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The Politics of Human Rights in Iran: Between Islamism and Pragmatism

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Abstract

This paper examines the politics of human rights in Iran. It explores how the Islamic Republic reconceptualises and responds to the perceived ‘Western discourse of human rights’ and it highlights the tensions and compromises made between this discourse and Tehran’s official Islamic discourse. The main question of this article is that the Islamic Republic of Iran has faced ‘Western discourse of human rights’ and what effect has this discourse had on the human rights perspective of the Islamic Republic of Iran? This article is based on the idea that the Islamic Republic of Iran has adopted a softer and more pragmatic position in the face of Western human rights. The paper suggests that Tehran’s human rights discourse is increasingly becoming a more resilient and dextrous site of ideological gravity in the maintenance of power for the Iranian state’s elite. The concept of human rights, as fleshed out in the Republic’s politics, has Islamic and Western dimensions which interact and entwine as the expediencies of Iranian political life play out. As such, Tehran at times adopts offensive (anti-Western) values and at others defensive (pro-Islamic) approaches. This paper argues that a third thus emerging in the Islamic Republic’s human rights discourse: the politics of pragmatism and compromise. The empirical evidence drawn from interviews and official documents supports this argument that the

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Iranian state is increasingly capable of using human rights as a focus of ideological legitimisation of the status quo – the Republic’s institutions which regulate and monitor human rights are seen here as ‘epistemic sites’. They define the borders of legitimacy and normalcy in human rights discourse and praxis in Iran. The data of this article is the result of a series of interviews and the method of the article is critical discourse analysis and tries to present a new narrative of human rights positions of the Islamic Republic of Iran.

Keywords

Human Rights, Iran, Islamic discourse, Pragmatism, Politics.

Introduction

An emerging body of literature on *Islamic Human Rights* has sought to discern the possibility of a functional compatibility between Iranian Islam (in its various substantive forms) and secular, Enlightenment-inspired human rights systems since 1979 and the advent of the Islamic Republic. Human rights are often used as an emblematic example of the compatibility or conflict between the two. Studies to date have neglected to pay sufficient attention to the subtle dynamic of Iran’s human rights discourse which in *practice* is distinct from purely theoretical conjecture as to the textual and religious compatibility between the two. The evident discursive flexibility and practical dexterity of the Iranian conservative establishment, in dealing *in praxis* with external and internal pressures regarding Iran’s human rights record, has been over looked. This paper aims to redress this academic gap by examining the discourse of human rights as it is employed in the actual and expedient political sphere of Iran. The Iranian state, as well as strategic non-state actors, have both been dominated by ultra-conservatives and by Islamist ideology since the 1979 Islamic Revolution. Despite periods of liberalisation coming in contingent waves, powerful institutions such as the parliamentary legislature, the judiciary, the Assembly of Experts, the Guardian Council, the Expediency Council, and numerous key offices and cultural institutions all remain under the firm and unswerving control

of highly conservative factions and leaders.¹

Human rights, this paper contends, are a very relevant and politically potent foci of the Iranian state's efforts to use discursive definitions to shape and strengthen the state and its domestic and international position, and fluidity and flux characterise these definitions in the official discourse, even within the conservative establishment. The discourse of human rights can and has been used to afford power, authority and legitimacy to nation-states and to national political actors and institutions (Osanloo,2006:575). The Iranian state and the Iranian citizenry have been exposed to and have espoused conflictive and competing discourses on human rights(Rahimi,2012:193-208) (Chase,2012:315-339) (Farhi,2001:315-339); public discourses on this topic have been politically weighty in the public sphere for the last three decades. The competition has been shaped by the capability of certain individual political actors to appropriate and promote a certain finite concept of human rights different to that defined by the Universal Declaration of Human Rights (UDHR). The importance of this process of defining human rights in Iran derives from the peculiar extreme politics of the Republic.

By analysing these multifarious but consistently legitimacy-seeking state-sanctioned discourses on human rights, this paper reveals that Tehran typically adopts a two-pronged political strategy of defining human rights to serve its politico-cultural ends:(1) an offensive approach - anti-Western/other, and (2) a defensive approach – pro-Islamic/self. The Republic often adopts a fervently *offensive*, *anti*-other approach, responding to international criticism by condemning the West's human rights record. By 'offense' we mean here that the language and norms of convention are appealed to, and the West is actively attacked on its own normative ground by Iran. The Republic oscillates between this method of discursive battle and a radical *defence* of Islamic and 'indigenous' interpretations of human rights and in so doing promotes and praises the Iranian

¹ An example of this is the re-election of the arch-conservative Ayatollah Ahmad Jannati as the secretary of the Guardian Council in early August 2014. see in: (<http://www.payvand.com/news/14/aug/1015.html>)

human rights record. The first approach twists conventional normative discourse on its head by emphasising the hypocrisy of the practical observation of human rights in the West – the second approach annihilates this convention by relativizing discourse on human rights to a matter of cultural context, always with reference to the Western inclination to culturally hegemonies this discourse. By using this ideologically pragmatic framework of state-sanctioned definitions, Tehran is able to forge a flexible but solid basis for Iran's counter-hegemonic standpoint in *international* politics. This two-pronged discursive strategy is deployed as a political instrument in domestic politics, and in particular it is used to manage and make coherent Iran's official conceptualisation of Iranian political identity after a decade of reform and relative confusion. The legacy of the reformist movement (active during the period 1997-2005) has been to increase the importance of human rights as a value system and a politically weighty one at that (Chase,2012:320). This enhancement of human rights as a topic of importance in Iran's public sphere has invoked a concomitant increase in people's expectations and it has spurred greater political awareness of human rights as a practical and abstracted source of ethical argument in public life (Rivetti and Cavatorta,2013:645-660) (Saeidi,2014:344-354).

