing trade relations if they fail to get their media to refrain from criticising the Islamic Republic. Instead, the hard-liners blame the local liberal press, and journalists are accused of reflecting the views of 'foreign enemies' and acting against the interests of the Islamic Republic at the behest of the latter. Hence Ayatollah Khamenei's description, in May 2000, of the non-establishment of newspapers and magazines as 'bases of the enemy'. It was this condemnatory description of the press that provided the pretext for the judiciary, whose head is appointed by Khamenei, to ban dailies and weeklies. It also gave tacit permission to the judiciary to jail a number of journalists and editors on the vague accusation that they were undermining the security of the state and insulting the sanctity of Islam. Serious as these accusations and the jailing of journalists were, they concealed the conservatives' unstated agenda to frustrate Khatami's reform programme. However, to say this is not to deny their genuine apprehension and fear that an independent press would undermine religious values, which would in turn lead to the disintegration of the Islamic system in a fashion similar to that of the Soviet Union. There is also an external factor that reinforces that fear, one that is shared by both the conservative politicians and many ordinary Iranians. It is that an uncontrolled press has the potential to polarise Iranian society politically and culturally. Such a development would in turn, so goes the argument for a controlled press, destabilise the system, and this would inevitably encourage outside powers to take advantage of the chaos to subvert the government and establish a pro-Western one. Subscribers to this conspiracy theory base their argument on the events of 1953, when the USA and Britain, taking advantage of the political division within the ruling elite, engineered a military coup and brought down the nationalist government of Muhammad Mossadeq and reinstalled the Shah to his throne. To outsiders such an argument may sound absurd and utter paranoia, but nearly half a century later that part of history has remained fresh in the minds of many Iranians. Note for example this line from Khamenei, 'We are not Allende and [Mossadeq], liberals willing to be snuffed out by the CIA'.[6] What has kept that part of history alive in the national consciousness is that politicians of different political complexions have over the years manipulated the fear of foreign intervention, real or imagined. Hence the attempt to create the idea in the minds of the general public that the 'liberal press' is but a prelude to foreign intervention in Iran. It is unclear to what extent Khamenei has convinced the people of his anti-press rhetoric. But if the press reports from Teheran are anything to go by, his recent utterances against the liberal press may in the long run damage the office of the *velayat-e faqih* more than they will convince the people of his argument against the liberal press.[7]

Factors that contributed to a free press

The tug of war between the liberals and conservatives over the liberalisation of the press goes back to the early 1990s when the centre-right government of President Rafsanjani began to show greater tolerance towards an independent (from state control) press and intellectual journalists. Contributing to the unshackling of the press were three factors. First, there was the end of the eight-year war between Iran and Iraq in 1988. In Iran, as in other countries that are at

war, there was a feeling that the country must show solidarity in the face of the enemy. A free press critical of the government, it was argued, could give the impression to the outside world that the people were divided over the question of war and peace with Iraq. Second, the death of the Ayatollah Khomeini in June 1989 lifted the veil of the 'unquestioned authority' of the state whose supreme leader, the ayatollah 'commanded extraordinary respect and obedience while he was alive', in the words of Zarir Merat, a sociologist.[8] In other words, Khomeini's commands and the national interest were deemed one and the same: once he had gone that linkage was broken. The third factor, and a very crucial one, was the appointment of Muhammad Khatami as the Minister of Culture and Islamic Guidance (1983–93). Khatami has been a man of the revolution, as well as an outsider within it. His father was a well known ayatollah and he himself received his religious training in Qum. But he has also always shown an interest in ideas beyond the Islamic tradition. At Isfahan University he graduated in philosophy, including Western political philosophies. Later when he spent some time in Germany he expanded his knowledge of the West and Western liberal ideas, including, probably, the benefits that a free press can contribute to the overall development of society. The influence of Western political philosophies is shown in his various pronouncements: 'Our people voted for freedom to speak, freedom to assemble, freedom to criticise—all these are inalienable rights of the people … Nobody has the right in the name of freedom to hurt our religion and our culture. And no one is allowed in the name of religion to harm the rights of the people.'[9]

In his new capacity as the Minister of Culture and Islamic Guidance, Khatami lifted many of the restrictions placed on the press, artists, intellectuals, writers and film-producers. It was during this period that the Iranian movie industry began to flourish to such an extent that many Iranian films have in recent years received awards and prizes at international film festivals for their fresh treatment of social and libertarian issues. Nowadays it is not uncommon to see praise-worthy reviews of Iranian movies in Western publications.[10] According to Scott Peterson, art exhibitions of any kind were not tolerated in Iran for many years, but now there are 2000 contemporary artists, 100 galleries and culture centres, and some 70 museums in Teheran alone, and newspapers carry full pages of cultural events.[11] Khatami's advocacy of the freedom of the press and tolerance towards opposing ideological views were resisted by the conservatives and so in the end he was forced to resign from his post. His departure from the ministry brought back some of the old restrictions on artistic freedom and on the press. Between his departure and his presidency, the authorities suspended the production of the work of many writers and artists. For example, in 1996, virtually none of the 1500 fiction manuscripts and screenplays submitted to the Minister of Culture and Islamic Guidance was approved for publication or production.[12] Despite the new restrictions, however, the trend towards a freer and more robust press was irreversible, or so it seemed at the time.

