

**The Biopolitical Theatre:  
Tracing Sovereignty and History in the 2009 Iranian Show-Trials**

by

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BA, Simon Fraser University, 2008

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of the Requirements for the Degree of

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## **Supervisory Committee**

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## Abstract

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This work looks at the 2009 Iranian show-trials through modern discourses of biopolitics, sovereignty, and history. I argue that, understood as a theatrical phenomenon, the show trials are situated within the Foucauldian mode of biopower. The latter entails a shift from a politics of death to the preservation of the *bios*. The show-trials also perform a particularly modern narrative of state sovereignty and teleological history. To consider them in this way requires a rethinking of Michel Foucault's theory so as to include juridico-philosophical discourse within a biopolitical framework. I propose that, as a performative act, the confessions transform the very thing they are confessing. Through the work of Jean Baudrillard and Jacques Derrida, I argue that the confessions make possible a reconceptualization of the political space of sovereignty as simulacrum and that of the political time of history as hauntology.

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## Dedication

*To my mom and dad*

*For reading the beauty of words to me*

## Introduction

“For the plot ought to be so constructed that, even without the aid of the eye, he who hears the tale told will thrill with horror and melt to pity at what takes Place.”  
-Aristotle, *Poetics*

What takes *Place* is indeed a tale of horror and pity, even for those who have only heard it or are just about to. Perhaps not a cathartic experience for its audience as Aristotle would have it, or perhaps imagined as one by its directors and producers, the show-trial in all its uncreativity assumes a theatrical form. The “theatrical court” after all is the literal translation of the Persian “*dadgah-e namayeshi*”, the second word of which, *namayeshi*, translates as “of or pertaining to” a *namayesh*, a spectacle, a performance, a piece of theatre, a play, or a display, and thus theatrical or performative.

To understand the show-trial as theatre is to take up a political event as such; thus, to think the political theatrically has implications beyond the peculiarity of the show-trial itself. Theatre, for instance, is not performed to prove the reality of its story. Authenticity of the script in relation to the real is neither intended nor expected; the fictive is its moment of origin. As such theatre is the purveyor of expressions, ideas, feelings, messages, dreams and intoxications.<sup>1</sup> This steers us away from a constant search for truth on a particular political stage. Moreover, and following from this, such expressions are intended to establish a particular relationship between the play and its audience. A rather hyper-real concept of theatre comes to mind here, that of Antonin Artaud’s “theatre of

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<sup>1</sup> “Dreams and intoxications” is here taken from Nietzsche’s reference to Apollo and Dionysus from which tragedy is born. Friedrich Nietzsche, “The Birth of Tragedy,” in *The Birth of Tragedy and The Case of Wagner*, trans. Walter Kaufmann, (New York: Vintage Books, 1967), 33.

cruelty,” which he describes as the theatre of mass spectacle, where the division between the audience and actors is disrupted, and where “the public will believe in the theater’s dream on condition that it take them for true dreams and not for a servile copy of reality.”<sup>2</sup> Hence, through this language, we are directed towards understanding the relationship that a political spectacle establishes between its audience and its dreams.

But what takes Place also takes time. The Persian *dadgah*, or court, is itself a combination of *dad-*, justice, and *-gah*, time. The latter *-gah* however, is typically attached as a suffix to designate “the place of,” such that *dadgah*, literally justice-time, would read as “the place of justice.”<sup>3</sup> From this grammar, this word within this grammar, and the culture that pursues it, we have right away, from the start, a sense of the interchangeability, or rather a definitive dependency of time and place, of time in place of place, a temporal emplacement. The spatiotemporal co-constitution is further taken up by theatrical literature. The Aristotelian tragedy for instance, privileges a temporal sequence of actions, marked by the peripeteia: “a shift of what is being undertaken to the opposite” producing an “outcome... very different from what one intended.”<sup>4</sup> A similar abrupt and violent turn of events, one that is both unexpected and yet also in some sense necessary, links Aristotle's peripeteia to Artaud's conception of cruelty. The latter however spatializes it, both in place and through the body: “in our present state of degeneration it is through the skin that metaphysics must be made to re-enter our minds.”<sup>5</sup>

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<sup>2</sup> Antonin Artaud, *The Theatre and Its Double*, trans. Mary Caroline Richards, (New York: Grove Press Inc., 1958), 86.

<sup>3</sup> Other examples are *daneshgah*, knowledge-time, or “the place of knowledge” for the university, and *aramgah*, tranquility-time, or “the place of tranquility” for the cemetery, and so on.

<sup>4</sup> Aristotle, *Poetics*, trans. Gerald Else, (Michigan: University of Michigan Press, 1967), 35, 51.

<sup>5</sup> Artaud, 99.

Let us then begin this meditation with these three theatrical characteristics, the search for the dream beyond reality, the expressive relationship of theatre with its audience, and the sudden and violent turn of events, all defined in time and place. And within these poetics, let us offer our scenario.