This research draws on a number of different methodologies to approach human rights politics in Iran and to explain how Tehran has instrumentally deployed human rights discourses to strengthen the state's legitimacy and to drive and legitimise Iran's international positioning as a counter-hegemonic challenge state. The paper primarily relies on interviews conducted in Iran with members of human rights institutions, humanitarian organisations, and regional political experts. Due to severe sensitivities surrounding the issue in Iran, only the names of the interviewees' institutional affiliations are mentioned, and all the names of the interviewers are kept anonymous (pseudonyms are used where necessary).¹

¹. Individuals who are members of the conservative factions in the Parliament or members of conservative cultural institutions, such as for instance the Khomeini Institute in Qom, have been interviewed.

Although the interviews were the empirical source of primary data, additional information was collected using official documents and selected academic and policy articles translated from Persian into English. The research uses both conceptual and empirical approaches – a broadly speaking critical discourse analytical framework – to elucidate the political meaning and purpose of human rights discourses among empowered conservatives in Iran. After initial discussion of the importance of human rights as a discursive tool in Iran, the paper (1) reviews the concept of human rights espoused by the dominant conservative voices, personalities and fora of intellectual and ideological production in Iran, examining the ‘discursive negotiation’ of human rights with international normative convention, with reference to conservative Islamic values and to the legacy of the Iranian Revolution. The paper then (2) discusses the governance institutions responsible for regulating, monitoring and defining human rights in Iran, stressing the epistemologically powerful characteristics and the missionary ambition of the institutions composing the official governance system. The overarching goal of the paper is to examine and understand the ‘appropriation of human rights discourse’ by pro-Iranian state factions. A number of further current dynamics are also highlighted here: these include the discursive and practical limitations that *all* actors dealing with human rights in Iran have to act within (for example the ideational limitations created by the political battle between *Ijtihadi* and *Jihadi* notions of revolutionary legitimacy), and the role played by international norms and international politics in influencing, both positively and negatively, the governance of human rights in Iran.

1. Literature

Many articles and books have been written about the positions and views of the Islamic Republic of Iran regarding human rights, which mainly emphasize avoiding the bipolarity of universalism and relativism. For example, Mehdi Zakarian in the article "Iran and the universality of the fundamental rules of

human rights" believes that Iran's optimal strategy in relation to human rights is to emphasize the cross-cultural nature of the fundamental rules of human rights. That is, in contrast to the two views of universalism and relativism, it is necessary to emphasize the common rules and procedures of common human rights among cultures, including the right to life, the prohibition of torture and slavery, the right to health, etc. Number 3).

Also, Mehdi Zakarian in his book "Introduction to Human Rights in Islam" shows that Islam emphasizes human dignity, so based on this statement, human rights rules that guarantee human rights can be agreed. In addition, Mehdi Zakarian believes in the article "Contradictory views and practices of human rights in Iran after the revolution" that self-control is the most important reason for Iranians' resistance to universal human rights. That is, based on nepotism, nativism, localism, urbanism, co-provincialism, and nationalism, Iranians consider the right for themselves and not for others (Zakarian, Quarterly of International Studies, No. 24, 2014).

Mahmood Monshipouri in "Identity and Human Rights in the Muslim World: Negotiating Norms in the Age of Globalization" » believes Some Western scholars, such as Richard Falk, have noted that universalism has been used as a cover to obscure Western hegemony and that any genuine and universal attempt at constructing human rights must be based not on uniformity but rather on the coexistence of different cultures. The codex of Enlightenment values must be re-examined in both contexts of time and space. Others, such as Michael Ignatieff, argue that the moral consensus, which sustained the Universal Declaration of Human Rights in 1948, has increasingly splintered and that there is no evidence that economic globalization entails moral globalization (Human Rights, 8th year, spring to winter 2013, numbers 1 and 2 (consecutively 15 and 16).

In the article "Universalism and relativism of human rights in the approach and procedure of Islamic states", Mir Abbasi, Raisi and Mousavi believe: Islamic approach to human rights, considering the general call of Islam to all human beings and the centrality of nature and human nature in the situation The rules

emphasize universality, so not only Muslim countries must follow Islamic laws, but also based on Islamic teachings, universal human rights must be developed (views of judicial law autumn 2013, number 67).

In the article "Identities, differences and the universality of human rights (with emphasis on the religious and ethnic identities of Iran)", Nadpour and Maqsoodi have discussed the position of human rights and minority rights from international documents and from the perspective of Islam, and show that concepts such as freedom, equality before the law, the prohibition of torture, the right to participate in the administration of the country's affairs have been included in the constitution of the Islamic Republic, but there are still challenges to the rights of religious and ethnic minorities in Iran (human rights 8th year, spring to winter 2012, numbers 1 and 2 (consecutively 15 and 16)).

Omidi, Pourbafarani and Pourali in the article "Confrontation of Two Legal Perspectives: An Analysis of the Interaction and Confrontation of the Islamic Republic of Iran with the United Nations Human Rights Council" show that the type of relationship that prevailed between the two sides of Iran and the Human Rights Council is derived from two factors. The first factor is the political goals of the member states and influencers of this organization regarding the human rights situation in Iran, and the second factor is derived from the different interpretations of the conflict between the laws of the Islamic Republic of Iran and the international human rights covenants in matters such as minorities, political crimes, freedom of speech and opinion. Torture is an Islamic punishment, etc., which has caused differences and conflicts in views. This research often focuses on the second factor. (Quarterly Journal of Public Law Studies, Volume 46, Number 3, 2015).

Jamshid Sharifian believes in the book "Strategy of the Islamic Republic of Iran in the field of human rights in the United Nations" that: "Iran, from a legal point of view, should leave and reject the differences of human rights in the International Charter of Human Rights and Iran's relevant laws and send it to the Secretary General of the Organization." The United Nations should declare in such a way that it does not conflict with the principle of remaining a member and

being committed to the International Charter of Human Rights, and that other member states do not oppose or agree with it, and apply internal and external measures based on commonalities in the legal system. 1380).