The election of President Khatami politicised the Iranian public to an unprecedented degree. The people felt that they had re-appropriated their political voice, which had been stifled by a minority but vocal and activist clerical class. Khatami came to power because of the many central issues he had expressed in

his writings and speeches. Among the key ones were the multifaceted needs of the youth population (who comprise 60% of the 65 million people), the reduction of unemployment, the re-evaluation of women's status, and freedom of expression and of the press. It was therefore not surprising that one of the first measures of the new administration was to make it easier for the Ministry of Culture and Islamic Guidance to grant press licences to applicants. As a consequence, within a year of his election the ministry issued more than 779 new press licences, bringing the total to 930.[13] The new publications had several distinctive characteristics. A good number of them were published and distributed outside the major cities, which meant that the pro-reform newspapers were reaching the bulk of the population, thus raising people's political consciousness. Also, the new publications, whether published in the cities or in country towns, mostly carried no or very few religious stories. Furthermore, unlike the 'establishment' newspapers, the new ones avoided publishing sycophantic stories and editorials in support of the religious fraternity. But perhaps most importantly, they published stories about the existence of widespread corruption in some of the state institutions. One such institution was the Ministry of Intelligence, whose officials were at one time involved, by the admission of the government, in the murder of dissidents and intellectuals.

Conservatives strike back

The first serious move the hard-liners made against the liberal press was in July 1999, when a new press law, which called for more restrictions on the freedom of expression, was passed in the parliament. Of the 270 Majlis deputies, 55 were absent, apparently to show their disapproval, and 125 (less than half) voted for the new law. It placed the press under the jurisdiction not of the press court but of the revolutionary courts, which try political and criminal offenders. Under the new law journalists and publishers were required to reveal their sources, and responsibility for published material went beyond the publisher to include photographers, editors and journalists. The speaker of the conservative-dominated parliament, Ali Akbar Nateq Nouri, justified the action, arguing that the liberal press was serving as a gateway for Western cultural invasion, and that 'we must take measures to stop it. Some people, under the pretext of press freedom, are plotting against the system.'[14] Concomitant with the passing of the law, *Salam*, a daily liberal newspaper edited by Ayatollah Mousavi Khoeiniha, published a confidential letter from Said Emami, a former high-ranking official in the Ministry of Intelligence, to the Minister of Culture and Islamic Guidance. (At the time of the publication of the latter, Emami was in prison as the ringleader of the 'rogue elements' within the Ministry of Intelligence and had been charged with the murder of a number of intellectuals and journalists.) In the letter Emami had urged the minister to rein in the liberal press and curb the freedom of the press which, in his view, threatened to undermine the republic. The publication of the letter infuriated the conservatives, and so Khoeiniha was brought before the special court for the clergy on the grounds that he had published, without authorisation, a confidential government document. In the end the court banned the newspaper for five years and prevented its editor from engaging in

media activity for three years. The great irony was that Khoeiniha was a close friend of the late Ayatollah Khomeini. From the early days of the Islamic Republic he had firmly established his revolutionary credentials by leading the students who seized the US embassy in Teheran and held US diplomats hostage for more than a year. In recent years, however, he had become a staunch supporter of Khatami's liberalisation policy and an advocate of the establishment of an 'Islamic democracy'.

The closure of *Salam*, at the time regarded as the most effective voice of the reform movement, angered students, who staged demonstrations at various university campuses demanding greater freedom of expression, association and the relaxation of social and political restrictions. The police and the vigilantes of the Ansar-e Hezbullah attacked the students in their dormitories,beat them up and ransacked their bedrooms. Soon after, students in other cities staged their own demonstrations. Never before had the Islamic Republic faced such a serious challenge from the students. It took five days before the authorities could regain control of the situation. A particularly significant demand of the demonstrators was that Ayatollah Khamenei, the 'sacred icon' of the clerical establishment, must refrain from interfering in the day-to-day affairs of the state and allow the president to get on with the job of governing (more of this later). The *Salam* case and the quelling of demonstrations were perhaps the first serious signals from the conservatives to Khatami's supporters that it was the former who determined the parameters of a free press. It was also the beginning of a tug-of-war between the Ministry of Justice, dominated by the hard-liners, and the Ministry of Culture and Islamic Guidance, dominated by the reformists. In the dual system that is characteristic of the Islamic Republic, newspaper licences are issued by the Press Supervisory Board, attached to the Ministry of Culture and Islamic Guidance, but the Ministry of Justice insists that publishers must also get its permission as well. Moreover, it is not just the Board that can hear or investigate a complaint made against a newspaper by citizens or by various governmental or non-governmental organisations. The Justice also reserves for itself the right to determine whether or not a publication has violated the law, ie if it has published articles deemed 'insulting' to religious sensitivitie, or undermining the constitution of the office of the supreme leader. It was the application of these charges, ie the insulting of religious sensitivitie and undermining the office of the supreme leader, which sealed the fate of another liberal newspaper, *Neshat*, with an estimated circulation of 200 000.

