


The Self-Orientalizing Republic of Iran

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The Rule of Law in the Islamic Republic of Iran: Power, Institutions, and the Limits of Reform. Edited by Hadi Enayat and Mirjam Künkler. Cambridge: Cambridge University Press, 2025. 503p. \$150.00 cloth.

How Islam Rules in Iran: Theology and Theocracy in the Islamic Republic. By Mehran Kamrava. Cambridge: Cambridge University Press, 2024. 363p. \$120.00 cloth, \$39.99 paper.

On September 13, 2022, a young Kurdish Iranian woman named Mahsa Amini, known to her family as Jina, entered a police station in Tehran, under detention for not sufficiently covering her hair with a headscarf. Within hours, Amini was transferred from the police station to a nearby hospital in a coma. At the hospital, her family told journalists that she had been beaten by law enforcement officers. When Amini died on September 16, 2022, demonstrators gathered outside the hospital demanding an inquiry into Amini's death. Over the next several days, protests multiplied across Iran demanding more freedoms for women, including the right to show their hair in public, and more freedoms for all Iranians, including democratic reforms and the removal of the leader of the Islamic Republic. Suppression of the protests led to the deaths of more than five hundred protestors and the arrest of tens of thousands (UN HRC 2024, 4–6).

One of the main themes of the “Women, Life, Freedom” movement, as the uprising came to be called, was a desire for normalcy (Alemzadeh 2023; Azizi 2024). As expressed in the opening lines of “*Bara-ye ...*” (“For the Sake of ...”), a song by Shervin Hajipour that became an instant anthem when he posted it online on September 27, 2022:

For the sake of dancing in the alleys.

Because of the fear you feel while kissing.

For my sister—your sister—our sisters.

To change the minds that have rotted away.

Because of shame, because of being broke.

Because of longing for a normal life. ... (Olszewska 2022; see also Afary and Anderson 2023, 86)

A “normal” life, for many Iranians, meant a life not governed by Islamic authorities—a life where people can dance in alleys, for instance. (The makers of a popular

video of Iranians dancing to Pharrell Williams's song “Happy” were arrested in 2014 and sentenced to 91 lashes each.)

The government of Iran, for its part, agrees that Iran is not “normal”—and it rejects international norms of normalcy. “They say, ‘Come on, be a normal country.’ A normal country means a country that conforms to the structures of global domination,” Ayatollah Ali Khamenei, the leader of the Islamic Republic, has said (Khamenei 2019). In contrast to a “normal country,” he proposes, Iran has developed a unique “combination of popular elections and Islamic thought and religious principles in the formation and administration of society” (Khamenei 2020).

To analyze Iran's political institutions comparatively with other countries' political institutions violates the uniqueness of the Islamic Republic, according to Iranian government officials (Chehabi 2001). Prosecutors made this case in a show trial in 2009, when more than a dozen of Iran's leading social scientists were convicted of the crime of applying the theories of Max Weber, Jürgen Habermas, and other Western scholars to Iran. Concepts such as Weber's notion of patrimonial government were “completely incompatible with and unrelated to current conditions in Iran,” and teaching such concepts “will lead to reservations and doubts in religious principles and beliefs,” the government argued (Kurzman 2009, B4).

The debate over normalcy has racked the field of Iranian studies, just as it has racked the Iranian diaspora more broadly (Rahimieh 2023; Razavi 2023). On one side are scholars who take the Islamic Republic at its word and agree that it constitutes a unique system of government—uniquely reprehensible, in the view of most of these scholars, at least those who live outside Iran. On the other side are scholars who identify similarities between the Islamic Republic and other middle-income, semi-industrial, resource-exporting, electoral-authoritarian

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politics. The “normalists” (to coin a phrase) argue that treating the Islamic Republic as a unique pariah is an inaccurate throwback to an earlier generation of Orientalist scholarship that viewed Muslims as indelibly different from the West. According to one sarcastic guide for writing about Iran (published a year before the “Women, Life, Freedom” movement):

Always refer to Iran as the “Islamic Republic” and its government as “the regime” or, better yet, “the Mullahs.” ...

