Cultural Expertise in Iran: From the Pahlavi Dynasty to Contemporary Diasporas

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Iran is a country that has been familiar with the idea and the informal practice of cultural expertise for decades and even centuries. Iranian institutions have not defined “cultural expertise” or designated it as a skill or profession. Yet, cultural expertise has remained important in the context of religious representatives and judicial actors. The need for well-informed, educated, and specialized individuals capable of acting as mediators between political, judicial and religious institutions on the one hand, and the Iranian people on the other hand, or even for Iranian diasporas outside the country itself, has persisted throughout Iran’s history.

In the early twentieth century, as a consequence of the Constitutional Revolution (1905–11), Iranian reformist figures imported the French political and judicial model that triggered a radical change in Iranian institutions. The new constitutional monarchy consulted experts to accommodate Iran to Western standards and promote modernity. It also hired foreign advisors, such as Adolphe Perny and Gustave Demorgny from France, while dispatching nationals to train in European universities with the hopes of creating an intellectual elite to build new institutions once back in their homeland. They were to help their fellow citizens to adapt to these by introducing new discourses, theories, and practices in line with the secularization movement in which they were participating.

Confusion reigned after the Islamic Revolution (1979) because of the coexistence of the new Islamic law ordered by the Supreme Guide with the main secular institutions derived from the French principle of separation of powers (a National Assembly, the Ministry of Justice, and an

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executive branch). The revolutionary government re-established a nearly forgotten medieval juridical and judicial culture, with its religious principles and technical Arabic vocabulary. Other kinds of mediators were then needed, some to help Iranians to become acquainted with new Islamic social, juridical, and judicial norms inside Iran, and others (Iranians or foreigners) outside of the country to assist contemporary diasporas to conform to Western regulations and customs. In each of these stages, cultural expertise proved to be a crucial form of mediation.

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The persistence and importance of cultural expertise in Iran connects back to the geographical position and evolution of ancient Persia. It is because of not only the empire’s drive for conquest and expansion in the first place, but also because of the invasion of its territories by the Greeks in the fourth century BCE, by the Arabs in the seventh century CE, and later on by the Mongols in the thirteenth century CE.

Significant changes to the ethnic and communal composition of the empire and sudden shifts in political, economic, and legal norms also proved important. Being part of an ancient civilization, Iranian culture had become accustomed since earliest antiquity to diversity and a state of mixture throughout the dynamics of war and occupation, trade, specific local traditions and customs, nomadism, and the variety of religious cults and experiences.2

Religious rules and standards have been closely connected to different legal philosophies and approaches. As Anahit Perikhanian in her introduction to The Book of a Thousand Judgements explained: Ancient law in general formed a part of religious ethics and social ethics were similarly sanctified by religion. In Zoroastrian Iran, with its dogmatic faith, this bond between religion and law was particularly close and it survived side by side with a highly developed state and a broad range of secular legal institutions.” 3

Zoroastrian law, as in many other legal cultures of these early times, was first based on religious norms, and particularly on the primary theological division between sins and offenses: against religious prescriptions (wināh ī ruwānīg “sins pertaining to the soul”) and against other members of the community (wināh ī hamēmālān “offenses/sins regarding opponents”). 4

1. The Achaemenid Empire (650–330 BC), followed by the Seleucids (312 BC–248 BC), the Parthians (248 BC–224 AD) and the Sasanian (224–651 AD).
2. Zurvanism, Mithraism, Zoroastrianism, Manichacism, and Mazdakism.
“These categories reflect the two main fields of work of the priests who were in an early age mediators and arbitrators, later jurists and judges, and at the same time responsible for the moral guidance of the community.”\textsuperscript{5}

However, during the Sasanian period (third to mid-seventh centuries), even if law was still based on Zoroastrian (religious) law and jurists remained specialized in the fields of both law and theology, jurisprudence nonetheless developed and somehow gained certain autonomy from theology. The translation of secondary sources into Armenian, Syriac, Persian, and Arabic illustrates how Sasanian law concerned different religious groups and ethnic communities.