A veteran statesman who dared Khamenei

On 1 September 1999 *Neshat* published an open letter, five columns long, by an opposition leader to Ayatollah Khamenei. The author was Yadollah Sahabi, a 95-year-old politician with the right political and religious credentials, in that he had for decades been a Muslim activist and had spent many years in jail because of his anti-Shah stance. Addressing Khamenei, Sahabi argued, among other things, that it was not in the interest of the Islamic Republic that its leader be perceived by the people as the defender or supporter of a particular group (ie the hard-liners) who commanded only a minority at the elections. He also argued that

recent political developments and changed circumstances (since the death of the Ayatollah Khomeini) in the country called for the revision of the powers of the leader with a view to reducing those powers. In effect, the author was suggesting that the powers of the unelected supreme leader should be transferred to the elected president. Sahabi also said that most committed Muslim lawyers and judicial experts, whose service to the Islamic Republic was well known, agreed that Iran's judicial system had in its entire history never been in such a lamentable state, for it had failed to dispense justice fairly and equally to all citizens. This was in fact a direct criticism of Khamenei, who appoints the judiciary chief. The publication of the letter was, in the view of the conservatives, bad enough. But a few days later, in a lead editorial, *Neshat* took a more daring step. It argued for the abolition of the death penalty and the strict eye-for-an-eye vengeance law, or *qasas*. It said that the 'penalty of death by hanging or vengeance laws are not solutions to murders and corruption on earth'.[15] The Ministry of Justice lost no time in taking the newspaper's managing director, Latif Safari, to the special court for clergy (Safari is a middle-ranking cleric). The court ordered the closure of the paper and sentenced him to two and a half years in jail on the spurious charges of insulting the Islamic sanctities and the office of the *velayat-e faqih*.

Thus, after many years when public discussion about the functions of the office of the *faqih* and the style and quality of his leadership was regarded as political taboo, in the latter part of the 1990s and early 2000s newspapers and intellectuals began debating these issues openly. In particular, they were critical of the interventionist tendency that Ayatollah Khamenei has increasingly displayed since the election of President Khatami. The reformists argue that he has in recent times been overstepping his role, which is one of a 'supervisor' and/or 'mediator' between various political factions. Specifically, they reject the proposition put forward by the religious traditionalists that the supreme leader is above the law and should not be subject to public scrutiny and criticism. According to the constitution, the *faqih* is selected by 83 members of the Assembly of Experts. These experts, in turn, are popularly elected, and therefore there is nothing in the constitution that would indicate that the Assembly's choice of the supreme leader is divinely sanctioned or inspired. After all, at the time of his election, Ayatollah Khamenei was only a 'hojatolislam', which, in Shi'ite religious hierarchy, is below an ayatollah. It is worth noting that at no time did the Ayatollah Khomeini claim or give the impression that he was divinely inspired, nor did his followers claim that his pronouncements were sanctioned by heaven.

Several prominent reformist theoreticians, as well as some clerics, have rejected the notion of the infallibility of the leader. The best known and most outspoken of the latter is the Grand Ayatollah Husseinali Montazeri, once designated to replace the Ayatollah Khomeini. Newspapers that publish his political views are brought before the press court, as were the publishers of the dailies *Fath, Asr-e Azadegan* and *Sobh-e Emrouz* in June 2000. So, in order to publicise his political views he often grants interviews to the foreign press. Because of his high religious standing and his impeccable revolutionary credentials, it is worth quoting him here at length on the question of the role of the *faqih* and on Khamenei's decision to squash the new press laws in the parliament. According to the grand ayatollah, the traditionalists' interpretation of the absolute

guardianship of the *faqih* is in direct conflict with many articles of the constitution. Articles 6 and 56, for instance, say that Islamic law must be observed in the Islamic Republic, but the Articles also clearly say that the republic is governed on the basis of the people's votes, and the word 'republic' validates this exact meaning. He further argues that the people elect the members of parliament to legislate, and it is for the President to implement and carry out the laws. 'But the interpretation these gentlemen [Khamenei and his traditionalist supporters] have of the absolute guardianship is despotism [which makes] the responsible [government] institutions unnecessary and superfluous.'[16] Under the constitution, he points out, the parliament and the executive branch are responsible and answerable to the people but, because the actual power of the state is monopolised by a few people, neither of these two branches can carry out its constitutional duties and responsibilities. Such a situation is neither logical nor rational, Montazeri argues. He has also warned the authorities against silencing the national press and insisting on people's total and unconditional surrender—all at the command of one fallible person (Khamenei). This, he says, would lead to a rebellion, and people's disenchantment with the fundamentals of Islam and religion. He scorns the authorities for favouring publications that are sycophantic towards the officials, but silencing the independent ones under the pretext that enemies (the USA and Israel) have infiltrated them. According to Montazeri, the judiciary's treatment of the press (jailing the journalists and banning the pro-reform newspapers) is unfair and unjust. He concludes his interview with Iran Press Service, based in Europe, by lamenting the fact that, even though he was one of the founders of the Islamic revolution, no publication in the country dares mention his name, let alone publish his political views. This, he says, has left him with only one other medium available to him: the foreign press.