2. Problematizing Human Rights in Iran

Despite passing relatively unnoticed by international observers, the International Conference on Human Rights and Cultures is a major appointment for scholars and practitioners of human rights in Iran. Being in its third sitting in 2013, the Conference is evidence of the activism of the Islamic Republic in the field of human rights. For the past three years, scholars and experts have travelled to Tehran to take part in this event, and the Conference has an important return on investment for the Islamic Republic, which seeks to project itself as a promoter of innovation and argument around human rights. At the 2012 Conference the conservative Minister of Foreign Affairs, Ali Akbar Salehi, stated boldly that the conference and its delegates had renewed the international community's commitment to promote and uphold human rights. During the opening ceremony, Salehi declared that: 'we hope that through (...)meeting, you will find some innovative ways (...) to promote and enhance this important idea of human rights and cultural diversity.'¹ Iran has been denounced many times by certain key international organisations because of its poor track record in respecting human rights and Iran is considered to have exhibited one of the worst performances in the world over the past few decades.² However the topic of human rights is profusely debated in the country and, although Western scholars have largely focused on the interpretation of human rights as defined by grass roots movements or formalised reformist groups such as the Green Movement (Mir-Hosseini and Tapper, 2006:112) (Kamrava,2007:55-67) (Tazmini,2008:44-62) (Mirsepassi,2011:33-41) (Nabavi,2012:77-85) (Jahanbegloo,2012:14-29), conservative and traditionalist factions have *also* displayed a high degree of

¹. Press TV (2012, November 13). Tehran hosting international human rights conference. Available: <http://www.presstv.com/detail/2012/11/13/271895/tehran-hosts-intl-rights-conference/> [21 January 2014].

². As reported, among other international organizations, by Freedom House's research and investigations.

interest in the topic (Halliday,1995:152-167) (Siavoshi,2010:124-144) (Van Engeland,2010:72-89). Indeed, many research and study centres, such as the Qom-based Imam Khomeini Education and Research Institute (*MoasiseshAmuzeshivaPezhuheshi-ye Imam Khomeini*) or the Centre for Doctrinal and Strategic Studies led by Hassan Abbasi, have been highly active in elaborating and promoting indigenised versions of ‘Islamic human rights’.

A closer examination of the conservatives’ interpretation of human rights enriches our understanding of the distinction between the two dominant ‘macro-narratives’ in Iranian state politics, namely reformist, quasi-democratic Islam is mon the one hand, and conservative, hard-line Islamism on the other hand. MehrzadBoroujerdihas argued that for the past thirty-five years, the intellectual and political arena of Iran has been severely divided into two dominant trends, inspired by Karl Popper’s theory of the open society on the one side, and by Martin Heidegger’s theory of great leadership on the other (Boroujerdi, 1996:10-19). In a similar vein, Amin Saikal built on the contra-positioning between *Jihadi* (traditionalist combative) and *Ijtihadi* (creatively interpretive) Shiite approaches to the production of *shari’a* in order to distinguish these two political orientations (Saikal, 2009: 51-69). The *Jihadi* discourse, strong in conservative circles, advocates Islamic revolutionary values and their imposition on Iran’s domestic citizenry and it supports a strong anti-US and anti-Israel stance externally. In contrast, the *Ijtihadi* camp focuses on notions such as civil society, the rule of law, social rights and open and pacific foreign relations. Despite providing a slight degree of clarity for scholars and onlookers, in practice this distinction is continuously re-negotiated through the ideological innovations which *both* macro-factions and their macro-narratives go through according to changes in Iranian political affairs. The demarcating lines indicating what is legitimate or illegitimate revolutionary policy and practice are continuously shifting, highlighting that, to some extent, the Islamic revolutionary ideology is by its nature dextrous and pragmatic when necessity demands. Constant interpretation and a constant renovation of the Revolution’s *meaning* and of its political agenda looking ahead is always taking place through the ideational battle between these

rival factions (Brumberg,2001:67-88). It is not therefore surprising that the international tenet of human rights is of relevance not only to reformists in Iran, but also to conservatives – the Jihadi vs. Ijtihadi dynamic characterising Iranian public life *tout court* sees conservatives deploying human rights discourses as defensive and pro-Islamic tools used to re-affirm Iran’s counter-hegemonic stance in international affairs. Successive governments have therefore been increasingly characterised by their having to manage and react to the tensions apparent in Iran’s positioning around human rights. As Alam Saleh has noted, (Saleh,2013:42) ‘the victory of Ahmadinejad represented a victory for the *Jihadi* combative faction, and his revolutionary behaviour has undermined the position of *Ijtihadi* reformism. [However] the Islamic Iranian state now resembles a kind of *Jihadi-Ijtihadi* mixture in its content and its policy package,’ highlighting the enduring ideological battle these two broad political narratives have undergone. This is distinctly the case for Rouhani’s government, which managed to bring together personalities from across a very broad political spectrum who have nevertheless fought ferociously over issues ranging from foreign policy to press freedom(Parsi,2014). Examining human rights can help to shed light on the important interactive dynamic between these competing configurations of the Revolution.

Beyond the Iranian state, its domestic affairs and its concept of national selfhood, human rights discourses have penetrated Iran because of *international* dialogue on human rights being so prevalent. Iran is neither geographically and politically isolated country nor a culturally static bloc, and it is thus exposed to international relations and dynamics. As constructivist scholars would typically argue, international organisations and non-state actors such as NGOs or multilateral organisations often act as ‘normative entrepreneurs’, as agents of socialisation, assisting in the international *diffusion* of norms (not least those relating to human rights) (Finnemore and Sikkink ,1998: 893-902) (Risse-Kappen and Sikkink,1999:1-38). International normative value systems play a significant role in regulating relations between state and society in any country,

thus influencing domestic political leaders, their rhetoric and their behaviour. In the case of the Islamic Republic of Iran, this process takes place through a relentless renegotiation of international norms around human rights. This is evidenced by the fact that Tehran complies with *some* of the requirements put forward in the UDHR. In Iran especially there is an ongoing process of the 'indigenisation' or 'vernacularisation' (Merry, 2006:44) of human rights, where by intellectuals and political entrepreneurs *transform* human rights into an ideological instrument used to gain, first and foremost, domestic legitimacy and international status (Pollis, 1996:329-331).