On 12 June 2009, the Islamic Republic of Iran held its tenth presidential elections. While the elections were distinguishable in many ways from previous ones,<sup>6</sup> what marked their particular significance in the international scene was the civil unrest that resulted from allegations of electoral fraud. By conservative estimates, the repression of demonstrations in Iran led to more than 70 deaths<sup>7</sup> and over 4000 arrests in 2009 alone.<sup>8</sup> That year, there were five sets of mass trials,<sup>9</sup> four of which were held in August<sup>10</sup> and the fifth in September.<sup>11</sup> Each hearing brought to court over one hundred detainees on charges divided into three main groups: "plotters, intriguers, and planners of the riots", "the antagonists and those affiliated to foreign services", and "the opportunists, hooligans, and hoodlums who set ablaze, or destroyed private and public properties, and those that have had a hand in disturbing public security".<sup>12</sup>

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<sup>6</sup> Campaigning intensity, presidential debates, and a general relaxation of social freedoms prior to the elections day, are of significant factors that varied from previous elections.

<sup>7</sup> Fredrik Dahl and Hashem Kalantari, "Iran's Mousavi Tells Government to end Intimidation," *Reuters*, November 22, 2009, <http://www.reuters.com/article/GCAIran/idUSTRE5AL0VQ20091122?pageNumber=2&virtualBrandChannel=11624>

<sup>8</sup> International Campaign for Human Rights in Iran, "Campaign's UPR Submission," September 14, 2009. <http://www.iranhumanrights.org/2009/09/upr-submission/>

<sup>9</sup> Fars News Agency, "Fifth Group of Detainees go on Trial Tomorrow," September 13, 2009. <http://english.farsnews.com/newstext.php?nn=8806221093>

<sup>10</sup> Fars News Agency, "Iran to Continue Trial of Post-Elections Detainees," August 24, 2009. <http://english.farsnews.com/newstext.php?nn=8806021356>

<sup>11</sup> Fars News Agency, "Fifth Group of Detainees go on Trial Tomorrow," September 13, 2009. <http://english.farsnews.com/newstext.php?nn=8806221093>

<sup>12</sup> Ibid.

The charges imply, first, that the protests were organized and planned, second, that they were subject to foreign influence, and third, that they were violent. The defendants' confessions, extracted by whatever means, were meant to confirm all of this. Confessions of this sort have been characteristic of the Islamic Republic, but they follow a pattern that we can trace back to the beginnings of the modern era in Iran (certainly at least from 1921).<sup>13</sup> What is distinctive about the August and September trials is that their depiction of the protests is so radically different from how people domestically and internationally understood them. Perhaps for the first time in Iranian history trials and confessions almost entirely failed to convince domestic and sympathetic international audiences of their authenticity. After the banning of all foreign media after the first week of the protests in June 2009, citizen journalism alerted the world to the sporadic, spontaneous, grassroots, and peaceful nature of the protests. Against this background, the texts of the indictments and the following confessions depict a reality far from what the world witnessed: hence the common description of the judicial proceedings as “show-trials.”

Inside Iran, this sense of disbelief is manifested in protestors chanting “confessions, tortures, are no longer effective.”<sup>14</sup> Further, in Tehran, households have made organized attempts to shut down the city's electricity grid at the broadcasting times of the confessions, by simultaneously plugging in all their electronic appliances.<sup>15</sup> As

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<sup>13</sup> See Ervand Abrahamian, *Tortured confessions: prisons and public recantations in modern Iran*, (Berkeley: University of California Press, 1999).

<sup>14</sup> “Ghods 3.” Video clip, [www.youtube.com](http://www.youtube.com), [Isfahan, Sept 18, 2009], <http://www.youtube.com/watch?v=5jLDp3d70Y8>.

<sup>15</sup> Farnaz Fassihi, “Iran Opposition Finds New Way to Protest,” *The Wall Street Journal* July 8, 2009 <http://online.wsj.com/article/SB124701049387008635.html> The article extends only as far as indicating that “Protesters have been asked to create a possible electrical blackout in Tehran by plugging in all their household electric appliances exactly at the same time;” but multiple Farsi weblogs understand this “same

well, even officials in the conservative camp, namely Mohsen Rezaie, a former commander of the Revolutionary Guard and a conservative candidate in the presidential race, have criticised the trials.<sup>16</sup> Of course, neither the theatricality nor the cruelty of the trials have been undermined by any means. Among the most notable of such references is the letter of an imprisoned journalist, Mehdi Mahmoudian, to the Supreme Leader, detailing the preparations in the days leading to the trials, ranging from horrific accounts of torture and rape, to practice sessions in the courtroom and facial hair adjustments “in accordance with their roles.”<sup>17</sup> As Gary Sick, the principal White House aide for Iranian affairs during the Iranian Revolution and the hostage crisis, has stated, “very few people in Iran or elsewhere are willing to accept the confessions as genuine.”<sup>18</sup>

Outside Iran, the trials are repeatedly compared with the 1936-38 Moscow show trials,<sup>19</sup> in which though initially many thought the arrests, trials, and executions of “the enemies of the state” were just, by 1937, Stalin had instilled the “pervasive fear” which came to be known as the Great Terror.<sup>20</sup> The international community, drawing on the

time” to be when either Ahamdinejad’s live speeches, or confession shows, are broadcasted from national television.