There are, however, other prominent clerics and political leaders who take a similar line of argument to that of Montazeri with regard to the limits of the authority of the supreme leader. We will here confine our discussion to the views of only a few of them. Alireza Alavitabar is a well known theoretician on the religious left and editor of three pro-reform newspapers. He argues that a central theological and philosophical question confronting both the conservatives and the reformists is whether God or the people give the leader his legitimacy. The democratic religious front, he says, believe that God gives the right of self-rule to the people, so the people themselves can bestow this power upon whomever they choose. In other words, a *faqih* or leader is not legitimate if he gained power through a military coup. The other differences between the conservatives and the reformists, according to Alavitabar, concern the boundaries of the *faqih*'s powers. 'We maintain that the constitution defines the boundaries of his power and the leader has no right to overstep these legal boundaries, which form the basis of our contract with him. Once this boundary is overstepped, the law is broken and we no longer follow his leadership.'[17] Among the vocal critics of Khamenei's interventionist tendency and of the autocratic behaviour of the clerical establishment, one can mention Abdollah Nouri and Mohsen Kadivar. The former is a middle-ranking cleric and the editor of *Khordad* (now closed down) and arguably the most popular political figure after Khatami; the latter, also a middle-ranking cleric, is a political philosopher who has written books on Shi'ite thoughts and on

velayat-e faqih. Nouri told the special court for the clergy, which tried him on charges of insulting the supreme leader in his newspaper, that the leader was equal to all the people of the country in the eyes of the law. Citing article 107 of the constitution, he argued that in the Islamic Republic system the leader is in essence equal with the general population. This means that, like any other single individual, he has rights and duties and must obey the law, and has no powers above those created for him by the constitution.[18] In other words, Khamenei is not and cannot be above public criticism and is not infallible, as claimed by his supporters. And in 1999 Kadivar wrote a series of newspaper articles and gave interviews in which he obliquely rejected the leader's infallibility and accused the clerical establishment of behaving like the Shah's regime. Soon after, he was detained by the special court for clergy, but he refused to recognise the legality of the court, insisting that he should be tried, if at all, in an open court with a jury. In the end, he was given a two-day trial on charges of spreading fabrication and inciting public unrest. For that he received an 18-month sentence. After his release from jail in August 2000, Kadivar is reported to have said:

> We are living in a third world country. There is [in Iran] a 2500-year history of despotism. It is natural that there should be resistance in the face of freedom. The judiciary respects neither the law, nor religious standards, nor public opinion. But the fact that they arrest their opponents, rather than kill them like they did before [ie under the Pahlavi regime], is progress.[19]

The judiciary has not only taken upon itself the right to stifle freedom of expression at home, but has extended that right beyond Iranian territory. The trial of Jamileh Kadivar in Teheran early in November 2000 is a good example. Kadivar is the wife of the Minister of Culture and Islamic Guidance; she is also the sister of Mohsen Kadivar, mentioned earlier. But much more importantly, she is Iran's most popular woman politician in that, in the parliamentary election of 2000, she received the second highest number of votes from Teheran—1.37 million. However, last November she was brought before a Revolutionary Court because she had participated in a conference in Berlin on the future of Iran's reform movement. The charge against her was that she had taken part in a 'conference [that] was held with the aim of changing Iran's system of religious government, insulting the [Islamic] sanctities, and rejecting Islamic judgements'.[20] She told the court—in vain—that participating in a conference held abroad was not a crime. Also on trial was one of the best known pro-reform journalists, Akbar Gangi, who, like 17 others on trial, had participated in the Berlin conference. He told the court that he was tortured and kicked in the head because he had refused to wear the prison uniform. He said he had objected to wearing it because he was 'a political prisoner and not a common criminal'.[21] In the end he received a 10-year term in jail, plus five years in internal exile in a desolate area in the south of the country. After hearing of his sentence, he is reported to have said that future events might act as the detonator of possible social explosion unless the conservatives eased the pressure on President Khatami and the reform movement. As will be discussed shortly, it was Ganji who accused top officials of the Ministry of Intelligence over their involvement in murdering reformists and political dissidents in 1998. (The *Guardian* correspondent in Teheran, Geneive Abdo, who

interviewed Ganji in prison through an intermediary, angered the authorities. Fearing possible prosecution, she left the country in late January 2001.)

Scathing criticisms of the judiciary system in Iran come not only from reformists such as Kadivar and Yadollah Sahabi, the latter mentioned earlier. They also come from some of the newspapers close to the establishment. For example, *Tehran Times*, in addressing Ayatollah Mahmoud Hashemi Shahroudi, the head of the judiciary, said that, under him, reforms in the judiciary have so far gone no further than pious statements and appealing expressions. It argued that the judiciary has treated the criminals more humanely that journalists.

> While criminals have benefited from the light handed approach of the judiciary head [during Shahroudi's tenure], journalists, intellectuals and political critics have suffered even worst treatment, unprecedented after the Islamic Revolution. There is no doubt that the judiciary needs an extensive overhaul, but Ayatollah Shahroudi has not done anything but to admit to the ugly realities that were already evident to our vigilant nation before he accepted office [in 1999]. There is a huge difference between words and action, and it is hoped the honourable head of the judiciary and other officials who have made similar promises [of reform] start delivering their promises before the nation loses heart in their claims.[22]

