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Poverty, Inequality & Democracy (II)

Stephan Haggard & Robert R. Kaufman

Nancy Bermeo ■ Dorothee Bohle & Béla Greskovits

Alberto Díaz-Cayeros & Beatriz Magaloni

India's 2009 Elections

Sumit Ganguly ■ Ronojoy Sen

Steven Friedman on South Africa's Elections

Sean L. Yom on Jordan's Autocracy

Fredrik Galtung & Martin Tisné on Postwar Reconstruction

Barak Hoffman & Lindsay Robinson on Tanzania

Paula Cristina Roque on Angola's Façade Democracy

Larry Diamond on Paul Collier

Iran in Ferment

Abbas Milani ■ Ali Afshari & H.G. Underwood ■ Ladan Boroumand

Iran in Ferment

CIVIL SOCIETY'S CHOICE

Ladan Boroumand

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Although the final chapter of Iran's election drama has yet to unfold, it is worth exploring, even anecdotally, the extent to which civil society organizations have been instrumental to the unprecedented popular participation that marked both the June 12 election and the extraordinary wave of protest that followed when the authorities hastily and unconvincingly named incumbent president Mahmoud Ahmedinejad as the overwhelming winner. The role played in these events by the Iranian civil-rights movement—a name that I will use here as shorthand for women's-rights and student activists as well as human-rights advocates—is one that we will never adequately grasp unless we keep the legal and historical backdrop in mind.

When it was assigned to draft a constitution for the newly established Islamic Republic of Iran thirty years ago, the Assembly of Experts made sure that the sovereignty of the people would *not* be the government's source of legitimacy. According to the Assembly's intention, the supreme leader's absolute power over the whole government emanates not from the people, but rather from the divine authority of the Twelfth (or Hidden) Imam, which is delegated to the supreme leader during the Imam's miraculous occlusion. Elections, therefore, are mere administrative procedures whose legitimacy depends upon the preelection vetting of the candidates and the postelection approval of the results by the unelected, cleric-dominated Council of Guardians.

In such a setting, elected officials up to and including the president have little power to make democratic reforms. Realizing this, civil-

rights activists began some time ago to debate among themselves what position to take regarding the 2009 vote. In 2005, they had decided to boycott the elections as unfree, and to focus instead on organizing robust civil society organizations that might be able to negotiate with the government as independent entities.

Semi-official student groups asserted their independence, with the stated goal of defending human rights and students' interests only. Women's-rights activists who had been protesting gender discrimination by holding regular (and regularly repressed) demonstrations decided to launch the Million Signatures Campaign behind a public petition to end unfair laws affecting women. Nobel laureate Shirin Ebadi and other lawyers set up the Defenders of Human Rights Center (DHRC), while other lower-profile but dynamic human-rights groups proliferated during Ahmedinejad's first term and put out a steady stream of reporting on the Islamic Republic's abuses. An alarmed Ahmedinejad administration stepped up repression, hitting not only activists but also ordinary citizens, as the masked goons of the so-called Social Safety Project spread terror and intimidation throughout Iran.

By 2009, the public was primed to vote Ahmedinejad out, but the activists were feeling vulnerable and isolated after years of savage persecution. They could either ignore these unfree elections as they had four years earlier, or they could plunge in and try to help elect a lesser evil. They knew that the regime might exploit the latter course in order to bolster its bogus claim to be overseeing a genuine electoral process, but they also knew that for international reasons the regime badly needed a big turnout and hence would permit a few weeks of free expression (as it did).

Whatever their stand on voting, many activists were determined to make the most of this brief opening to energize the public and challenge the candidates. In the end, the women, the human-rights advocates, and the students opted for different but compatible approaches.

Most human-rights organizations refused to campaign for or against any candidate. Shirin Ebadi and others set up the Committee to Defend Free and Fair Elections. The state tried to hamper it, even arresting one member. Unbowed, the committee stated publicly on May 18 that the upcoming elections were not meeting minimal standards of freedom and fairness.

The human-rights advocates worked on causes such as raising awareness about the plight of the Baha'i religious minority, especially the way its young people are persecuted in schools and barred from higher education. With the heat thus turned up, the campaign of Mehdi Karubi publicly acknowledged the rights of Baha'is as Iranian citizens. To induce such a senior regime figure to address such a taboo issue was a coup. On election eve, a group known as Human Rights Activists in Iran published a list of demands calling upon the candidates to seek abolition

of the death penalty and respect the human rights of students, women, children, detainees, religious and ethnic minorities, and civil-rights advocates. By this time, rights activists had become a common sight at campaign rallies, holding signs calling for an end to violence against women and capital punishment. They were greeted with nervousness by campaign officials, but the public was ready to hear their appeals and accept their leaflets.

Activists for women's rights met the challenge of the elections by organizing an Iranian Women's Movement Coalition that brought together forty groups and more than seven-hundred advocates. The coalition explicitly demurred from taking a position for any candidate or even on whether people should vote or not. Instead, it focused solely on seeking the reform of Articles 19 through 21 and Article 115 of the 1979 Constitution (which allow for *shari'a*-based gender discrimination) and securing Iran's adherence to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). During the campaign, women organized numerous seminars and debates with representatives of both Karrubi and Mir Hosein Musavi, the other reformist candidate. The women also openly gave out brochures, sought petition signatures, and recruited new members—all activities that just a few months before would have meant jail, a flogging, or both. While neither Karrubi nor Musavi could promise constitutional reform, both vowed to pursue Iran's adherence (with religious reservations attached) to CEDAW. Both also pledged to nominate women to important decision-making posts with the long-term goal of constitutional change. On June 6, the coalition declared success at "raising public awareness about gender issues" and announced that it was dissolving.