<sup>16</sup> Farnaz Fassihi, “Tehran Court Tries Top Reformists,” *The Wall Street Journal*, August 4, 2009. <http://online.wsj.com/article/SB124925705086800229.html>

<sup>17</sup> Mehdi Mahmoudian, “Mehdi Mahmoudian’s letter to the leadership in about the occurred disasters in the prisons,” *Kaleme*, May 10, 2011, <http://www.kaleme.com/1390/02/20/klm-57610/> Translated by author.

<sup>18</sup> Gary Sick, “Iran’s Chilling Show Trials,” *The Daily Beast*, August 14, 2009. <http://www.thedailybeast.com/blogs-and-stories/2009-08-14/irans-chilling-show-trials/2/>

<sup>19</sup> CNN, “Iran’s Show Trials,” August 9, 2009.

<http://www.cnn.com/video/#/video/us/2009/08/09/gps.iran.show.trials.cnn>

The Washington Post, “The Spectacle in Tehran,” August 4, 2009. <http://www.washingtonpost.com/wp-dyn/content/article/2009/08/03/AR2009080302558.html>

Gary Sick, “Iran’s Chilling Show Trials,” *The Daily Beast*, August 14, 2009.

<http://www.thedailybeast.com/blogs-and-stories/2009-08-14/irans-chilling-show-trials/2/>

Cory Flintoff, “Show Trials not Playing Well with Iranian Public?,” *NPR*, September 1, 2009.

<http://www.npr.org/templates/story/story.php?storyId=112441500>

Roger Hardy, “Iran Show Trials Make Sorry Spectacle,” *BBC News*, August 27, 2009.

<http://news.bbc.co.uk/2/hi/8223239.stm>

<sup>20</sup> Robert W. Thurston, “Fear and Belief in the USSR’s “Great Terror”: Response to Arrest, 1935-1939,” *Slavic Review*, Vol. 45, No. 2 (Summer, 1986), 219.

vivid memories of Stalin and the Maoist Red Guards, has for the most part condemned the human rights abuses that led to these trials, or just ignored them. NGOs such as Human Rights Watch, Reporters without Borders, and Amnesty International and many more<sup>21</sup> have repeatedly condemned the arbitrary arrests, detentions, and forced confessions that led to convictions in the show trials.<sup>22</sup> As early as November 2009, the Human Rights committee of the UN General Assembly passed a resolution condemning the post-election human rights abuses in Iran, including the judicial processes.<sup>23</sup>

Despite such negative reactions, confession remains a primary demand of the authorities upon the arrests of activists. If, as Karim Sadjadpour states, “confessions aren't being taken seriously by anyone but a relatively small group of hard-line supporters of Ahmadinejad;”<sup>24</sup> and if there is such a wave of domestic and international condemnation of the trials, how can we account for these proceedings? What set of political relationships enable the trials? What purposes do the trials serve? How have the Iranian officials come to be so determined to produce confessions or truths which are widely acknowledged to be lies? What is at stake in such performances? What is in fact

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<sup>21</sup> A total of 109 human rights groups appealed to the UN General Assembly to support the 25<sup>th</sup> resolution condemning Iran's human rights record. See International Campaign for Human Rights in Iran, “UN Resolution Condemning Iran's Human Rights Violations Moves Forward,” November 20, 2009. <http://www.iranhumanrights.org/2009/11/un-resolution-moves-forward/>

<sup>22</sup> Amnesty International, “Iran Must Overturn Sentences Issued by Post-Elections Show Trials,” October 21, 2009. <http://www.amnesty.org/en/news-and-updates/news/iran-must-overturn-sentences-issued-post-election-show-trial-20091021>

Human Rights Watch, “Iran: Show Trial Exposes Arbitrary Detention,” August 4, 2009. <http://www.hrw.org/en/news/2009/08/04/iran-show-trial-exposes-arbitrary-detention>

Reporters without Borders, “Arrests of journalists since disputed June election now top 100,” November 5, 2009. <http://www.rsf.org/Arrests-of-journalists-since.html>

<sup>23</sup> International Campaign for Human Rights in Iran, “UN Resolution Condemning Iran's Human Rights Violations Moves Forward,” November 20, 2009. <http://www.iranhumanrights.org/2009/11/un-resolution-moves-forward/>

See also the 23 September 2009 Report of the Secretary General on “The situation of human rights in the Islamic Republic of Iran.” <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/521/86/PDF/N0952186.pdf?OpenElement>

<sup>24</sup> Cory Flintoff, “Show Trials not Playing Well with Iranian Public?,” *NPR*, September 1, 2009. <http://www.npr.org/templates/story/story.php?storyId=112441500>

the dream of this theatre and how is the performance affecting the theatre, its audience, and its dream?

Posed in this way, I approach the problem at times juxtaposing the particular set of the 2009 trials with the broader political performativity of the theatrical court. In many ways, the empirics of the former and the theoretization of the latter co-develop one another throughout this work. In this sense, this project entails three conceptual aims. First, I attempt to situate the Iranian confessions in a biopolitical and thus modern theoretical framework. By the ambiguous term ‘modern’, I mean the specific ways in which the concepts of sovereignty and history have worked to produce a particular order in our understanding of political space and time. A second aim is thus to expand the standard readings of Michel Foucault’s notion of biopolitics such that it can account for sovereignty in the juridical sense, and history in a philosophical sense, as contributing discourses to the emergence of a biopolitical phenomenon as such. While Foucault presents a series of historical transformations in order to arrive at biopolitics, my intention is, in a way, to reverse his move: that is, to begin at a particular biopolitical site and explore the processes, forces, and discourses that it in turn enables and reproduces. This further conditions my final objective, which is to trace how the theatrical court redefines that by which it is defined. If the confessions are a performative act, which they are, then they have the capacity to transform the very thing they confess.<sup>25</sup> It is my intention to think through the possibilities of this transformation.