The importance of the interrelation between Iran and international normative discourses on human rights is further spurred by the Islamic Republic's ambition to symbolise a counter-hegemonic source of radical power, one which advances an alternative, non-Western definition of human rights. The Iranian authority's reactions to accusations of its failing to observe human rights well exemplify this attempt to use human rights discourse as a pro-active, Islamist instrument of deep political significance to its own understanding of its international status.

3. Whose Human Rights? Discursive (Re)Negotiations of Human Rights

While Tehran stringently maintains its Islamised discourse around Iranian *identity*, the Republic also seeks international recognition through measures of conformity. The official rhetoric regarding human rights in Iran aims not only to impose a strategically motivated Iranian/Islamised definition of what human rights *are*, but also to span a diplomatic bridge to satisfy international calls for compliance. This schism in approach brings about an infinite process of renegotiation over the meaning of human rights, which highlights how, beyond undermining the Western *definition* of human rights, the conservatives also perform and perceive human rights instrumentally and rationally as a vital ideological weapon. For instance, conservatives publicly acknowledge certain *similarities* between the Islamic and the Western versions, and take into active consideration international and domestic opinions on their record. In some cases,

they compromise their religious views, as in the case of punitive law; one example of this is the alleged ban of stoning to death as a viable legal punishment for some crimes.

Conservatives in Iran derive their human rights discourse from radically different sources of credibility in order to address concerns raised by both the international community *and* the domestic population. Their reasoning is often oppositional and intrinsically dichotomous: theological and political, universal *and* relative, offensive and defensive. When targeting the international community, they typically employ an *offensive* and standardised discourse on human rights in order to respond to the Western claim that Iran fails to comply with internationally defined norms.¹ On the domestic stage, however, they depict themselves as accountable to human rights as a metaphysical and Islamic maxim, in order to enhance their popularity and legitimacy among the general public and troubling political factions, and to promote a state-sanctioned version of *indigenised* human rights. As a consequence Iranian intellectuals and politicians engage actively with the issue of human rights and advocate respect for human life, dignity and freedom (Entezar, 2002), attempting to establish an alternative conceptualisation and narrative around human rights. Conservatives, in short, consider (before soliciting a preferred discourse) how their *image* is perceived externally and how their *legitimacy* is viewed and secured domestically. Not surprisingly, the pressure that external actors exert on Iran's human rights record has driven the conservatives to reconsider some of their more controversial laws, such as stoning to death and certain laws contravening women's rights. Ayatollah Sadeq Larijani, head of the Iranian judiciary, in response to the UN Council on Human Rights condemnation of executions in Iran, said publicly: 'We believe

¹. An example of this are Muhammad Javad Larijani's, head of the Iranian High Council for Human Rights, declarations on the occasion of the presentation of third report on human rights in Iran signed by the UN Special Rapporteur for human rights, Ahmad Shaheed. In order to reverse the UN allegations, Larijani accused the European governments of repressing anti-austerity protests with violence and therefore of violating human rights. See Kojouri, Saman (1391, Esfand 19/2013, March 9). Larijani: UN human rights report financially supported by US, West, *PressTV*. Available: <http://edition.prestv.ir/detail.fa/292608.html> (accessed January 21, 2014).

that human rights conform with Islam,' and he added: 'our human rights are based on elements which are much stronger and older than what they [the West] think'.¹

Nevertheless, the conservatives' human rights discourse is not at all *purely* theological, nor is it wholly characterised by anti-Western argumentation. Arzoo Osanloo has described Tehran's approach towards Western values as 'neither a blind acceptance nor a wholesale rejection.' She adds that their approach is 'a hybrid discourse that locates a distinctive form of modernity at the juncture of the Islamic revivalism and Western political and legal institutions' (Osanloo,2009:8). While conservatives adhere to some elements of human rights treaties, they reject others, carrying out a constant process of 'selective accommodation'. One of this study's interviewees, a conservative university lecturer, argued that 'the Iranian constitution accepts human rights, but as long as they do not contradict Islamic values'.² In a similar vein, a member of the Parliament's Sub-Committee on Human Rights argued that there are some core elements of *commonality* between Islamic and Western human rights. One instance of this that was put forward was the right to education, but when it comes to issues such as women's equality and rights, 'we cannot follow them [Western views on women's rights], there are differences between the *shari'a* law and human rights when it comes to women, and we cannot set rules against *shari'a*. We are an Islamic state'.³ Ayatollah Sadeq Larijani, head of the judiciary, has stated that:

'We accept many of the UDHR's articles, but [with]in our own framework. The West presumes some of its precepts as the foundation for human rights, and tries to impose this model. The question is, who says that Western human rights should be universal, particularly when human rights conventions contain many

¹. Fars News Agency. (1392, Azar/2013 December) Only Islamic Human Rights is Acceptable. Available: <http://farsnews.com/newstext.php?nn=13920913001082> (accessed January 21, 2014).

². Interview with a university lecturer, December 2012, Tehran.