When Ayatollah Khamenei appointed Shahroudi to head the judiciary department, there were expectations and hopes that he would reform the judiciary, which had been highly politicised under his predecessor, the ultra-conservative Ayatollah Muhammad Yazdi. Yazdi's replacement was partly the result of criticisms levelled against him for his intolerance towards and harsh treatment of the liberal publications on the one hand, and his bias towards the radical right. But as the comments cited above and events have shown since, under the Shahroudi regime journalists and the press have hardly fared better. If anything, a greater number of liberal publications and pro-reform journalists have been banned and jailed on vague charges of insulting religious sanctities. Unlike at present, in the past the publisher of a banned newspaper could, and often did, apply for a new licence, which in most cases was granted almost immediately. This made it possible for the newspaper to reappear the following day, albeit under a different name but with the same editorial staff. This was made possible because the Press Supervisory Board, then dominated by the reformists, had the authority to issue press licences. However, for explanations about the conservatives' antagonism towards the liberal press and journalists, one needs to look beyond the shortcomings of the judicial system under Ayatollah Shahroudi. Three political developments since the latter part of the 1990s have eroded the conservatives' monopoly of power and have thus unnerved them. They see the independent press, correctly, as having greatly contributed to bringing about these developments. Hence their antagonism towards and determination to silence the independent newspapers.

The first was the presidential election of 1997. Khatami's decisive victory over his much better known rival, Ayatollah Nateq Nouri, the arch-conservative speaker of parliament, unsettled the establishment. It appears that the conservatives, ie the Council of Guardians and the supreme leader, who acquiesced in Khatami running for presidency, thought he would have little chance of defeating

their preferred candidate, Nateq Nouri. However, by promoting Khatami's liberal ideas, albeit set in the context of Islam, the press made him a national figure and thus secured his victory over his rival. The second development was the city council's elections in 1998 (these elections were stipulated in the constitution but had never been carried out), in which the reformists overwhelmingly defeated their conservative rivals. The third development—and much more unsettling for the conservatives—was the result of the parliamentary elections of April 2000, when the reformists scored a decisive victory beyond their own expectations. For example, in Teheran, which is the heartland of Iranian politics, the conservatives' best-known candidate, Hashemi Rafsanjani, a two-term president (1989–97), barely managed to win the last of the 30 seats slated for Teheran. For the man who considered himself the centre of Iranian politics and a major pillar of the republic, this was a huge personal humiliation; it was also a humbling defeat for this conservative supporters. In order to save what was left of his prestige, the conservative-dominated Council of Guardians, who oversee the elections, stepped in and announced that there had been widespread cheating in the tallying of votes for Teheran, and proceeded to recount the ballot. After the recounting, Rafsanjani was placed twentieth in the poll. But few were fooled by this blatant manipulation of the figures. Officials in the Ministry of the Interior, who are in charge of the elections, said that they 'had proof that the Council of Guardians fabricated the results to enhance Rafsanjani's reputation among the people'.[23] In the end he resigned in order to avoid further embarrassment.

Peeping into Rafsanjani's closet

It is generally accepted in Iran that, by unearthing some old skeletons in Rafsanjani's closet, the liberal press contributed greatly to his very poor showing in the polls. The press campaign against him began when the Majlis passed a special law allowing Rafsanjani to run as a candidate for the coming elections. At the time he was (and is at present) the chairman of the Expediency Council, a powerful conservative institution. The Council's two major functions are to advise the supreme leader on matters of state, and to mediate between the parliament and the Council of Guardians when there is a deadlock between the latter two bodies on certain legislative matters. According to the constitution, for Rafsanjani to stand for the Majis election he had to resign from his post as the chairman of the Council. The manipulation of the law by the conservative legislators and Rafsanjani's tacit approval of it enraged the public and invited strong criticism from liberal commentators. They argued that to allow him to run for a parliamentary seat was to put an unelected official (the chairman of the Expediency Council is appointed by the supreme leader) above the popularly elected president. But perhaps most damaging to Rafsanjani's reputation was the dredging up by the press of certain unsavoury aspects of the past to discredit him. Prominent among the staunch critics of Rafsanjani was Akbar Ganji. Along with other journalists, he alleged that it was during Rafsanjani's presidency that Ayatollah Khamenei assumed for himself an ever more assertive and interventionalist rule. They also said that the former president turned a blind eye to the murder of Iranian journalists and dissidents by agents of the Ministry of

Intelligence, arguing that he could at least have ordered, as did President Khatami later, investigations into the political killings. They estimated that up to 100 men and women were 'officially murdered'.[24] It was during his presidency that the Council of Guardians was first given the power to bar candidates from election. There were also allegations that members of his family were accorded special commercial and career favours. Other allegations against him were that he had been responsible for curtailing freedom of expression. It was also under Rafsanjani that morality police routinely stopped young men and women in public places and carted them off to jail if they could not prove they were married or related. Perhaps most damaging of all allegations was the assertion that, against the wishes of the Ayatollah Khomeini, Rafsanjani argued for the continuation of the costly and bloody war with Iraq *after* the latter was driven out of Iranian territory.[25]