Never refer to Iran’s foreign policy. The correct terminology is its “behavior.” When US officials say Iran “must change its behavior” and “behave like a normal country,” write those quotes down word for word. Everyone knows that Iran is a delinquent kid that always instigates trouble and must be disciplined. ...

Go off the beaten track for book titles. *Hidden Iran* or *Uncovering Iran* are great choices. For an exotic touch, opt for *Behind the Veil* or *Lifting the Veil*. Consider *Furious Turbans* if you are discussing Iran’s regime, meaning the Mullahs. If it’s about Iranians revolting against the regime, *Rage Against the Veil* is most appropriate. Insert words like “Revolutionary,” “Danger,” “Allah,” “Jihad,” “Atomic,” and “Terrorist” in titles and headlines as they capture the essence of Iran. ...

Every time Iranians protest, underline that they are fighting to topple the regime and immediately predict that a revolution is underway. Remember to marvel at the fact that some of the protesters are female. (Nasseri 2021)

The “abnormalists” accuse the “normalists” of minimizing the horrors of the Islamic Republic and point out that many Iranian women have in fact raged against the veil and fought to topple the regime. The back-and-forth has gotten personal and ugly.

Meanwhile, a crop of new research has appeared in recent years that tries to avoid these polemics by examining, with impressive empirical detail, how the Iranian political system operates. These studies identify both what is unique about the Islamic Republic and what is not. Two of these studies—*The Rule of Law in the Islamic Republic of Iran*, edited by Hadi Enayat and Mirjam Künkler; and *How Islam Rules in Iran*, by Mehran Kamrava—are the focus of this review essay, although other published work informs this discussion as well.

The takeaway, as I see it, is that Iran’s political system is actively self-Orientalizing—insisting on its commitment to divine inspiration and its difference from other political systems—even as it works to conform to (selected) global norms of governance.

Let us start with the concept of the rule of law, which is the framework of the volume edited by Enayat and Künkler. The volume is comprised of 15 substantial chapters, each dealing with a different legal subject: the Iranian penal code, the administration of criminal justice, family law, the autonomy of bar associations, law enforcement, prison overcrowding, barriers to HIV/AIDS prevention and treatment, the rights of religious and ethnic minorities, labor law, foreign investment and trade, censorship of

arts and culture, and assisted reproduction. Underlying each of these specific areas is the question of whether laws are supposed to matter in the Islamic Republic of Iran. That is the subject of two essays by Künkler: the introductory chapter and a chapter on debates over the rule of law during and after the reform era of the late 1990s.

Künkler notes that the rule of law was one of the express goals of Ayatollah Ruhollah Khomeini’s revolutionary vision for Iran. Khomeini’s lectures on Islamic government, published in 1971 while he was in exile, stipulated that “the rule of Islam is neither arbitrary, nor absolutist. ... It is the rule of law” (p. 9). When he came to power in 1979, Khomeini insisted on a written constitution and published laws, contrary to Islamic legal traditions that revolved around individual judges’ determinations of divine intent. But if the form of law in the Islamic Republic looked familiar, the framing did not. The legal system devised by the revolutionary government drew inspiration exclusively from the framers’ interpretation of scripture, in particular Khomeini’s novel theory that the affairs of the faithful must be supervised by a single preeminent scholar of Islamic law.

The result was a hybrid system that combined popular sovereignty through competitive elections with theocratic elements that were intended to make sure the democratically elected branches of government acted in accordance with Khomeini’s understanding of Islam. One of the crucial joints between the two wings of government is the Guardian Council, a committee of seminary-trained Islamic scholars appointed by the leader (Khomeini and his successor Khamenei) and legal scholars nominated by the head of the judiciary (who is himself appointed by the leader). The Guardian Council acts as a sort of constitutional court, reviewing legislation passed by parliament and judging whether it passes muster.

After almost a decade of this system, standoffs between parliament and the Guardian Council had become so persistent, particularly over the issue of labor law—parliament wanted to enact worker protections; the Guardian Council ruled that state intervention into private contracts was un-Islamic, as discussed in M. Stella Morgana’s chapter on labor rights (pp. 336–37)—that Khomeini created a second layer of review, the Council for the Discernment of *Maslahat*, to adjudicate these disputes. *Maslahat* is usually translated into English as “expediency,” but its meaning also implies a consideration of the public interest. As Künkler observes, Khomeini reversed more than a millennium of Shi’a Islamic scholarship in privileging the concept of *maslahat* over any other element of Islamic law, even over fundamental requirements such as pilgrimage or daily prayer; if these “were found to violate the public interest, the Islamic government had the right to abrogate” them (p. 14).