³. Interview with a member of the Parliament's Sub-committee for human rights, December 6, 2012, Tehran.

philosophical and political connotations. Some Western countries want to impose on the world their own ethics. For instance, they say the human has the right to choose their husband or wife, and now they argue that a partner can also be from the same sex. This is *anti-human rights convention*.¹

Beyond the religious legitimacy that the discourse of ‘Islamic human rights’ may enjoy in Iran, such an offensive stand is further justified by the fact that the Iranian religious establishment perceives itself as the *protector of the people*. The state is assumed to be divinely entitled to the right to define and demarcate what is legitimate and what is illegitimate, carrying out a selective accommodation process between the Iranian-Islamic system and the universalist Western system of human rights. The ‘duty of protection’ is not limited to physical and welfare measures. Collective religious values and costumes are included as being equally important arenas of intervention in the name of divinely legitimised protection. In intervening thus, social and collective rights become a priority over *individual* rights. Conservatives frequently argue that Islam is responsible for the well-being of the people as a *whole*, and that individualism is a Western import and an imperialist imposition. Rejecting individualism enables conservatives to impose their more holistic and communitarian religious values on the entirety of society regardless of particular/individual needs and desires .As stated by a member of the Parliament’s Sub-Committee on Human Rights, ‘in Islam, religion monitors human rights and *not* the opposite [*italics added*]’.²

By using post-structural and/or post-colonialesque styles of argument, conservatives argue that each region, religion and culture has its own particularities and its own specific human ontology. A member of the Imam Khomeini Education and Research Institute maintains that ‘humans do differ in their interpretation of what a human being is’ and therefore have different ideas

¹. Mehr News Agency (1392, Ordibehesht 12/2013, April 22). First of all, we are Muslim and then Iranian. Larijani’s speech on Teachers’ Day. Available: <http://www.mehrnews.com/detail/News/2045505> (accessed January 21, 2014).

². Interview with a member of the Parliament’s Sub-committee for human rights, December 6, 2012, Tehran.

on human rights.¹ Such claims have been echoed by a conservative journalist, who argues that, ‘since our interpretation of a human being is different, then our understanding of human rights is different too’.² Every mind and mentality, for these discursively skilful conservatives, produces different norms and values. They conclude, thus, that some rules of humankind, including human rights, *cannot* be universalised.³ In short, when on the defence, conservative human rights discourse in Iran is *anti*-universalist, and its proponents are adamant in defying what they see as ‘arrogant neo-imperialism’. Iran’s representative at the UN, Said RajaieKhorassani, has openly criticised the Universal Declaration of Human Rights and has argued that the Declaration is a ‘secular understanding of the Judeo-Christian tradition’ (Mullerat,2010:161).

Conservatives in Iran perceive Islamic human rights as being superior to those human rights that derive from *non*-Islamic traditions. Western human rights are targeted as inferior because they are metaphysically incomplete. In this discursive ‘move’ the Islamic Iranian state is ‘quite aggressive in propounding “Islamic” human rights against the West’(Dalacoura,2007:55). As many of the interviewees have argued, Islamic human rights are seen by many as more complete and comprehensive because they have a divine and thus infallible meta-foundation in celestial ordination, whereas “universal” human rights have a *human* origin which is epistemologically flawed.⁴ One deputy of the Parliament’s Commission for National Security and Foreign Policy [CNSFP] argued that ‘universal human rights are materialistically defined, and they consider only the worldly rights of human beings, but Islam considers both: worldly rights and also moral and afterlife rights’.⁵ As MortezaReza’ean puts it:

‘All the articles brought up in the declarations of human rights exclusively

¹. Interview with a member of the Imam Khomeini Education and Research Institute, January 2013, Qom.

². Interview with a journalist specialized in rights-related issues, February 2013, Tehran.

³. See Grand Ayatollah Abdollah Javadi Amoli’s declarations about human rights: <http://www.youtube.com/watch?v=JF03uyfCGJE> (accessed January 21, 2014).

⁴. Interview with a university lecturer, December 2012, Tehran.

⁵. Interview with a member of the Parliament’s Commission for National Security and Foreign Policy, November 2012, Tehran.

refer to the material aspect of human life and there is no sign of human moral rights, while in the school of Islam the human's social identity is recognised in morality and beliefs, and it holds that moral and ethical rules are rights of spiritual life and are stabilized in the human, and when they are, material rights will be retained as well in a proper manner.'(REZA'EIAN,2005)

This Islamisation of human rights aims not only at offensively rejecting the West's supposed ideational imperialism but also at defensively reifying Islamic thought-systems and values as superior. This tactic of defensive-offensive discursive oscillations evident in the priorities set by the Parliamentary Sub-Committee on Human Rights. Beyond insuring the '*Islamicness*' of human rights and the human rights system's compatibility with the state's laws and its constitution, which are by definition Islamic, the Sub-Committee aims at changing Iran's position from being the accused (defensive) into being the claimant (offensive) by monitoring the West's human rights record. A member of the Sub-Committee has claimed that 'Canada always accuses Iran of breaching human rights, but after our investigations, we realised that Canada itself systematically violates human rights'¹; these accusations span from racism and torture to the violation of women's rights².

Offensive methods of discursive attack often coincide with efforts to make people more aware of external enemies and portrayals of these enemies as politically imperialist, culturally backward and ethically unworthy. The West is depicted as a necessary enemy, inferior and immoral, particularly in terms of political and socio-cultural values. Conservatives frequently accuse the West of having double standards when dealing with Iran, and that the West uses human rights pretext as a political tool to put pressure in turn on Iran. The conservatives in Iran often use media campaigns to remind the public of the West's broad support for Saddam Hussein during the Iran-Iraq war. In this way the dichotomy

¹. Interview with a member of the Parliament's Sub-committee for human rights, December 6, 2012, Tehran.