As discussed earlier, the antagonism and the harsh treatment meted out against the liberal press have their origins in the conservatives' defeats in the elections. However, during the recent parliamentary elections, the reformist candidates promised that, if elected, they would as a matter of priority try to reform the press law. So, in early August 2000 they introduced to parliament, where they enjoy a two-thirds majority, a new press bill aimed at reversing the restrictive press laws that had been passed in the last days of the old parliament. The bill was designed to change the process of closures of newspapers and the arrests of journalists. Under the amendments it would have required legal action to be taken against the publishers, rather than against individual writers, would have lifted the threat of jail sentences from journalists, and would have changed the composition of a press supervisory board, which grants newspaper licences, to include more reformers. It is hard to argue that the proposed amendments were either revolutionary in what they intended to achieve or that, if passed, they would have undermined Islamic values, or would have been prejudicial to Iran's national interests. But Ayatollah Khamenei saw it differently, as he personally intervened and ordered the suspension of the debate on the bill. In a letter sent to the Majlis, he said, 'If the enemies infiltrate our press, this will be a big danger to the country's security and the people's religious beliefs. I do not deem it right to keep silent. The present press law has succeeded to a point in preventing this big plague. The [present] bill is not legitimate or in the interests of the system and the revolution.'[26] Incidentally, the letter seemed to have served as a new licence for the judiciary to close down and/or jail yet more newspapers and journalists.[27]

The letter stunned the reformists both in and outside the parliament. Not since the revolution in 1979 had there been such a direct, blatant and heavy-handed interference by the supreme leader in the affairs of parliament. Even the founder of the revolution, the Ayatollah Ruhollah Khomeini, had allowed deputies to debate all matters of state freely. Considering that the conservatives control the major institutions of power, there was little that the reformers could do to revive the banned newspapers. These institutions include the *velayet-e-faqih*, the judiciary, the armed forces, the Ministry of Intelligence, the paramilitary *basij*, the Council of Guardians, the Expediency Council, the electronic networks, and the Friday prayer leaders who are important opinion makers. However, the reformists did manage to force the speaker of the Majlis to read the letter for the

public record, thus letting the people know who ordered the suspension of the debate and why. In the past such decisions were made behind the scenes and controversial issues like the proposed press bill would not have reached the floor of the parliament, as there was almost a unanimity of views on matters of state between the four most popular pillars of the state. The four comprised the supreme leader Khamenei, the former president Rafsanjani, former speaker of the Majlis, Nateq Nouri, and the secretary of the Council of Guardians, Ayatollah Ahmad Janati.

The as yet unanswered question is why did Khamenei intervene personally, and in a rather crude manner, in a legislative matter? After all, he had less dramatic options to resolve the issue of the press bill. He could, for instance, have followed the tradition set by his mentor, the Ayatollah Khomeini. The ayatollah was careful not to be seen taking sides publicly in favour of one or the other political faction. In fact, on a number of occasions some leading clerics, including Rafsanjani and Khamenei, were frustrated that they could not persuade him to take the side of a particular group. In numerous letters to and in private talks with Khomeini, they urged him, in no subtle way, to take decisions that would have been favourable to the views of the clerical traditionalists rather than to the views of their rivals. For example, it took a lot of persuasion on the part of Rafsanjani, then the speaker of the Majlis, and his clerical associates to convince Khomeini that Abdulhassan Bani Sadr, Iran's first liberal president, should be impeached. In his book, *Passing Through Crisis*, Rafsanjani shows his obvious frustration when Khomeini on occasions refused or was hesitant to act exclusively on the advice of his close allies, including Rafsanjani and Khamenei.[28] So Khamenei had a precedent set before him; he could have taken his mentor's path and called in the contestants and urged a compromise on them. Or he could have let the parliament pass the bill and then let the Council of Guardians reject it on the grounds (however unconvincing) that the bill was contrary to Islamic values and/or was against the national interest. And in case of a deadlock between the Majlis and the Guardians, he could have urged the Expediency Council, headed by Rafsanjani, to bring its political weight to bear on both the deputies and the Guardians to reach a compromise. Why he chose not to consider any of these or other options is hard to say for sure. One speculation is that Khamenei's inner circle convinced him that the real target of the liberal press was, in the first instance, him personally and, in the second instance, the weakening of the authority of the office of the *velayat-a-faqih*. After all, his minders could point to the fact that in the recent past some liberal press newspapers had obliquely criticised religious tyranny, and had questioned the almost unlimited powers of the *velayat-e-faqih*. Another speculation is that Rafsanjani blamed the liberal press, with a degree of justification, for turning the public against him during the elections, and so wanted to punish the press for that. Therefore he pressed the supreme leader, a personal friend of his, to act decisively against the progressive press. While there is no hard evidence to support the above assertion, a close reading of Rafsanjani's book, mentioned above, leaves little doubt of his ability to manipulate events and so influence people to behave in a way that would suit his own agenda.