Counterintuitively, perhaps, the *Maslahat* Council brought the Islamic Republic potentially closer to a more

secular version of the rule of law, since it was designed to overcome clerical objections to parliamentary legislation. But it involved novel Islamic reasoning to do so. In what seems to have been a pattern, the Islamic Republic's path toward "normalcy" was achieved through highly atypical justifications and institutions.

For example, the Iranian penal code allows execution by crucifixion and stoning, because they were practiced in the early Islamic era; but as discussed in Silvia Tellenbach's chapter, legal authorities in the Islamic Republic, citing religious sources, consider these punishments optional rather than obligatory. As a result, there have never been crucifixions in the Islamic Republic (pp. 59–60), and stoning is rare—even rarer, though not entirely eradicated, since the head of the judiciary recommended a moratorium on the practice in 2002 (pp. 57, 72–74, 273).

To give another example, the chapter by Anna Enayat and Hadi Enayat discusses the Islamic legal concept of *diyeh*, or compensation, payable to victims of accidents by the perpetrators. The government drew up a schedule of payments for human life and for each part of the body or sense that had been impaired: if the victims were Muslim men, they would receive the full amount; Muslim women and members of officially recognized religious minorities (Christians, Jews, and Zoroastrians, but not Baha'is or Muslim apostates) would receive half. Iran's prisons filled up with debtors who could not afford these payments. To reduce the prison population, parliament required Iranians to have sufficient insurance coverage to pay *diyeh*, if need be. At the same time, parliament also mandated equal payouts for all victims, regardless of religion. In 2011, the head of the judiciary raised the *diyeh* rates to keep pace with inflation, basing the new valuation on the market price of a hundred camels (pp. 214–16). (To avoid over-exoticizing this already self-exoticizing policy, it should be noted that very few Iranians travel on camels these days; their value is largely dependent on their being "marketed as a healthy alternative to beef and lamb" [Bayatrizi 2023, 386].)

Another example, from the chapter by Drewery Dyke and Hadi Enayat: criminal law in Iran allows victims of intentional bodily harm and families of victims of homicide to demand retaliation (*qesas*) against the perpetrator, including specific mention in the Iranian penal code of "amputation of limbs, cutting of body parts such as lips, tongue, ears, eyelids, and nose, removal of teeth, and blinding" (p. 75). At the same time, victims and their families are also permitted to offer forgiveness (*bakhshesh*) and commute the penalty to *diyeh* payments. A network of nongovernmental organizations, including opponents of the death penalty, has emerged to encourage forgiveness, based on Qur'anic principles of mercy and compassion. According to research by Arzoo Osanloo (2020, 28), this movement has substantially reduced the rate of executions in Iran.

In another example, the chapter by Hannah L. Richter (a pseudonym) describes legal reforms through which women can file for divorce based on mistreatment by their husbands: Khomeini had to step in to overrule the Guardian Council's rejection of the initial law, and the *Maslahat* Council had to step in to overrule the Guardian Council's rejection of subsequent amendments (pp. 110–11, 121). It is still difficult for women to get a divorce, and the terms of divorce remain tilted toward men's interests (Mir-Hosseini 2011), but it is now legally possible.

In each of these policy areas, the Islamic Republic has edged toward global norms in its own unique way. Other studies have noted similar trends: welfare assistance expanded through a fragmented system of state programs and endowed foundations (*bonyads*) that are "alien to Western observers" (Harris 2017, 217); rural development programs designated as a "reconstruction *jihad*" (Lob 2020), perhaps analogous to crusade metaphors in Christian contexts (Srodecki 2024); women's mobility in public ensured by a combination of gender-segregated and mixed-gender parks and transportation systems (Shahrokni 2020); the taste for soft drinks satisfied by a parastatal foundation's "Islamic" cola company, Zamzam, named after a sacred spring in Mecca (Wellman 2021, 162); municipal elections introduced decades after the constitution required them, then subverted by the ideological vetting of candidates (Tajbakhsh 2022).