². Fars News Agency (1391/2012). Human Rights in Canada: from violating the rights of natives to violence on detainees. Available: <http://www.farsnews.com/newstext.php?nn=13910626001191> (accessed January 21, 2014).

between an Islamic ‘us’ and a Western ‘them’ permeates the conservative human rights discourse. In summer 2013, in a speech about women’s rights, Ayatollah Ali Khamenei stated that:

‘European races are wild races. They may look polished and elegant, but inside they have a wild nature as is evidenced in their history, which still exists in them. They kill people easily; they commit crimes in cold blood. Therefore, beating women at home for them [the Europeans] and for the Americans is normal. But in the Islamic environment such thing should never occur... [the issue of women] should be discussed offensively [proactively], and should never take a defensive stand.’¹

In sum, the conservatives, who constitute the political status quo establishment of the Iranian state in Tehran, have a complex but entirely politically instrumentalised approach to official discourses on human rights. Their human rights discourses are not static but are elastic and changeable in the face of political contingencies. Whilst they argue that Islam is the *only* credible and legitimate source of understanding right and wrong, they have shown a contradictory degree of pragmatism in their decision making in terms of punitive laws when under international pressure. Furthermore, the conservatives’ understanding of human rights is diverse, inconsistent and differs according to political event and context. The Islamic Republic is often *far more pragmatic in its human rights policies than it is theological and ideological*. Reza Afshari has supported this in arguing that ‘Islamists [in Iran] [are] no more committed to their own religiously based constitution and laws than secular dictators were to theirs’ (Afshari, 2011: 11). In its rhetoric the Iranian state will happily reify a stark schism between ‘their’, Islam-inspired human rights and those of the West, but the Islamic Republic has in *practice* tended to create a juxtaposition of *Jihadi-Ijtihadi* discourses when it comes to the issue of human rights, as evidenced by the creation of organisations and institutions concerning this issue acting in both

¹. BBC Persian (1392/2013). Leader of Iran: The Islamic conception of women must be discussed proactively. Available: http://www.bbc.co.uk/persian/iran/2013/05/130512_142_vid_ir_women.shtml (accessed January 21, 2014).

a domestic and an international policy remit. The Republic's policies and the discourses upon which its actions rely are indicative of a state which is willing to exercise significant *compromise* with the conventional system of universally defined human rights.

4. Institutionalising Islamic Human Rights: Commissions, Councils and Committees

Commissions, councils, committees and other quasi-institutions in Iran which are tasked with the job of monitoring, regulating and defining human rights are sites where ideas about human rights are elaborated by putting international and domestic pressures into dialogue (Osanloo, 2009: 19). They are also, in a sense, 'epistemic sites', because they are ideologically saturated institutions capable of shaping and legitimising truth claims as to what human rights *are* and how they should be *observed*. Commissions in Iran serve the conservative ambition to restructure the discursive and political practices relating to human rights after a decade of reformist rule and the 2009 electoral crisis. McAdam, McCarthy and Zald (McAdam and McCarthy and Zald, 1996) and also Jillian Schwedler (Schwedler, 2006: 79), have noted that institutions per se have the capacity to determine the set of political opportunities for those engaged in them. The form and the mission of an institution can determine the inclusion or the exclusion of certain truth claims, complaints, potential actions and potential actors. Ahmadinejad's era has seen the establishment of several human rights institutions in Iran, and the emerging system of governance over human rights in Iran constitutes an ideological apparatus, highly effective at controlling *which* notion of human rights is advanced as legitimate, *who* is politically capable of possessing ownership over its credibility, and *when* these notions can be standardised and normalised as public knowledge.

A concept of human rights institutions as ideological apparatuses is particularly pertinent for the 'epistemic sites' that this study takes into account: The Islamic Human Rights Commission; the High Council for Human Rights

headed by Muhammad Javad Larijani; the Parliament's Article 90 Commission; and the Parliamentary Sub-Committee on Human Rights. These 'sites' have been selected because they are representative of the wide range of institutions and parliamentary bodies dealing with human rights in Iran and operating in a pro-Iranian state capacity. The Islamic Human Rights Commission is a non-state actor, and it ostensibly operates outside of the institutions of the Islamic Republic. However, it is one of the institutions considered to have been politically vital to the conservatives during the era of Ahmadinejad.

The Article 90 Commission and the Sub-Committee on Human Rights are both parliamentary commissions, dominated by the conservatives but not directly appointed by the Supreme Leader Khamenei. The Iranian High Council for Human Rights is linked more directly to the Supreme Leader as it operates *within* the judiciary system, whose head is appointed by Khamenei. These institutions have all been established during Ahmadinejad's administration, except for the Islamic Human Rights Commission which pre-dates the rest. These institutions differ in terms of executive and administrative function. Some deal with the international reputation and credibility of Iran in terms of human rights, while others are concerned with domestic policy and politics. Taken together, these institutions comprise the main governance structures of human rights in Iran.

The Iranian-Islamic Human Rights Commission [IIHRC] is Iran's oldest organisation responsible for human rights since the Revolution. The Commission was established in 1994 in Paris, as a consequence of the international pressure put on Iran to establish an independent body monitoring human rights practices within the country.¹ A choice was framed between accepting external monitoring and setting up an Iranian independent institution. The latter option was readily adopted, although the commission has never in practice been logistically separated from the judiciary system or ideologically separated from the Iranian

¹ Interview with a member of the Supreme Council of the Iranian-Islamic Human Rights Commission, January 2013, Tehran.

state more generally. A member of IIHRC argues that, ‘During the time when Ayatollah Hashemi Shahroudi was the head of the judiciary system (1999-2009), control over the Commission became very difficult to exercise because of the presence of a plethora of diverse opinion on human rights and the prevalence of many clerics with divergent positions’.¹

Today the Commission is run on direct Government funding and is legally considered a SAMAN (*sazman-e mardomi-ye nahad*) [Nahad Popular Organisation], subsumed into the political agenda of the Iranian state after a recent directive (initiated by the Minister of the Interior in 2006) outlawed *de facto* all non-governmental organisations. As a member of the central board of the IIHRC has stated, ‘the Islamic Human Rights Commission is not and has never been a NGO’.² Its mission is to monitor human rights violations within Iran. In particular, the Commission provides the Government with reports on the state of human rights in Iran and advises it on future policy accordingly; it regulates the state’s policies on human rights and coordinates them with international human rights standards; it supervises the implementation of human rights; it coordinates and promotes international cooperation on the issue of human rights on behalf of the Government; it attends international training on human rights practice and takes part in international research projects; finally, it promotes learning and skills development around human rights through education and training programmes.