But whatever the reasons for Khamenei's distrust of the liberal newspapers and

his motives behind the letter he sent to the parliament, President Khatami was clearly unhappy about the silencing of the pro-reform press. In an address to the Teheran University students, he said that the extreme religious side that believes religion and freedom cannot coexist is dangerous, and that freedom of expression must be respected. 'Holders of all views, however extreme they may seem, must be allowed to express their views freely.'[29] In fact, a few weeks before his speech at the university in September 2000, in an interview with the state television, Khatami obliquely criticised the way the judiciary had treated the press and the journalists. He argued that the closure of so many publications could give the impression to outsiders that the Islamic Republic suffered from weaknesses and insecurity and feared freedom of expression. These are fine sentiments, but the question is, why does he not translate his sentiments and lofty ideas into action? In the same interview, however, the president provided the answer, albeit indirectly. He said he could do little for the banned newspapers or the jailed journalists, because, as he put it, although the supervision of the implementation of the constitution was one of his responsibilities, the president sometimes lacked the necessary tools that were required for fulfilling his duties.[30] The president felt it necessary to hammer home the same point three months later at a conference on the constitution held in Teheran in November 2000. 'I declare', he said, 'that after three and a half years as president, I do not have sufficient powers to implement the constitution, which is my biggest responsibility. In practice, the president is unable to stop the trend of violations [against the constitution] or force the implementation of the constitution.'[31] Comparing these statements with Khamenei's letter to the speaker of the parliament ordering the suspension of debate on the new press bill clearly demonstrates the limited powers that the popularly elected president enjoys *vis-à-vis* the almost unlimited powers enjoyed by Khamenei, the unelected leader.

But there are greater principles at stake here than Khamenei's order regarding a single issue, ie the suspension of the press debate in parliament. During the general elections of April 2000, the reformers made it clear that, if they gained the parliamentary majority, which they did, they would try to overhaul the complicated court system with a view to separating the jobs of prosecutor and judge, now held by one person. They also said they would change the election laws to make them easier for candidates to stand for elections, reduce the powers of the Council of Guardians to disqualify the candidates, remove the powers of the speaker of the Majlis in order to make him more an administrator than one who can define and set the legislative agenda, and reform the family law, which at present disadvantages women. By virtue of their parliamentary majority, the reformists should be able to make good their pre-election promises. But what would be the supreme leader's reaction if those issues were brought before the parliament for debate and were approved? As the patron of the conservative forces, would Khamenei again personally intervene and order the legislators to stop debating such issues? If so, what would be the likely reaction of the reformist parliamentarians the second time round, on the spurious argument of the leader's infallibility, as claimed by the conservatives? It is hard to answer that question with certainty. However, if the grassroots support shown in the past several years for reform and greater freedom is any indication, the hard-line

conservatives would in the end have to give in. If not, the alternative would probably be either a street confrontation between the two sides, in which case the system as a whole would be the loser. Or, if the hard-liners won in the end, the bulk of the people, who in three national elections have voted for reform and greater freedom, would feel alienated and divorced from the system. In other words, the system would then lack legitimacy, not unlike the Pahlavis. In fact, Khatami has warned of the day when people will feel disappointed and alienated from the system because the authorities (read the ruling conservative clerics) have failed to meet their demands for reform. As things stand at the moment, when neither side is certain of the outcome of a confrontation, it is very likely that the two sides will reach some kind of a compromise.

Conclusion

After the parliamentary elections of February 2000 when the reformist candidates won two-thirds of the seats, the general feeling both in Iran and abroad was that the conservative forces, led by the clerical establishment, were in retreat. Many Iran commentators argued that the elections had settled the question of theocracy, government through priestly order, versus the republic, where people's representatives hold the supreme power. The general consensus was that to a good degree the question had been settled in favour of the latter. Also, in the euphoria that gripped the country following the elections, many social and political commentators were optimistic that President Khatami's vision of establishing a civil society and 'Islamic pluralism' were now within reach. What reinforced that sense of optimism was the growing number of liberal and independent (from government) newspapers and weeklies. And indeed for a few years before the election of President Khatami and up to May 2000, the press in Iran was by far the freest and most dynamic in the entire Middle East, with the exception of Israel and perhaps of Lebanon. However, only three months after the decisive victory of the reformists in the parliamentary elections, all the progressive publications were banned and many journalists and editors jailed by the conservative-dominated judiciary. This article has asked how and why this happened.

The answer to the first part of the question, how it happened, is rather straightforward. Ayatollah Khamenei, the supreme leader, said in one of his speeches that in his view those publications had become, as he claimed, bases for the enemies, a term usually reserved for the USA and Israel. Through these publications, he said, the enemies of the Islamic Republic were trying to undermine the country's national interests and the people's faith in Islamic values. This was in fact a green light for the judiciary to close down the liberal press. Using the same logic, he then took the unprecedented step of sending a letter to the Majlis ordering the deputies to stop discussing a press bill introduced by the reformists. The bill was designed to secure freedom of the press and revive the publications that had been banned. Whether or not he acted within the boundaries of the constitution is a contentious legal argument which is beyond the scope of this article. Suffice to say here that, had the reformist legislators defied his order and insisted on debating and passing the bill, they would most probably not only have created a constitutional crisis but also caused a nation-wide demonstration for

and against the supreme leader. In all likelihood the demonstrations would have been large and more violent than the ones that shook the Islamic Republic in July 1999 when the pro-reform *Salam* newspaper was banned.