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<sup>25</sup> The nature of the ‘the performative’ is here taken from Derrida’s notion of “performative interpretation.” See Jacques Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning and the New International*, trans. Peggy Kamuf, intro. Bernd Magnus and Stephen Cullenberg, (New York and London: Routledge, 1994), 63

In this context, I argue that the theatrical court of the Iranian trials is a biopolitical phenomenon enabled by modern discourses of sovereignty and history, but also one that itself performs the peripeteia of the simulacrum of sovereign power and the hauntology of history. The theatrical court in this specific time and place at once reproduces and disrupts its own theoretical structures, and this is the aesthetics of theatre as it simultaneously represents and undermines the reality upon which it constructs itself. The sudden violent reversal, cancelation, paroxysm, turn, or *coup*, present in many stages of the trial, is essential to Jean Baudrillard's theory of the simulacrum and Jacques Derrida's hauntology. These two thinkers provide for me key penetrative passages into Foucault's thought, not necessarily as a critique of biopolitics, but in understanding precisely its discursive limits.

For Foucault, biopolitics is the governmental-population-political economy power/knowledge matrices that historically follow the disciplinary society of early modernity and the sovereign polity of pre-modernity. Biopolitics marks a sharp historical shift from sovereign power over death towards biopower over life, its regulation, management, efficiency, and productivity. "For millennia," Foucault writes, "man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question."<sup>26</sup> And hence the discursive shift from the juridico-philosophical to the historico-political, the so called introduction of "life into history." Life, its preservation and progress, however, is determined by a broadly defined racism which identifies the nation against the enemy and thus "justifies the murderous function of the

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<sup>26</sup> Michel Foucault, *The History of Sexuality, Volume I: An Introduction*, tr. Robert Hurley, (New York: Vintage Books, 1990), 143.

state.”<sup>27</sup> The result, Foucault argues, is the emergence of political regimes, namely fascism and socialism, oriented towards the annihilation of the enemy race.

My interest in biopolitics begins here, where the ideological relationship between fascism, socialism, and the Islamism of the Iranian state offers a thread through which the violence of the Iranian regime may be studied. Chapter one, then, pursues the confession in biopolitical modernity and asks whether in this conception it is applicable to the case of Iran. Here, I argue not only that the Iranian confessions are biopolitical in the sense of the Foucauldian historical modes of domination which Darius Rejali maps in Iran, but also that a shift in techniques of torture towards psychological, white, or clean torture, particularly in the recent wave of the Iranian confessions, requires us to revisit the role of sovereignty in biopolitics. Where for Foucault torture was bound to the archaic sword of the sovereign, its biopolitical reappearance with an emphasis on the preservation of life, both of the tortured body and the *bios*, the one and the many, allows for a rethinking of the relationship between sovereignty and biopolitics beyond a historicization.

Biopolitics, it seems, is operational at the intersection of both sovereignty and governmentality. The task thus becomes, in the second chapter, to reconcile theories of sovereignty read through Carl Schmitt with governmentality and biopolitics. Foucault recognizes the rationality of government modernized in the “necessary, violent, and theatrical” character of the *coup d’Etat* as an exceptional but normative manifestation of *raison d’Etat*. He shares with Schmitt the concepts of the exception as that which defines the norm, and that of the enemy, as that which is necessary to politics. After all, is

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<sup>27</sup> Michel Foucault, *Society Must be Defended: Lectures at the College de France 1975-1976*, ed. Mauro Bertani and Alessandro Fontana, tr. David Macey, (New York: Picador, 1997), 256.

biopolitics not the biological foetus of politics as war?<sup>28</sup> In addition to politics and the political, however, there remains a final level, an uncommon commonality between sovereignty and governmentality, which biopolitically links the two. The juridical, for Schmitt a dependant of the sovereign decision, and for Foucault a discourse of the past, is perceived through the trials to entail both the decision of a centralized supreme authority and the series of dispersed power/knowledge *dispositifs*. Such apparatuses in turn function towards the biological preservation of both the legal institution itself and the population. *The force of law*, and indeed *the mystical foundations of authority*, in this sense, serve as the force of the preservation of the bios, disrupting any dichotomous opposition between the sovereign and the governmental, the origin and its representation.

But this requires the operationalization of all such forces, sovereignty, law, and governmentality, within one categorical imperative, if you will, referred to as “the paradox of sovereignty”. The paradox, which is itself enabled by a crisis of representation stemming from a foundational lack, is evident in the script of trials which are entirely based on narratives of foreign intervention. The political opposition is theatricalised into the biological enemy, and sovereignty is simulated into hyperreality to overcome its representational crisis. The resulting simulacrum of power, depicting the theatrical court as a system of mirrors, infinitely reflecting images and iterations of law, sovereignty, and governmentality, itself has a peripeteiaic effect. It reverses the reality principle of power itself, disembodying the space that lays claim to its manifestation.

