

The UN Special Rapporteur on Human Rights in Iran, Ahmed Shaheed, presented one of his reports on the parlous state of Iran's human rights situation to the UN Human Rights Council on the 14<sup>th</sup> of March. Unsurprisingly, it elicited widespread condemnation from Iranian officials who have yet to grant Shaheed permission to visit the country. Yet, in stark contrast to the public congeniality that accompanies the nuclear negotiations, the criticism of Shaheed has long been vitriolic and involved ad hominem attacks on Shaheed's competency and subjectivity. One Iranian parliamentarian even went so far as to allege that Shaheed was quite clearly a Mossad/CIA agent.<sup>1</sup> In a similar vein, Catherine Ashton's decision to meet with Iranian activists during her recent visit to Iran also drew Iranian derision. The subsequent move by the European Parliament to censure Iran for its continued human rights abuses, was dismissed as irrelevant by Ali Akbar Velayati,<sup>2</sup> one time foreign minister and now advisor to the Supreme Leader, as well as the current Foreign Minister, Javad Zarif, who complained that the European Parliament was in 'no position' to preach to other countries about human rights.<sup>3</sup>

Iranian officials have long been sensitive to criticisms over human rights and regularly charged that Western officials, and by extension the international community, is guilty of double standards and hypocrisy when dealing with Iran. In this respect, officials in the Islamic Republic share a similar approach with the monarchy they overthrew, while conveniently ignoring Western criticisms of the Shah's human rights abuses to stress instead Western complicity in the Shah's autocracy.<sup>4</sup> Indeed, the focus of their dialogue is almost exclusively international rather than domestic with an emphasis on the injustice (hypocrisy) of the international order rather than on domestic injustices; with the convenient consequence that the tables can be turned on the very Western countries who are able to exercise power on the international stage.

With this focus in mind, 'Iran' becomes the victim of an unjust international order, whereas the 'Iranians' themselves are effectively marginalised out of the debate. Thus, when Foreign Minister Zarif explained that Iranians had been fighting against 'tyranny' for a hundred years in order to protect their dignity and 'free will' (which he added for good measure, was in their DNA), his focus was the international order, not the domestic realities of autocracy.<sup>5</sup> Similarly, the target of the Islamic revolution was never principally the Shah, but the hypocritical international order that sustained him. In a curious inversion of the dialogue on rights, it is the state – and its (self-appointed) representatives – that enjoy rights, not the people that constitute that state, whose rights, if they are ever recognised, are subsumed within the interests of the body politic, and defer to it. A liberal dose of xenophobic nationalist rhetoric ensures that such deference is sustained. Thus Iranians are surprisingly quick to assert the 'rights' of Iran to enrich uranium enshrined in an international treaty that Iranian officials stress, Iran was among the first to sign. However, they are seemingly ignorant – or disinterested – in the fact that Iran was not only among the countries that voted in favour of the adoption of the UN's universal declaration of Human Rights in 1948, it was among a handful of representative countries that sat on the commission that shaped it.

Of course, a frequent refrain heard from Iranian officials is that the discourse on human rights is a quintessentially western one with little immediate relevance to countries which do not share the cultural traditions of the west. The attempt to impose those values is therefore seen as, at best, an exercise in naïve orientalism and, at worst, cultural imperialism. Yet the vigour with which Iranian officials argue for Iran's rights as a state, and in particular, Iran's 'inalienable' rights, suggests that their approach to the discourse is as selective as those of the west that they choose to criticise and that they are just as apt to use ideas when it suits them as discard them when they become inconvenient. Moreover, it highlights the fact that such ideas are not as alien to their worldview as they might occasionally argue.

The notion of rights and their conceptualisation as inalienable or 'natural' rights inherent to all, was of course a product of the intellectual (radical) Enlightenment that transformed European attitudes to state and society in the 18<sup>th</sup> century. Drawing on a cosmopolitan humanist tradition (often sourced from the east), European

<sup>1</sup> FARS News Agency, Senior Lawmaker Describes Ahmed Shaheed as CIA, Mossad, Agent, March 2014, <http://english.farsnews.com/newstext.aspx?nn=13930109000550>

<sup>2</sup> Press TV, EP resolution has no value to Iran: Velayati, April 2014, <http://www.presstv.ir/detail/2014/04/07/357511/iran-sees-no-value-in-ep-resolution/>

<sup>3</sup> Tasnim News Agency, Zarif Questions EP's Legitimacy to Preach on Human Rights, April 2014, <http://www.tasnimnews.com/English/Home/Single/329722>

<sup>4</sup> Seyed Hossein Mousavian, Opinion: We need an Iran-US human rights dialogue, Asharq Al-Awsat, April 2014, <http://www.aawsat.net/2014/04/article55330822>

<sup>5</sup> Scot Lucas, Iran Video: Foreign Minister Zarif's YouTube Address on Eve of Nuclear Talks, EA Worldview, November 2013, <http://eaworldview.com/2013/11/iran-video-foreign-minister-zarifs-youtube-address-eve-nuclear-talks/>

thinkers reimagined political relations with the individual 'citizen' at its heart. Citizens participated in a social contract by which they performed their duties and obligations in return for the recognition of certain rights which protected their dignity and above all their liberty against the power of the state (such language, even if misapplied, is clearly not unfamiliar to Iranian officials such as Zarif). Such ideas, most obviously the rule of the law, the rights of the individual and the constitutional limitations on the power of the state, were all introduced into Iran in the 19<sup>th</sup> century and became a political reality during the Constitutional Revolution of 1906.