The IIHRC now operates outside of the judiciary office. In 1999 the judiciary decided to disaggregate the Commission from its system and in 2005 it established the High Council for Human Rights, headed by Muhammad Javad Larijani. This Council deals with human rights violations in the outside world, often publicly denouncing them and bringing them to the attention of international institutions. It also deals with diplomatic issues linked to the respect of human rights in Iran when they are raised in international institutions such as

¹. Ibid

². Interview with a member of the Iranian-Islamic Human Rights Commission, January 2013, Tehran.

in the Geneva-based UN Human Rights Council.¹ According to a critic of the Council, ‘the High Council is designed to defend the government instead of defending human rights worldwide’.² The Council deals with UN allegations of human rights violations in Iran and it also is the institutional reference point for Ahmad Shaheed, the UN Special Rapporteur for human rights in Iran.

Within the Parliament, there are two Committees dealing with human rights. The Sub-Committee on Human Rights was established in 2008, commissioned to consider the ‘urgency of dealing with the topic of human rights’³ on the part of the Iranian state. It was a response by the Islamic Republic to increasing pressure coming in at that time from the international community about violations occurring in Iran. The second Parliamentary body is the Article 90 Commission, which addresses internal complaints submitted about how institutions of the Islamic Republic operate.⁴

The Article 90 Commission receives and responds to citizens’ complaints about human rights violations on the part of the judiciary system or by Islamic militias. However, as one of the members of the Commission has explained, ‘our priority is to enforce the respect of the Iranian Constitution and law among the institutions of the system. That is our mission, the safety of the Iranian Constitution which is based on the principle of the *velayat-e faqih* [Guardianship of the Islamic Jurists]’⁵ The intrinsic contradiction in this institution became clearly evident in the context of the 2009 electoral crisis, as the Commission ended up dealing with a host of citizen complaints about the violent repression

¹. The mission of the High Council is described here: <http://www.humanrights-iran.ir/page-about.aspx> (accessed February 2, 201).

². Interview with a member of the Iranian-Islamic Human Rights Commission, January 2013, Tehran.

³. Interview with a member of the Parliament’s Commission for National Security and Foreign Policy, November 2012, Tehran.

⁴. A complete translation of the Commission’s statute is available at:

<http://www.iranhrdc.org/english/news/features/3558-internal-regulation-on-the-commission-of-article-90-of-the-constitution.html> (accessed January 21, 2014).

⁵. Interview with a university lecturer, December 2012, Tehran. The *velayat-e faqih* is the principle of the jurisdictional power of the jureconsult, and it gives the power to the Supreme Leader because he is recognised as a skilful and knowledgeable expert of Islamic law.

of public demonstrations and the unlawful detentions of protesters. At times like this the Commission's power in 'setting the limit' for legitimate requests and complaints kicks into play, and its role as a fundamental component of the state's ideological apparatus became obvious in 2009. As stated by an Iranian female asylum-seeker, Farzaneh:

'I started looking for my husband [a journalist close to Mir Hossein Mousavi, considered to be one of the leaders of the Green Movement. Farzaneh's husband was involved in Mousavi's electoral campaign in 2009], who had disappeared during the protests in July 2009 randomly. I went to many police stations and hospitals. Eventually, I was told that he was detained in one of the prisons just outside Tehran. I decided to submit an official complaint to the Article 90 Commission of the Parliament, because I had never been officially notified of his detention nor had my husband ever had a proper trial. They never came back to me. I then realised that the commission was not the right place I should have gone.'¹

In this case, the Article 90 Commission rejected Farzaneh's complaint outright, although it was arguably *de jure* legitimate. The Commission in this case and many others exercised its power as an 'epistemic site' of ideology by drawing a fluid and capricious distinction between what was to be considered an acceptable request and what was to be seen as threatening the Constitution and its composite laws. In August 2009, after the initial wave of repression against the Green Movement, Parliament commissioned the Article 90 Commission to investigate associated deaths and the conditions of detention for the post-election protesters (Alef News, 2009). Farzaneh's case is indicative of how enmeshed with the Iranian state's agenda the Commission can be in practice. This example brings evidence to support studies arguing that these institutions exist to define the parameters of what to include/exclude and what to brandish as illegitimate (Shore, 1997:36-42).

¹. Interview with Farzaneh, Nigde (Turkey), April 2012. Farzaneh's husband was eventually released on bail after one and a half year of detention.

Beyond setting the parameters of political opportunity and freedoms, these Commissions and Committees have an additional function. They are the ideological laboratories where global and local politics meet, and where the Islamic Republic develops its image and its discourses in international and domestic politics. The parliamentary Sub-Committee on Human Rights was established in 2008, during Ahmadinejad's presidency within the conservative-led eighth Parliamentary assembly (2008-2012), as part of the Commission for National Security and Foreign Policy [CNSFP]. CNSFP members take part in the Sub-Committee on a voluntary basis. The establishment of the Sub-Committee was the outcome of a shared need 'felt by the institutions composing the CNSFP: the Ministries of Foreign Affairs and of the Interior, the Ministry of Defence, the Revolutionary Guard and the National Army, all agreed on establishing a committee for discussing issues connected to human rights'.¹

Human rights are thus considered a security issue and are one of the biggest focal points of contention that Iran faces in international politics. Concern was expressed by a member of the Sub-Committee, who explained that the Sub-Committee was linked to 'the transformation of global politics'.² The interviewee stated that 'the Sub-Committee is the answer to concerns generated in and by both domestic *and* international dynamics; it is important that we use this Committee to prevent human rights violations and advance the citizenry's right to a peaceful life and dignity for *we* are the representatives of the people'.³ The Sub-Committee is concerned not least with human rights violations *outside* of Iran where human rights are 'hypocritically celebrated (*ta'rif*) but then are not implemented or are poorly enforced (*amal*)',⁴ as, according to this interviewee,

¹. Interview with a member of the Parliament's sub-committee for human rights, December 6, 2012, Tehran.