The performance however, is not complete before a final judgment: a finality that belongs to history, at least to a modern philosophy of it. Chapter three begins with

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<sup>28</sup> Foucault begins his lectures which end in biopolitics, with the inversion of Clausewitz’s famous statement on war to posit that “politics is the continuation of war by other means.” See *ibid*, 15.

this philosophy particularly drawn from the Moscow show trials. History as understood as linear, teleological, and progressive, structures the violent march towards an end, itself justified by the claimed objectivity of history proper. On the one hand, there seems to be an alignment of the trials with justice and thus the end of history: history is written by the victors, and to be favoured by history's judgement is to be triumphant. In this way, the confession, especially that of the "believers of the revolution," is the confession of defeat in the court of history. This becomes the theatre's dream. On the other hand, itself at once a historical and a theatrical product, the confession ruptures the linearity of time.

Here, I turn to Derrida's hauntology, to work through the final *coup* in this theatre. The apparition of the absurd on the stage of the court transfigures the subject of confession into a mechanical object, but one that speaks both autonomously and automatically, one that will neither recognize itself in the mirrors of the court nor be recognized: in Derrida's words, it is a spectre. The spectre is a figure that has survived. It has survived history in the body of an idea, an idol, and indeed in ideology from 1936 Moscow to 2009 Tehran, but it has also survived this very torturous transformation by which it will perform the never delivered promise of the revolution. The phantasmagoria, itself historically haunted and haunting history, will thus also perform the disjuncture, the displacement of time; for, what is a spectralization if not a dislocation of time? And this, Derrida argues, is the only opening for the possibility and, by the same token, the impossibility of justice. It is in this very timely hope and despair that the promise of justice-to-come is realized.

In the final scene of *this* theatre, we are left with spectres in simulacrum. Ghost detainees, invisible wounds, and haunted performers and audiences; we are left in the

terror of cruelty. But so what? One may ask. To this haunting question, I will answer, that at stake here are two things: a modern Iranian problematic which is too seldom understood as such, and further a more general need to rethink the contemporary organization of political space and time.

## Chapter One: Modernity's Confession

“GENTLEMEN OF THE ACADEMY:  
You have honoured me with your invitation to submit  
a report to the Academy about my former life as an ape.”  
-Frantz Kafka, *A Report to an Academy*

“You will either die, or become human!”  
-Hossein Taeb (IRGC Intelligence Officer) to Ali Afshari (student activist)

“The truth will set you free.”  
-Heading of the Ministry of Intelligence's interrogation slip.

The confession has assumed various expressions and functions historically and geographically. Iranian political confessions approximately beginning from the rise of the Pahlavi dynasty in the 1920s have assumed a particularly modern form. In this chapter, I argue that Foucault's concept of biopolitics helps us understand this particularity of the modern Iranian confessions in its form, while there may be substantial differences with what Foucault presented as a biopolitical confession. In this chapter, I pose the following questions: What is biopolitics in Foucault's thought and how can we understand modernity through this concept? What is a modern confession in its forms and functions? Are the Iranian confessions a modern phenomenon as understood through biopolitics? And finally, how can we situate the Iranian show-trials within this theoretical context?

This chapter consists of two parts. In the first, I grapple with theories of biopolitics and modernity in order to define a modern confession. Here, I address Foucault's historical classifications of power, in its sovereign, disciplinary, and

biopolitical forms. I further look into various types of confessions, in regard to their functions and techniques, in an attempt to situate them within the biopolitical framework. To this end, I propose that in order to understand and analyse the three categories of national security, juridical, and civic confessions, we need to move beyond Foucault's limitation of biopolitics as a historico-political discourse, and rethink the ways in which philosophico-juridical discourses also act as forces through which the *bios* is normalized.

In the second part of this chapter, I trace a brief genealogy of modernity, biopolitics, and confession in Iran, arguing that biopolitics as understood to be operating within both of the said discourses provides an important framework for understanding the Iranian show trials. Here, I engage with a prominent argument that depicts the 2009 trials as a political miscalculation of the Iranian regime, positing that the trials were performed in a juridical and historical continuity which requires further investigation into these relations.

### **Biopolitics and Confession**

In a lecture series titled *Society Must be Defended*, Michel Foucault posits the discursive shift in literatures concerning the State in the period to which he reluctantly refers as modernity. He argues that philosophers of the Middle Ages and seventeenth century theorists including Hobbes continuously reproduced the sovereign's right in the "philosophico-juridical discourse" of the State.<sup>29</sup> Moreover, history was only written in the service of the glories and heroisms of the sovereign. In the eighteenth century, however, Foucault observes a transition to a "historico-political discourse" wherein other

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<sup>29</sup> Michel Foucault, *Society Must be Defended: Lectures at the College de France 1975-1976*, ed. Mauro Bertani and Alessandro Fontana, tr. David Macey, (New York: Picador, 1997), 51.

subcultures such as the nobility, the bourgeoisie, and eventually the revolutionaries begin to write history in terms of their own struggles.<sup>30</sup> In effect, this results in the politicization and thus subjectification of history, establishing a relationship between truth and force, and constituting the nation both as the subject and object of history.<sup>31</sup> This discursive transition which will be discussed in more depth in the following chapters, provides the frame of reference for tracing the genealogy of the modern confession in Foucault's thought.