In pre-Islamic times, Iranians adapted to different legal systems deriving from different sources of law: customary law, religious law, and secular law. The country was divided into several “satrapies”: local administrative divisions under the supervision of a governor or satrap who had a certain degree of autonomy. People from diverse origins, ethnical backgrounds, and religions in those regions had to adapt to the Empire’s global administration as well. Priests, jurists, judges, officials, and translators were the main cultural “experts” and mediators between the people and the normative local or state institutions.

The next chapter of Iran’s history also opens the way for cultural experts embodied by officials, judges, theologians, and people educated within the new faith. With the invasion of Iran by the Arabs in the seventh century and the imposed Islamization process (until the ninth to tenth centuries), Iranian institutions went through a disruptive and disordered period of forced acculturation. Zoroastrians were invited to convert to Islam and adhere to Qur’ānic norms. Some refused and left for India while others remained and accepted Islamic regulations. They engaged in new ways of living and practices or resisted and consented to pay a special tax Jizya (حَزِيَّة) related to their particular status of dhimmi (ذَٰلِكَ المَظْهَرُ, “protected”). This status refers to non-Muslims, restricted to “People of the Book” mentioned by the Qur’ān,\textsuperscript{6} providing legal protection to these religious communities by a Muslim state governed by Islamic law.

The passage from Zoroastrianism to Islam transformed the cultural and legal standards with which Iranians were familiar. In addition to religion and law, another important change was adoption of the Arabic alphabet

\textsuperscript{5}Ibid.

\textsuperscript{6}Mainly Jews, Christians, and Sabians, but Zoroastrians were also integrated in this category.
of Semitic origin, which in turn led to the rise of a new language, New Persian. Also important was the adoption of a mixed calendar system that retained the ancient Iranian tradition of the Persian new year, or Nowruz, commencing on March 20–21 based on the exact time of the vernal equinox, as well as the Islamic system starting from the Prophet’s migration from Mecca to Medina in 622 CE.

Several centuries of domination, division, and invasions by nomadic Turkic tribes not only caused turmoil and instability but also introduced further hybridity into the judicial system. Willem Floor explains that between 1220 and 1500 CE, Mongols and Turks on the one hand and Persians on the other had their own courts. The Mongol court, “divān-e yarğū,” and later also as “divān-e moğulān,” heard complaints between Mongol “officials and tribes” as well as hearing that group’s conflicts with non-Mongols. Princes, nobles, and later, Persian officials were the judges, called “yarğucī.” As Floor concludes, “Mongol customary law (yāsā and/or törü), a set of rules laid down in a so-called qānum-e rāstī or yarğu-nāma which, under the Il-Khanids, were equated with the shari’ā. In particular, their decisions needed to be based on the qutatḵū bilik of Chengiz Khan, on the decrees of the Great Khan (Qā’ān), or on the qānum-e yarğū.”

After the reunification of Iran in the beginning of the sixteenth century, Shāh Ismā’il I (r. 1501–24), who was of mixed Azeri, Kurdish, and Pontic Greek descent, set shī’ism as the country’s official religion. The two primary sources of law were then based on the Qur’ān, the Traditions of the Prophet Muhammad, but also those of the twelve imāms (the Twelvers, the main branch of shī’a islam). The introduction of imāmi legal theories and jurisprudence together with the reinforcement of the secular political power allowed shī’i scholars, qāzīs, and mujtahids to stabilize Iran’s judicial context. They were the main mediators and cultural experts implementing the new legal perspective replacing the Sunni schools of jurisprudence and their representatives. Secular (‘orfī) state courts (divān-e ‘edālat) supplemented Iran’s judicial system, which remained mainly based around religious courts (sharī’i). And wise men (rish-e sefid), local chiefs, and landlords still applied customary law in remote places: villages and within tribal and nomadic groups.

7. The Mongol invasion (conquest and rule, 1219–1370) by Genghis Khan in 1219 followed by Timur (of Mongol or Turkic origin) and the Timurid dynasty (1370–1501).
9. Ibid.
A period of turbulence followed. After the fall of the Safavid dynasty in 1722, 8 years of Sunni rule by Afghans again destabilized governance in Iran. Nāder Shah’s reign (1736–47) was followed by years of civil war and chaos, except for a brief period under Karim Khān Zand (1751–79), until the triumph of the Qajars over the Zands. In Qajar Iran there continued to be three judicial systems: the official šarʾ - religious-, and ‘orf – secular, state courts, and the unofficial customary law derived from local traditions, tribal councils, and long-established usages.