Perhaps the most notable trend toward global isomorphism is democratic backsliding. As many of the contributors to the Enayat and Künkler volume note, the Islamic Republic has become significantly more autocratic over the past two decades. So has much of the world (Knutsen et al. 2024). In Iran, authorities have undermined many of the reforms proposed during the terms of Mohammad Khatami as president and Mahmoud Shahroudi as head of the judiciary in the late 1990s and early 2000s. It is unclear whether the trends are related—whether Iran's subversion of liberalizing reform took inspiration or assistance or cover from parallel movements in India, Russia, Turkey, and elsewhere—although Iran has certainly drawn closer to electoral-authoritarian states in its foreign policy in recent years.

What is clear is that Iran trod its own singular path in this direction. One of the distinctive challenges that the Islamic Republic has faced from the start is dissent within the clerical establishment, which threatens the government's claim to legitimacy based on Islamic credentials. In the 1980s, Khomeini placed senior religious scholars under house arrest when they objected to his consolidation of power. Months before his death in 1989, Khomeini fired his chosen successor, Hossein-'Ali Montazeri, who had begun to advocate for greater respect for human rights (Schwerin 2015; Siavoshi 2017).

Soon after the Islamic Republic was formed, Khomeini began to convene special courts, outside the constitutional

judicial system, to investigate and punish seminary scholars (Künkler 2013). The Special Court for the Clergy can impose sentences barring defendants from teaching in the seminary, defrocking them, or imprisoning and even executing them—in one famous instance, Hasan Yousefi Eshkevari, a dissident cleric, was charged with declaring war on God (*moharebeh*), corruption on earth (*efsad fi'l-arz*), apostasy (*ertedad*), and other charges for speeches that called the Islamic Republic despotic, denied the immutability of official interpretations of Islam, and criticized the mandatory veiling of women. His death sentence was later commuted to a five-year prison sentence (Mir-Hosseini and Tapper 2006).

These Islamic debates over Islamic government are the subject of another new book, Mehran Kamrava's *How Islam Rules in Iran: Theology and Theocracy in the Islamic Republic*. This is Kamrava's third book in the past three years: the first told the history of the Islamic Republic of Iran (Kamrava 2022); the second examined the political institutions of the Islamic Republic (Kamrava 2023). These first two books asked how the Islamic Republic has managed to survive for more than four decades, given its makeshift provenance, its lack of ideological allies, and its convoluted organizational structure (other recent works on this topic include Asaadi 2021 and Parsa 2016); the latest book asks an inverse question: how has the Islamic Republic, in power for decades, not managed to consolidate ideological control over Islamic discourses in Iran? Kamrava points out that there has been continuous debate among Islamic thinkers about Khomeini's vision for the Islamic Republic, and later about "Khameneism," Kamrava's term for Khamenei's ideology of "absolute" (*motlaq*) control. Much of this debate involves contrasting arguments in support of Shi'i Islamic theocracy—Kamrava devotes ample space to theorists of this sort, offering English-language readers a glimpse into materials that might one day be incorporated into studies of comparative political theory (von Vacano 2015). But more critical positions—while waxing and waning, and repressed into cautious expressions of dissent in recent years (at least among theorists still living in Iran)—have never disappeared. As one generation of Islamic dissidents is silenced through house arrest, imprisonment, or exile, the next generation of Islamic dissidents takes its place. As a recent example, Kamrava summarizes the work of Abolfazl Moussavian, a seminary-trained professor of Islamic theology and jurisprudence in Qom, Iran—and a former student of Montazeri—whose 2016 book, *The Religious Foundations of Democracy*, argued that Islamic government should not be imposed without the people's consent, just as Muslims can choose which imam they wish to lead them in prayer (p. 234).