In the *ancien regime*, Foucault argues, torture and confession were employed as means of maintaining the relationship between the sovereign and the criminal: spectacles of punishment which perform the acknowledgement of sovereign power. The subject's right to life is determined by the sovereign power to kill, and thus, to transgress the sovereign's rule is to infringe upon this sovereign right, an act that requires the prince's retributive response in order for power to be restored.<sup>32</sup> As well, Foucault speaks of a classical judicial culture up to the nineteenth century, wherein the confession was the most highly regarded form of proof, and the recognition of responsibility that it entailed designated the only way in which punishment could be complete.<sup>33</sup> The premodern confession then, existed as part of a double process of judicial and sovereign right: the ritual of truth worked in consistency with the ritual of punishment resulting in a juxtaposition of public confessions and penal ceremonies.<sup>34</sup>

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<sup>30</sup> *Ibid.*, 52.

<sup>31</sup> *Ibid.*, 53.

<sup>32</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Allan Sheridan. (USA: Vintage Books, 1977).

<sup>33</sup> *Ibid.*, 39.

<sup>34</sup> *Ibid.*, 42-44

This spectacle of truth and power manifested in torture and confession reformulates itself in early modernity in the seventeenth and eighteenth centuries as disciplinary power. In this period, Foucault argues, there emerged a series of power mechanisms such as surveillance, classification, and economic rationalization which centered on the individual body. To make bodies docile by the most efficient means was to normalize the body vis-a-vis social institutions.<sup>35</sup> The prison, the factory, the school, the hospital, and the military emerged as the architectures of control<sup>36</sup> in which the confession served as the refined technique of what he refers to as the “anatomy-politics of the human body.”<sup>37</sup> Whereas classical sovereign-politics was concerned with a rather ceremonial triumph of absolute sovereign power and in effect worked to spectacularly efface the body of the criminal subject through death, anatomy-politics recreated the social enemy as the deviant whose body was to be individualized and disciplined.

In the nineteenth century however, Foucault marks an instance of “massification”, shifting from the conception of “man-as-body” to “man-as-population.”<sup>38</sup> In this transitory moment, he extracts traces of a technology centered on life, one that attempts to control the events of the mass. What he names the “biopolitics of the population,”<sup>39</sup> both contrary and supplementary to anatomy-politics, no longer individualized the human body in order to discipline the subject, but regrouped the populace together in order to regulate life. “This is a technology which aims to establish a sort of homeostasis, not by training individuals, but by achieving an overall equilibrium that protects the security of

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<sup>35</sup> Foucault, *Discipline and Punish*, Part III.

<sup>36</sup> *Ibid.*, Part IV.

<sup>37</sup> Foucault, *The History of Sexuality, Volume I: An Introduction*, tr. Robert Hurley, (New York: Vintage Books, 1990), 139.

<sup>38</sup> Foucault, *Society Must be Defended*, 243.

<sup>39</sup> Foucault, *The History of Sexuality: Volume I*, 139.

the whole from internal dangers.”<sup>40</sup> On the other hand, its most vivid contrast to sovereign-politics is its complementing of “sovereignty’s old right- to take life or let live” with the new right of “make live and let die.”<sup>41</sup> Biopolitics inverts absolute sovereignty’s ritual of death into a ritual of life. “Death now becomes, in contrast, the moment when the individual escapes all power, falls back on himself and retreats, so to speak, into his own privacy. Power no longer recognizes death. Power literally ignores death.”<sup>42</sup> The modern confession in this context, still preoccupied with the joint performance of truth and power, but now functioning as a regulatory mechanism, became one of the technologies through which the security of the population as whole can be maintained.

In this biopolitical modernity, three rather broad and overlapping categories of confessions can arguably hold political implications. Interestingly, this categorization loosely parallels Darius Rejali’s classification of torture in democracies into the three models of national security, juridical, and civic discipline.<sup>43</sup> The first category is that of the confessions that are presumed to provide information or intelligence, whether judicial or extra-judicial, resistance to which is often regarded as an act of heroism by the subject and his/her affiliates. These are confessions that both geographically and nationally subject the “outside”, most common in either in the colonies or from the enemy during war. The most encountered case of this form relates “terrorism” and the (non)intelligence gathered from the detained “enemy combatant.” This is often the zone around which an ethics of torture is debated and thus where the established modern positive self is distinctly posited against its other. The second has come to be known as judicial

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<sup>40</sup> Foucault, *Society Must be Defended*, 249.

<sup>41</sup> *Ibid.*, 241.

<sup>42</sup> *Ibid.*, 248.

<sup>43</sup> Darius Rejali, *Torture and Democracy*, (Princeton: Princeton University Press, 2007), Chapter 2.