During the nineteenth century, there were several attempts to reform and centralize the administration of state justice by extending the power and the domain of secular courts over religious courts. Reforming statesmen and the intellectual élite, inspired by European (particularly French) political and judicial models, democratic views, and theories, infused new patterns and ideals and contributed to Iran’s first revolution, known as the “Constitutional Revolution” in 1905–6. The resulting constitutional monarchy, which emulated the French principle of separation of powers, reduced the monarch’s prerogatives, gave birth to a National Assembly, and strengthened the authority of the Ministry of Justice. The French jurist, Adolphe Perny then reorganized the Ministry of Justice. Under Perny’s supervision, a committee of Iranian jurists educated in law schools in France and Belgium led a codification process (1911–35) “à la française.”

In the field of education, professors, who can also be considered to be cultural experts, contributed significantly to the acculturation process initiated in the judicial system during this post-revolutionary phase. In 1919, the École de Droit founded by Adolphe Perny was the first secular law school that was capable of supplanting theological schools. It aimed at training a new generation of lay judges and magistrates by teaching them French law, Western legal history, Roman law, French civil law, and comparative law. Iranian instructors as well taught Islamic law (fiqh), methodology of Islamic law and jurisprudence, legal philosophy and logic, or manteq, Iranian legal and constitutional history, constitutional law, civil and criminal procedure and investigation, commercial law, international law, and tax law.

Demorgny is an interesting example of cultural expertise during these years. He published several books about his experience in Iran.

12. The French language was also taught to Iranian students.
He researched the Islamic philosophy and vision of justice embodied by Imām ‘Ali for the Shi‘ī, and Persian literature quoting the poet Sa‘dī, and used these materials in his courses at the School of Political Sciences of Tehran. He encouraged Iranians to “find in their own civil and religious legislation as well as in Persian authors useful materials on [the topic of state] administration” to organize their country. He disavowed any system that merely emulated foreign systems.

Thereafter, Reza Shah Pahlavi, founder of the Pahlavi dynasty (1925–79), tasked new Justice Minister Ali-Akbar Dāvar with restructuring the judicial system (1927). Reza Shah sought to complete the secularization process by eliminating religious courts and establishing the state’s full authority and responsibility over the rule of law. Combatting corruption was of paramount importance. Corruption as a habit and as a bargaining tool was so deeply rooted in Iranian judicial culture that the new Ministry of Justice confronted great resistance in its effort to enforce law. Judges trained for the first time in lay institutions and in charge of opening the Ministry of Justice’s branches in towns and provinces were known for being “pure” (pākdāman) and proud to carry out their mission and responsibilities. They were to implement a new state of mind and radically new practices, trying to change centuries of customary judicial behaviour favoring arbitrariness and inequity.

For Iranians accustomed to the traditional Islamic judicial system, Dāvar’s reforms were disconcerting. Consider, for example, the memoirs of Iranian Magistrate Ostad Elahi, which document his difficulties familiarizing fellow citizens with the state’s assertion of supremacy in judicial matters. In one example, he recounted how he welcomed a plaintiff “with great respect and esteem and invited him to take a seat.” Just “days later,” however, the same plaintiff entered the court “without permission” and “started to talk and laugh loudly.” Elahi used “a firm tone” to remind him of this august setting before dismissing the man to “wait to be called in.” Iranians may have been used to a casual legal culture in which they could consult a religious judge freely and in a public venue. Yet they struggled to adjust to the new formal culture.