As to why the conservatives decided to take such a hostile stance against the liberal press, the answer is more complicated. As discussed earlier, a couple of years before the closure of the liberal press, some journalists and editors had begun questioning the role of the supreme leader and obliquely criticising him for leaning towards the conservatives. The reformists' argument was (and is) that, regardless of his personal political views, he must remain neutral in the ongoing conflicts between various political factions. In any case, the influence that the liberal press was apparently exercising over the general public was eroding the monopoly of power that the conservatives had held for nearly two decades. To a large extent correctly, they saw the press as major catalyst of the defeat of their candidates in three elections: the presidential, the city councils, and the Majlis. It is true that, even after their electoral defeats, the conservatives continued to dominate the important centres of power like the army, the judiciary, the Ministry of Intelligence, the police, the Friday prayer leaders, and the radio and television networks. But they still felt politically insecure so long as the free press continued digging out old dirt and corruption in the system and demanding a more equitable distribution of power, which remains skewed in favour of the conservatives despite the reformists' overwhelming electoral victory in recent years. This asymmetrical power relationship between the conservatives and the reformists is cogently illustrated in a *Middle East International* cartoon. It shows Khamenei pulling off and taking away two of the four legs [the liberal press and jailed intellectual journalists] of the chair Khatami is sitting on, leaving the president looking bewildered, dispirited and suspended.[32] In effect making his presidency and the reform movement rather ineffective, like a blunt knife.

As we know, Khatami was re-elected in the presidential election of June 2001. He received 77 per cent of the votes, eight per cent more than in the previous election. In other words, most Iranians wanted him to push ahead with the reform agenda that he launched during his first term of office. Whether or not he will now be able to remove the muzzle that was put on the liberal press during his first term is hard to say. It will hence, however, be much harder for the conservatives to continue relentlessly obstructing the reforms.

Notes

1 *The Economist*, 19 August 2000, p 45.
2 M H Manzarpour, 'When will slogan translate into actions?', *Tehran Times*, 12 September 2000, p 3.
3 Asadollah Alam, *The Shah and I: The Confidential Diary of Iran's Royal Court*, ed Alinaghi Alikhani, New York: St Martin's Press, 1991, p 238.
4 *Ibid*, p 239.
5 *Ibid*, p 504.
6 Ervand Abrahamian, *Khomeinism*, Berkely, CA: University of California Press, 1993, p 111.
7 See *Middle East International*, No 633, 15 September 2000, p 12.
8 Zarir Merat, 'Pushing back the limits of the possible: the press in Iran', *Middle East Report*, 212, 1999, p 33.
9 Cited in John Daniszewski, 'President harks back to revolution's spiritual leader in support of ideas that Islamic principles and freedom of expression are linked', *Los Angeles Times*, 23 May 2000.

[10] Two of the latest Iranian movies shown worldwide are *The Colour of Paradise*, and *A Time for Drunken Horses*. Other titles include *The Runner*, and *The Blackboard.*
[11] Scott Peterson, 'Romeo, Juliet back in Teheran. But no kisses', *Christian Science Monitor*, 18 July 2000, p 5.
[12] Robin Wright, *The Last Great Revolution: Turmoil and Transformation in Iran*, New York: Knopf, 2000, p 96.
[13] *Etella'at* (Teheran), 26 August 1999, p 5.
[14] Wright, *The Last Great Revolution*, p 262.
[15] *Khaleej Times*, 6 September 1999, p 5.
[16] Quoted in Iran Press Service: http://www.iran-press-service.com/ articles, 26 August 2000. The author of the article, Ahmad Ra'fat, says the interview with Ayatollah Montazeri was conducted by fax. It appears that questions were faxed to the ayatollah's son and secretary, Ahmad Montazeri, and answers were sent through the same channel. For the sake of accuracy, it should be noted here that Iran Press Service (IPS) is based in Europe and run by an opposition group in Western Europe. While it is not possible to verify the accuracy of the contents of the interview, or if indeed such an interview did take place, the language used in the ayatollah's interview is similar to the language used in other interviews he has given to Western journalists. See, for example, Robert Fisk, 'One time heir of Khomeini attacks repressive clerics', *Independent International*, 23–29 February 2000, p 4. See also *Guardian*, 13 January 2000, p 4.
[17] Alireza Alavitabar in an interview with Kaveh Ehsani, 'God hasn't died in this society yet', *Middle East Report*, 212, 1999, p 30.
[18] Quoted in *Guardian Weekly*, 18–24 November 1999, p 4.
[19] Geneive Abdo, 'Iran's leader tells reformists to abandon dreams of free speech', *Guardian Weekly*, 5–10 August 2000, p 4.
[20] Reuters, 7 November 2000.
[21] 'Iranian journalist claims torture', Associated Press, 9 November 2000.
[22] Manzarpour, 'When will slogan translate into actions?', p 3.
[23] Geneive Abdo, 'The fragility of Khatami's revolution', *Washington Quarterly*, 23 (4), 2000, p 60.
[24] Robert Frisk, 'Revealed: role of a president in the murder of his people', *Independent*, 8 March 2000, p 1.
[25] *The Economist*, 5 February 2000, p 44.
[26] Jonathan Lyons, 'Iran's supreme leader quashes press reform bill', Reuters, 6 August 2000.
[27] *The Economist*, 19 August 2000, p 45.
[28] See Hashemi Rafsanjani, *Passing Through Crisis*, Teheran, 1999, pp 1–28.
[29] Reuters, 25 September 2000.
[30] http://www.irna.com/newshtm/eng/, 8 August 2000.
[31] 'Khatami talks of Iran's power fight', Associated Press, 20 November 2000.
[32] *Middle East International*, No 633, 15 September 2000, p 12.