The Students and the Candidates

The student groups played a different but no less important role. They rejected the idea of a boycott for the simple reason that the regime would not allow them to campaign for one.¹ On May 1, the biggest students' union, the Office for Consolidating Unity, issued a long list of demands covering items specific to students and universities as well as matters of a more general import. The list ticked off all the obstacles to freedom of thought, expression, and association that becloud university life, and proposed concrete measures to restore these liberties. The demands also included calls for (among other things) academic freedom, an end to gender discrimination on campus, an end to admissions based on political and religious opinions, and an end to rules that allow administrators to suspend student dissidents. On a more general level, the students clearly articulated all the demands that the various forces of civil society had been formulating for most of the previous decade. They called for full religious and minority rights, democratization of the electoral sys-

tem, judicial reform, gender equality, labor rights, human rights, civil rights, and more. They also urged the candidates to guarantee that they would safeguard the private sphere on behalf of citizens who want to be left alone.

The students sent their list to both reformist candidates and asked them to offer a response to each demand. On May 14 and 15, the students held a seminar on “Civil Society, Agenda-Based Action, and Accountable Government.” Representatives of both Karrubi and Musavi showed up to discuss the issues that the students had raised, while attendees from civil society were also allowed to speak. It is worth noting that all the speakers urged participation in the elections—which perhaps explains why the security forces allowed such a subversive gathering to be held.

After negotiations with the two candidates, the students’ unions decided to join Karrubi’s campaign. They claimed that he had answered their demands most concretely and had promised to push them with the state leadership. Without denying their prodemocratic identity, the students took a pragmatic step toward achieving some of their more feasible goals. During the three weeks that they spent on the hustings for Karrubi, the students used his campaign as a vehicle for the promotion of human rights, women’s rights, and civil rights in the streets and squares.

If it is hard to measure with certainty the contribution that the civil-rights movement made to the unprecedented level of interest and turnout that the 2009 presidential election featured, it is easy to show how the movement put its mark on the content of the campaign and the rhetoric of the candidates. For the first time in the history of voting in the Islamic Republic, candidates had found themselves forced to rewrite their platforms in response to concrete demands framed by unabashed democrats. Not only did the two reformist candidates pledge to grant as many rights as they could (which is not many, really) consistent with the Constitution, but each openly declared himself to be personally opposed to the laws establishing polygamy and the mandatory veiling of women. Both also vowed to stop militia harassment of citizens in public places, and to abolish the Social Safety Project.

By making the air ring with their demands, the rights activists gave Musavi and Karrubi strongly democratic-sounding rhetorical ammunition to fire at Ahmedinejad during their televised debates in early June. Oddly enough, instead of defending his policies in the name of the regime and its principles, Ahmedinejad reminded both his rivals that he had done nothing that they had not done during their own tenures in high office during the 1980s. Although every candidate vowed loyalty to the late Ayatollah Khomeini, by attacking one another on the axis of demands framed by civil-rights advocates, the candidates were offering the public the stunning spectacle of regime stalwarts chipping away at

the regime's own legitimacy. This unprecedented campaign moved citizens to go to the polls en masse with the thought that, at last, something really was different and their votes would finally count. The high-profile presence of so many rights activists at campaign events, banners aloft and stacks of flyers in hand, had powerfully fed this sense that a genuine campaign was afoot, with vital matters concerning the country's future poised for decision.

The civil-rights activists did not directly cause or lead the gigantic public protests that erupted when the authorities pricked the voters' balloon with claims that Ahmedinejad had won 63 percent, but it might well be true that the demonstrations were an indirect consequence of the moral and ideological leadership that those activists had exerted with such *élan* during the campaign. The instant and bloody repression aimed at students during the postelection unrest, like the arrest and torture of leading rights activists and student dissidents, is the regime's testament to their crucial influence.

"As far as these elections go, the moral of the story is that we should not have been so eager, should not have ignored the minimal standards for free and fair elections, and should not have taken part in an unfair vote," ruefully concluded student leader Zeid Abadi a few hours before his arrest on June 16. The students had assumed that there was some degree of popular sovereignty dormant in the 1979 Constitution, a sovereignty that they had thought the electorate might rouse into wakefulness by voting en masse. "We made a mistake," wrote a bitter Zeid Abadi. "We refused to accept that the regime is not animated by the same logic which presides over our understanding."

Zeid Abadi, whose bruised face appeared on television during the first session of the Tehran show trial that is going on at the time of this writing in late August, may for now persist in that sad conclusion as he sits in the darkness of solitary confinement. Yet as one thinks back over the breathtaking events that rocked Iran during the middle of this year, one cannot but recognize that there are mistakes which change the course of history. No doubt the decision of the Iranian civil-rights movement to involve itself in the 2009 elections will count as such a mistake. For if it is true that they failed to help the lesser evil win—and some of them are now paying dearly for this failure—it is no less true that they were instrumental in thwarting the Islamic Republic's plot to usurp popular legitimacy.

NOTE

The author wishes to thank Ahmad Batebi, spokesperson for the group Human Rights Activists in Iran, and Kianoosh Sanjari, spokesperson for the Committee of Human Rights Reporters, for sharing their respective organizations' views regarding the elections, and for providing insights on the work that human-rights advocates did during the campaign.