15. Ibid. (author’s translation from French).
Elahi also explained how a population long accustomed to a tradition in which local chiefs, landlords, and other powerful individuals used corruption to negotiate their cases, struggled to adjust to new norms. In 1944, Elahi presided over a case in Kernan in which one powerful family had bribed a local magistrate to get away with torching a rival family’s orchard. The night of the hearing, an emissary from the guilty family approached Elahi at the judge’s home, confessed to the original bribe, and promised to double the bounty if Elahi made the case disappear. If Elahi did not agree, the emissary threatened that his backers had powerful friends in the Ministry of Justice. And if that, too, was not enough, they had access to powerful “local means.” As Elahi recounted, he responded that he was “not afraid of them or the Ministry and they can do whatever they please—I will render my own verdict.” The next day, Elahi kept his promise, prompting the guilty family to demand a refund from the local corrupt official who had taken their bribe. On another occasion, Elahi relates, a merchant who had failed to provide reports of his guardianship of his deceased brother’s children finally agreed to provide the report but instead handed Elahi “an envelope of cash.” Elahi refused the bribe and withstood entreaties from the Ministry of Justice to drop the case. As he wrote, “in my opinion, an official who accepts a bribe to overlook an investigation commits a greater transgression than the solicitor of the bribe.”

Elahi further explains how in this new Iranian justice system, formally appointed translators came to occupy places of importance as cultural experts. This was because of the variety of dialects, all of which made it difficult for the modern central authority to unify Iran under the same language and the same law. As Elahi explained:

When I was in Lār, we had an ongoing trial. The Lāri dialect, the language of this region, even if different relates to Kurdish dialects, in a way that a Kurd can somehow understand Lāri. We were interrogating someone who didn’t speak Persian and we had to seek the help of a translator who happened to be also an attorney. I noticed that he was translating correctly all that was in favour of the person we were questioning and on the other hand he

re-transcribed and compiled in the two volumes of Ásār al-Haqq by Bahram Elahi (Ostad Elahi’s son).

18. Ibid.
19. Ostad Elahi was of Kurdish origin (born in Jeyhunābād, near the town of Kermānshāh, in the province of Kermānshāh). For a biography of Ostad Elahi, see Soudabeh Marin, Ostad Elahi et la tradition (Bruxelles: Safran, 2012). For information particularly on Elahi’s career as a magistrate (1934–1957) and on Iranian legal history, see Soudabeh Marin, Ostad Elahi et la modernité (Bruxelles: Safran, 2012).
wasn’t translating what could actually be disadvantageous to that person. I had to intervene to tell him not to alter the statements but to replicate them exactly.20

Elahi thus explained the importance of translators as cultural experts to make functional the reformed judicial system.

The Iranian Revolution and the sudden rise to power of Ayatollah Khomeiny disrupted a period of relative stability under Mohammad-Reza Shah (1941–79). Just as Iranians had closely adapted to the secular judicial order, they then had to move from lay to religious perspectives and particularly from a French-inspired law to an Islamic modern law applied in a newly designed Islamic justice embodied by state institutions. The religious judge was back, not in the mosque, but working side by side with lay jurists trained in law schools; both being part of the Ministry of Justice. A whole new, but still traditional, classical—mostly Arabic—vocabulary, with which Iranians were not familiar anymore, was reintroduced. As an example, the former penal code inspired by European (mostly French) norms was replaced by an Islamic penal code divided into four books containing Islamic legal (Qur’ānic) categories: Book One: Generalities (preliminary provisions and definitions); Book Two: Hudud (fixed punishments for crimes mentioned in the Qur’ān); Book Three: Qisās (retaliation); and Book Four: Diyat (monetary compensation for deaths and bodily injuries).

Law books with their French classification and methodology were not completely eliminated as models, but rather used to establish a systemized and codified shari‘a.

After the Revolution, the Islamic Republic required cultural experts to allow this mixed lay–religious cum Islamic–Western system to function despite the confusion it caused and its disputed legitimacy. This expertise was again offered by attorneys, arbitrators, and mediators, and also by religious judges who specialized in imāmi fiqh, or Islamic law and jurisprudence.