². Interview with a second member of the Parliament's sub-committee for human rights, December 9, 2012, Tehran.

³. Ibid

⁴. Interview with a member of the Parliament's Commission for National Security and Foreign Policy, November 2012, Tehran.

the case of Canada highlights.¹ By emphasising and being vocal about these inconsistencies, human rights are again strategically used as an ‘offensive tool’, stressing what is perceived as the West’s double standards in respecting human rights. The Sub-Committee also uses these anecdotes of Western violations as a *reactive* tool, praising the Iranian-Islamic understanding of human rights and Iran’s track record.

It is the High Council for Human Rights which bears the heaviest responsibility in defending Iran’s human rights record from international allegations of violation and abuse. It does this by adopting a number of different pragmatic strategies, firstly by transposing discussion over human rights into a relativized and post-colonial issue of cultural imperialism. According to Muhammad Javad Larijani, the nature of human rights ‘is basically cultural’ and therefore meaningful discussion should orientate around ‘how we should live together’² and build an international community respectful of cultural *difference* – even in understanding and implementing human rights. By ‘degrading’ human rights as an inviolable set of maxims and transposing the debate into an issue of cultural difference, the Islamic Republic aims to undermine the supposed universalism of human rights qua Western value system. Once again the evidence points to the Iranian state’s utter dexterity in supporting contradictory discourses around human rights for the purpose of legitimising the Republic, with these epistemic sites acting as arbitrators of credibility when defining these rights.

Mehdi Zakarian Hakam believes that some aspects of Islam are in conflict with human rights, but in general Islam is compatible with many human rights, including the right to life, freedom of speech, work, prohibition of torture, etc. (Zakarian, 2017: 17).

¹ Ibid. See also Fars News Agency (1391/2012). Human Rights in Canada: from violating the rights of natives to violence on detainees. Available: <http://www.farsnews.com/newstext.php?nn=13910626001191> (accessed January 21, 2014).

² Larijani interview with Press TV, October, 25th, 2010. Available: <http://www.youtube.com/watch?v=x45W2FhcsXM> (accessed January 21, 2014).

Conclusion

The rhetorical pragmatism and practical dexterity of conservative human rights courses in Iran has been riddled through Iranian politics since the Islamic Revolution in 1979. Conservatives, Islamists and traditionalists have consistently held power and have been highly influential in Tehran's human rights discourse production. Conservatives and their ideologically infused institutions continue to hold important positions and remain vital political actors in Iran. Despite the fact that the Iranian elite is increasingly displaying an apparent moderation *externally* under the supervision of president Hassan Rouhani, tense *internal* clashes are still taking place in Iran over policy areas which relate to culture and the West.¹ This presence of heated political strife over culture is why human rights are such a strategically and ideologically critical foci of attention for the Islamic Republic – seen, as they often are, as encroaching Western 'imports'.

The Islamic Republic has proved to be more flexible and dynamic in its ideological commitment to Iranian Islamism than its rhetoric would lead one to believe. In contrast with the popular notion that religion has *the* overarching dictate in defining the legitimate and the illegitimate, this study argues that Iranian decision-makers are capable of and willing to sequester Islamic precepts when political expediency necessitates such action. Drawing from a constructivist epistemological framework, this article has thus shown that the conservatives in Iran, through the ideational hegemony exercised via their various governance institutions, are quick to tactically oscillate between opposed polarities of thought (jihadi / ijtihadi; Islamist / Universalist; offensive / defensive). The operational focus is always on protecting the Iranian state and its authority, whether this necessitates an offensive (anti-Western) attack or a defensive (pro-Islamic) initiative – these two approaches to human rights

¹. See, for instance, Karami (Arash2014). Iran culture minister under fire for Al Jazeera interview. *Iran Pulse-Al Monitor*, January 15. Available: <http://iranpulse.al-monitor.com/index.php/2014/01/3693/iran-culture-minister-under-fire-for-al-jazeera-interview/> (accessed January 21, 2014).

discourse are diametrically conceptually opposed, but both serve the same ideological function for the Iranian state. Despite a strong ‘anti-other’ rhetoric, the Iranian state in Tehran is resilient in that it can diverge from strict Islamic precepts when politically necessary.

This research thus moves beyond the mainstream conceptually sterile debate on the in/compatibility of Islam and democracy / human rights. It demonstrates how Iranian state (the Islamic Republic of Iran) and their ‘epistemic sites’ used to generate state legitimacy (the Committees and Commissions) will produce discourse and social practice based solely on the expedient need to secure and maintain *power*. Seen internationally as a static and quintessentially *Islamic* Iranian state, the Republic demonstrates evidentially that its *praxis* around human rights is far from absolute in its commitment to Islam. Such legal systems and their supportive conservative elites are capable of and willing to act highly pragmatically to concentrate their own power and quash potential subversion.

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List of interviews

1. Interview with a member of the Parliament’s Sub-committee for human rights, December 6th, 2012, Tehran.
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3. Interview with a member of the Iranian-Islamic Human Rights Commission, January 2013, Tehran.
4. Interview with a member of the Imam Khomeini Education and Research Institute, January 2013, Qom.

5. Interview with a second member of the Parliament's Sub-committee for human rights, December 9th, 2012, Tehran.
6. Interview with a member of the Parliament's Commission for National Security and Foreign Policy, November 2012, Tehran.
7. Interview with a university lecturer, December 2012, Tehran.
8. Interview with a journalist specialised in Human Rights-related issues, February 2013, Tehran.
9. Interview with a member of the of the Parliament's Article 90 Commission, February 2013, Tehran.
10. Interview with a member of the Parliament's Commission of Legal Affairs, February 2013, Tehran.
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