“cooperation;” it inherits the two functions of *proof* and *responsibility* from its premodern predecessor. Particularly in the context of criminal prosecution, the confession assumes the role of the most prominent element of conviction and the simultaneous condition for the most lenient sentencing. And the final category is that of the medical, psychiatric, pedagogical, and overall administrative confessions functioning as apparatuses of knowledge and thus power. These are proliferations of knowledges from which a norm is derived, based on which society is disciplined, regulated and effectively normalized.<sup>44</sup> Foucault identifies these practices as the modern remnants of the Christian confession without self-sacrifice, insofar as they maintain the elements of *guilt* and *obligation* introduced by Christianity.<sup>45</sup>

Foucault arrives at his theory of biopolitics through this final category of the confession. He argues that the effects of the force of the sovereign and the law, in other words, the repressive character of the philosophico-juridical, has given way to a proliferation of the normalizing apparatuses of modernity precisely through truth production enabled by scientific-administrative confession. In this context, we may consider two contrary propositions in order to understand the former two categories. On the one hand we may consider that if the force of sovereignty and law belong to premodern times, then confession under such forces is an ancient, backward, and barbaric practice.<sup>46</sup> On the other hand, we could offer a critique of Foucault’s temporal

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<sup>44</sup> Foucault, *The History of Sexuality: Volume I*,

<sup>45</sup> Michel Foucault, “About the Beginning of the Hermeneutics of the Self: Two Lectures at Dartmouth,” *Political Theory* 21, No. 2 (May, 1993), 207.

It’s important to note here that Rejali’s Civic Discipline Model of democratic torture does not rely on Foucauldian institutional disciplinarity where torture is generally absent; he rather draws on police and private security interactions at the margins of society. See *Ibid.*, 55-60.

<sup>46</sup> The term “barbaric” is used here precisely as Foucault distinguishes it from “savage”. In this sense, the barbarian is someone who is “outside civilisation” whether spatially or temporally. See Foucault, *Society Must be Defended*, 195.

externalization of the philosophico-juridical theses and investigate the ways in which these forces, too, are operating at the level of biopolitics. Under the latter condition, that is, if we are indeed speaking of a sovereign and juridical force that posits the nation as its subject and object, and is concerned primarily with the nation's condition of life as it is negatively related to the enemy race<sup>47</sup>, then the first claim which identifies repressive sovereign practices as “archaic” or “barbaric” fails.

In limiting himself to the confessional practices which are assumed to be “liberating” and thus entirely voluntary and progressive, Foucault demonstrates the residual relations of power embedded in a Christian culture of confession that work as enabling conditions of systems of domination through the production of knowledge. This is where he is able to locate the modern reformulation of power from *force* to *knowledge*, and also to offer a critique of the conception of liberal rationality, what Foucault terms “governmentality,” as emancipatory.<sup>48</sup> He repeatedly notes, however, that the historical transformation of power does not necessarily indicate a disappearance of sovereign or juridical force but rather their increasing insignificance up to the moment of the totalitarian state, both in its fascist and socialist form. It is at this level in which biopower, that is, sovereign power in a “generalized” sense, “unleashed throughout the

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It is also important to note here that “barbaric” is a common reference in the description of the Iranian trials by English language commentaries especially throughout public posts. In the Persian language commentaries the term which often immediately follows the show-trial is “medieval”. See for example, Jason Cowley, “The Barbarism of Ahmadinejad’s Iran,” *The New Statesman Rolling Blog*, Aug 15, 2010. <http://www.newstatesman.com/blogs/the-staggers/2010/08/ahmadinejad-iran-ashtiani> or *JARAS*, “Relatives of green movement prisoners protest against the ‘theatrical and medieval trial’ in a statement,” Aug 25, 2009, <http://www.rahesabz.net/story/765/> Translated by author.

<sup>47</sup> The term “race” is used by Foucault to represent a very broad mechanism of social classification which is often assumed to have some biological underpinnings but does not necessarily do so. Some of these categories include ethnicity, class, criminality, sexual degeneracy, mental illness, etc. See Foucault, *Society Must be Defended*, 254-257.

<sup>48</sup> Michel Foucault, *Security, Territory, Population: Lectures at the College de France 1977-1978*, tr. Graham Burchell, ed. Arnold Davidson, (New York: Palgrave, 2009)

entire social body” in the form of racism, emerges.<sup>49</sup> An important contradiction arises here. If it is the case, as Foucault presents, that sovereign power is on the retreat, then how can it be simultaneously massifying and spreading itself throughout the nation? In other words, must it not be the case that the juridico-philosophical discourse is complementary to the historico-political rather than its inversion? Indeed, could we imagine power relations in which force and knowledge are not only compatible but necessary conditions for the possibility of the relation itself, such as the law?

The “force of law,” to use a Derridian critique,<sup>50</sup> is in this sense, neither antithetical, prior to, nor irrelevant to the biopolitical protection, management, and multiplication of life, but precisely its limit condition. Life is both regulated and “enforced” through the language of the law which moves the juridical away from death. On the other hand, those who are juridically outside, risk subjection to death whether through international war or domestic persecution. And conversely, this outside is negotiated if not determined by the racism which performs the functions of the fragmentation and the purification of the *bios*.<sup>51</sup> It is through this understanding of the relationship between sovereign-power and biopower that we can account for the use of force in the confessions at the level of the biopolitical.<sup>52</sup> In this sense, the remaining two categories of the confession, with which Foucault does not engage, can as well be read biopolitically. The juridical model of the confession falls within the legal jurisdiction, as a mechanism of the force of law, and the national security model becomes that which

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<sup>49</sup> Foucault, *Society Must be Defended*, 259-260.