As a consequence of the revolution and the Iran–Iraq War, many Iranians departed for Europe and North America. After the Revolution, cultural expert attorneys facilitated the first wave of emigrants—typically educated and largely Westernized intellectuals, politicians, students, and artists. Some Iranian attorneys acquainted with foreign administration and law specialized in the task of obtaining the needed official papers for their clients, helped them to obtain the right to reside in their new countries. In subsequent years, economic considerations propelled others to

leave. The primary motivation to leave Iran, for young Iranians—many of whom possessed language skills, university degrees, and familiarity with Western culture—was finding a job. Again, cultural experts proved pivotal for members of this diaspora. Zohreh Mortazavi, an officially accredited expert translator in Paris, recalls the case of a young Kurdish woman who worked as a nurse in a factory in the town of Sanandaj within the distant province of Kurdistan, in the western part of Iran. She came to France as a political refugee, learned French, settled with a French partner, found a job as a caregiver, and applied for French citizenship. As Mortazavi explained, “She came to me for her papers and offered me a bottle of wine. I can’t say that she had adapted herself to French culture, she already knew about it and had integrated it before even coming,” said Mortazavi.

Yet Mortazavi deplores the fact that as a translator she is not able to use her cultural expertise in court. The judge can ask for advice or even the translator’s opinion but in this case it would be a written report only and the translator is not allowed to speak up in court. “If I try to explain some specific matters concerning a document or the situation of the migrant (more often Afghans speaking Persian) orally, the judge would say: ‘no, please translate only.’ In France, there is no space for a cultural expert, at least, not yet.”

But she finds other ways to do so: “In contrast to my position, attorneys can talk, so usually I tell them how to explain or proceed when a problem arises.”

Firouzeh Mehran, an Iranian psychologist in Paris, confirmed that of her patients, most Iranian immigrants in general do not encounter serious cultural problems requiring to be taken charge of. “One thing we can mention is their impressive desire to improve their lives.” Mehran is evidence that for more difficult cases psychologists, like attorneys, are significant cultural experts in the lives of the Iranian diaspora in Europe.

21. Author’s translation from Persian.
22. Author’s translation from Persian.
23. Author’s translation from Persian.
24. Author’s translation from Persian. Mortazavi’s patients fell into three types: “I have mainly three categories of patients:

• young educated people (25–35) who are no different than French people of their age, they have the same mentality, way of living and standards, for example, they have no taboo subjects like sexuality (they feel no shame nor are they too prudish as was the case with Iranians before the Revolution);

• adults who came later, even if they are open-minded they still experience some cultural and mental blockages;

• older people, parents of young adults, who had kept their ‘Ancien Régime’ mentality while living in France and haven’t updated their beliefs.”
Although diasporic Iranians in general are able to adjust to new environments, with the help of specialized experts at times (legal experts in particular), one area that requires greater comprehension by cultural experts is the practice of *Tārof* (تعارف) or *taʿārof*). Only a cultural expert can proceed to the correct interpretation and decoding of this Persian custom and explain Iranian cultural behavior in and out of court. And Iranians themselves need a cultural expert when abroad to understand and accept that their particular state of mind is not shared by everyone. The word *Tārof* is derived from the Arabic تعارف (taʿāruf) which means “to get to know one another, become acquainted with one another, introduced to each other”. *Tārof* is a form of standardized communication based on the obligation to show one’s respect, affection, and concern for, as well as deference to others. It is based on the social need and habit to put others first, to reassure and value them by means of refined and polite formulations expressing warmth and kindness. William O Beeman, professor of anthropology at the University of Minnesota and a Middle East specialist, describes it as a way through which “Individuals will seek to raise the other person’s status, and lower their own.” This practice may not be understood by people unaware of it in foreign countries, but among Iranians, he concludes, it “produces social stability because when both persons are doing this, they achieve equality.”

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In the course of the twentieth and twenty-first centuries, the importance of cultural expertise has had to be taken into account by various social, political, and judicial actors, in and outside of Iran. Cultural expertise was needed each time Iran had to adapt to the numerous drastic changes affecting its political and institutional systems, causing disruption as well as forced adjustment. Iranians had to accept and absorb so many different traditions and normative cultures, of Eastern as well as Western origin, that over the centuries they grew used to the dynamics of perpetual transformation, having to remain open to change, seeking knowledge, and searching for and managing information and using it to better their lives. They learned to adapt and manage change to such an extent that during Iran’s history this became an integrated cultural skill and a natural competence. Before being directly confronted with foreign systems and environments, this aptitude allows them to become cultural experts by constant self-learning and self-training.