This was the Enlightenment project writ large and Iranian intellectuals energetically sought to shape a constitution and educate their masters. Given the task ahead of them and the short time win which they had to accomplish it, it was an ambition fraught with danger and perhaps doomed to fail in a practical sense. However, it succeeded in introducing radical ideas into Iranian political culture in large part because Iranian intellectuals sought to marry these ideas to Iranian traditions. One of these was the concept of rights, and one particularly illuminating book dated to 1907 sought to educate Iran's new parliamentarians with regard to the rights and duties of the state, the role of parliament and perhaps most strikingly, the rights of the citizen. It argued that these rights could be broadly divided into freedom (the right to life; the right to property; the right to a home; the right to work; the right to belief; the right to thought; the right to gather and to form an association; the right to education; and the right to protest/petition) and equality, by which it meant equality before the law, taxation, employment and the courts.<sup>6</sup> Drawing on the Iranian historical experience and her mythological inheritance, intellectuals argued to good effect that these ideas had traditional roots but had been re-articulated for the contemporary age. A key theme in this respect was that of liberty and enlightenment – moving from darkness to light in both a political and social sense – drawing on motifs that would have been familiar to Iranians from their mythological inheritance, stressing an inherent 'contract' between the rulers and the ruled that belied western conceptions of 'Oriental despotism'.

Tragically, these ideas have to become institutionalised within Iranian political culture and successive states have emphasised the rights of the government and the state – and their *right* to interpret and represent it – rather than articulate a coherent legal framework for the citizens of the state. But that is not to say that the ideas remain alien or absent from that political culture and the fight for rights has been at the forefront of a series of political movements and uprisings throughout the twentieth century – often looking to the Constitutional Revolution for their inspiration. Thus the Islamic Revolution itself was in part fought for the establishment of rights, though people soon found that their own rights soon clashed to their detriment with the rights of 'God', as defined by his representatives on earth. The Reform Movement that catapulted Mohammad Khatami to the Presidency in 1997 was likewise determined by ideas of 'civil society'. Rouhani too, dramatically seized the Presidency in June 2013 on a platform of 'de-securitising' politics, and institutionalising peoples' rights that had been enshrined in the constitution but long neglected.

That his message should have struck such a chord among the populace, is a reminder, if one were ever needed, that such ideas are neither alien nor absent from the public consciousness. That resistance from the authoritarian establishment remains severe is also apparent from the reaction to these ideas and most obviously President Rouhani's rather tepid discussion document entitled the 'Citizen's Charter'.<sup>7</sup> This charter has created a good deal of hope both in Iran and abroad. But the 'rights' enshrined in this document, which has irritated many of the country's lawyers, are so heavily caveated and dependent on the goodwill and judgement of the Supreme Leader, that they can hardly be deemed either natural or inalienable. In short, these are not the language of 'rights' as normally understood, and certainly not the rights afforded to the State. There is, as the country's lawyers admit, a good deal of work to be done not, only in a legal sense but in a cultural one. Yet the persistence of these ideas give cause for some cautious optimism especially when one considers that successive Iranian governments have sought inspiration in this regard from their own historical and cultural experiences. Rouhani's 'charter' is a direct allusion to an earlier charter much idolised by Iranians, the charter (*manshor*) of Cyrus the Great, reproduced on the Cyrus Cylinder, perhaps the nearest thing to an Iranian 'Magna Carta' – complete with associated myths of emancipation, liberty and the rights of the individual. Little matter that the history may be somewhat more contentious, the reality is that the cult of Cyrus has survived the Islamic Revolution reinvigorated and emblematic of so much that should be in the Iranian body politic. And there is nothing 'western' about Cyrus.

<sup>6</sup> Mohammad Ali Foroughi *Hoquq-e asasi: ya adab-e mashrutiyat-e doval* (Fundamental Laws or the rules of Constitutionalism of States) (Tehran: 1325/6 (lunar) / 1907/8), reprinted in Afshar and Homayunpur (eds.), *Siyasatnameh-ye Zoka' al-Molk*, , *maqalehha, namehha, va sokhanraniha-ye siyasi-ye Mohammad Ali Foroughi* (The Book of Politics of Zoka ol Molk, the political articles, letters and speeches of Mohammad Ali Foroughi) (Tehran: Ketab-e Rowshan, 2010), pp. 5-62.

<sup>7</sup> ISNA, 'Mamariat rais jomhur be moavenat haqqi jahat taheye manshor haqq sharvandi' ['The President delegates his legal deputy to prepare a charter of citizen's rights'], 22 September 2013.

The contemporary discourse on rights undoubtedly has its roots in the European Enlightenment but the ideas it embodies are neither alien nor absent in the experiences of the Iranian world. Earlier political activists understood this and also recognised that for ideas to take root they must be planted in ground that is familiar. Successive governments, jealous of their powers, have resisted this development, falsely assuming that the institutionalisation of rights will diminish their power, as opposed to enhancing the authority of the state. But the persistence of these ideas shows that they do enjoy cultural resonance with powerful echoes in Iranian literature and culture.

World leaders have become fond of quoting the 13<sup>th</sup> century Persian poet Saadi's poem on the fact that 'the children of Adam are limbs of one another, having been created of one essence', as they pursue better relations with one-time foes. They would do as well to complete Saadi's aphorism and the central point of his poem that, 'when calamity afflicts one limb, the other limbs cannot remain at rest. If you have no sympathy for the troubles of others, you are unworthy to be called by the name of man.' The poem in fact graces the entrance of the UN building in New York; a gift from the Iranians to the new international organisation of which Iran was a founding member. A point worth remembering.