One of the strengths of Kamrava's latest book is its usage of scholarly studies published in Iran, not just as the subject of research but also as valuable research, in addition

to studies published in English and other languages. These books and articles are evidence of the active vibrancy of intellectual life in Iran, notwithstanding the mechanisms of repression, and offer highly informed analyses of the discursive and institutional field of Islamic studies in Iran. A striking finding from several of these studies is that under the Islamic Republic, the seminaries have not only taken over much of the state, but the state has also taken over much of seminary life. What used to be an independent set of religious schools, mosques, shrines, and privately endowed foundations—collectively referred to in Persian as the *howzeh* (often translated into English as seminaries)—has "effectively become another arm of the state" (p. 55).

Islamic dissidents in Iran have worried for decades that the merging of religious institutions and state institutions reduces respect for religion. Among the examples that Kamrava discusses is Mohsen Kadivar, a seminarian who was convicted in the Special Court for the Clergy for having called the Islamic Republic "an Islamic monarchy," sentenced to jail, and then hounded into exile (pp. 218–19): as religion comes to be perceived as corrupt, coercive, elitist, and incoherent, "what suffers the most is religion itself" (p. 214). There is considerable evidence on this subject. Between 1974 (several years before the revolution) and 2003 (more than two decades after the revolution), the percentage of Iranians who considered themselves very religious dropped from 35% to 20%; the percentage who reported regular attendance at communal prayers dropped from almost 50% to just over 10% (Kazempur 2022, 140–41). Kamrava notes that many of the reformists were disillusioned former radicals (p. 135). The next generation of radicals has suffered attrition as well: Kusha Sefat (2023, 120–35) relates the compelling story of one such partisan's transformation from fervent belief in Khamenei's divine inspiration to doubt, and then to pragmatic conservatism, and then to opposition. To promote piety, the Islamic Republic has encouraged competitions for memorizing sacred texts, with prizes such as gold pieces, household appliances, and an all-expenses-paid pilgrimage to Mecca (Adelkhah 2000, 147). In its campaign against alcohol consumption, which it considers both a sin and a crime, the government has turned from scriptural injunctions to health-based messages such as "Note that the consumption of alcohol causes an annual death rate of 7% of men and 4% of women" (Pargoo 2021, 105–7).

Kamrava notes that "Iran's is no run-of-the-mill authoritarian system" (p. 4). Its unique institutions, in which religious debates are taken as serious threats to the political order and human life is valued in relation to the price of camels, make its proponents particularly sensitive to comparisons with other countries' political systems. Comparison, for them, is critique, and they have good reason to be wary. One of the first textbooks of political science in Iran,

published in 1906, noted that Iran ranked second to last in the world in per capita trade (Kurzman 2005, 145), and much of political science in Iran continues to cast the Islamic Republic in a negative light (Mohammadi-Mehr et al. 2018, 118)

Ordinary Iranians appear to engage in a form of comparative politics as well—comparing their own government with governments around the world and, frequently, deeming the Islamic Republic inadequate. Almost a half-century after the Iranian Revolution, a large majority of Iran's current population has been trained in postrevolutionary curricula designed and monitored for ideological inculcation. Yet large-scale protest movements have occurred with increasing frequency, typically triggered by mundane issues such as authoritarian repression or economic policies, before pivoting to existential challenges to the Islamic Republic itself. Among the most prominent are the student movement of 1999 (protesting the closure of reformist newspapers); the Green Movement of 2009 (protesting the suspicious outcome of a presidential election); the Dey movement of 2017–18 (initially a hardline protest against reformists, focusing on high prices); the Aban movement of 2019 (protesting fuel price increases); and the “Woman, Life, Freedom” movement of 2022 (protesting mandatory veiling of women).

Demands for “normalcy” are a pointed rejection of the self-Orientalizing uniqueness that Iranians under the age of 50 learned in school. The Islamic Republic of Iran may not be as unique as it claims, but those claims are essential to its self-understanding, as Enayat/Künkler and Kamrava show, and the Iranian government seems committed to defending that understanding. Two days after Shervin Hajipour uploaded his song about “longing for a normal life,” he was arrested and charged with propaganda against the regime (*nezam*) and incitement to unrest with the intention of disrupting national security. In early 2024, he was sentenced to three years in prison, along with orders to write 30-page handwritten summaries of two books by prominent ayatollahs on the rights of women in Islam and post them online under his own name, and to “create music about America's crimes against humanity and all of the American government's violations of human rights over the past century” and publish it online (Hajipour 2024).

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