<sup>50</sup> Jacques Derrida, “Force of Law: The Mystical Foundation of Authority,” in *Acts of Religion*, ed. and intro. Gil Anidjar (New York & London: Routledge, 2002), 230.

<sup>51</sup> Foucault, *Society Must be Defended*, 255.

<sup>52</sup> The discussion of the interplay of sovereignty and law in biopolitics is carried forward into the second chapter.

subjects the non-legal subject, under the legal force of non-law. In the latter, the confessor<sup>53</sup> is deemed biologically outside the law and its protection against illegal torture.

Insofar as this force generally takes the form of torture in the national security model of the confession, the re-emerging significance of torture in biopolitics, of biopolitical torture, signals the emergence of specific techniques suited to the biopolitical. Whereas modern torture is a phenomenon that is not supposed to be, one without a *raison d'être* both constitutionally and internationally, it assigns the confession as its signifier. Here arises one of the most significant distinctions between (classic) torture that *is* and (modern) torture that *is not*. Visibility as a marker of intelligibility looks to delineate premodern torture from modern non-torture *vis-à-vis* the presence and the absence of the spectacle. While the spectacularity of the confession still performs its theatrical presence in domains such as public apologies, intelligence announcements, and reports to the academy,<sup>54</sup> the classical spectacle of torture has given way to a non-presence, a void, an emptiness, and a silence of that which we recognize today as “white” or “clean” torture.

White torture is present yet invisible and thus rendered as non-present. Its re-presentation particularly in the work of art allows for imaginative insight in conceptualizing this modern phenomenon. In 2007, Gregor Schneider inspired by internet

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<sup>53</sup> The term “confessor” is hereon used to designate the confessing subject and not the one who hears the confession as in the Catholic tradition.

<sup>54</sup> The case of Khalid Sheikh Muhammad, the Guantanamo Bay detainee who, after having endured extreme torture for over a year, became a main CIA resource holding “terrorist tutorials” for intelligence officers is one example in mind. See [Peter Finn, Joby Warrick and Julie Tate](#), “How a Detainee Became an Asset: Sep 11 Plotter Cooperated after Waterboarding” *The Washington Post*, August 29, 2009. <http://www.washingtonpost.com/wp-dyn/content/article/2009/08/28/AR2009082803874.html> Of particular interest are the CIA reports performing as the victorious public announcement of the tortured confessions: [http://www.washingtonpost.com/wp-srv/nation/documents/Detainee\\_Reporting.pdf](http://www.washingtonpost.com/wp-srv/nation/documents/Detainee_Reporting.pdf) Note the uncanny familiarity of the case with Frantz Kafka’s human-ape. See “A Report to an Academy,” [1917], in *The Metamorphosis and Other Stories*. Trans. Stanley Applbaum. New York: Dover Publications, 1996, as cited in the opening of this chapter.

photos of Guantanamo Bay, installed an architectural exhibition in Dusseldorf titled *White Torture*. The spatial embodiment recreates the physical conditions of possibility for the phenomenon thus rendering it present while simultaneously remaining loyal to its most distinguishable principle of absence. The rooms at once bring into existence all that is imagined of white torture and dissipate into absence any traces of the human body within them.<sup>55</sup> They are “suspiciously clean, sterile even,” and at times “clinical” making them devoid of any past or present occupation.<sup>56</sup> In this structure without a subject Schneider captures the aporia of modern torture. The space empty of all narrative but that of presence transforms, without replacing, the standard carceral concern with individuality into the constitution of space by society as a whole: it is the deadly space which is to guarantee the security of life.

And here lies the logic of the biopolitical *par excellence*: death is present yet invisible. This is where we become conscious of the presence of “ghost detainees—nameless, faceless beings” that have threatened the existence of the whole and are thus confronted with non-existence.<sup>57</sup> The paradox is of course that as observers *we* are inside the structure that renders the individual invisible. In fully sound-proof rooms without any windows to the outside, “nothing can penetrate and remain within these interiors, for it instantly bounces back off the clinical reflective surface in a process that negates time and scuppers any attempt at [spatial] orientation.”<sup>58</sup> There exists only one interior, one

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<sup>55</sup> See figure 1.1 and 1.2 extracted from Gregor Schneider, Julian Heynen and Brigitte Kolle, *Weisse Folter* (Köln: Walther König, 2007), 58-9.

<sup>56</sup> *Ibid.*, 15, 39.

<sup>57</sup> *Ibid.*, 40.

<sup>58</sup> Here Kolle is referring to the experience of the loss of all sense of time and space, in the secluded “inside”. See *Ibid.*, 41.

inside in which one is caught up, without even a glimpse possibility of an outside.<sup>59</sup> But this inescapable space is not one of death, but rather precisely that which preserves the life of both the ghosts and the living. A final thought which a curator leaves us with on Schneider's work: "Does it not seem somehow inappropriate to encounter 'the greatest terror' in the halls of [this] 'beautiful illusion'?"<sup>60</sup>

**Figure 1. 1- Gregor Schneider: White Torture Exhibition.**



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<sup>59</sup> *Ibid.*, 42.

<sup>60</sup> *Ibid.*, 46.

**Figure 1. 2- Gregor Schneider: White Torture Exhibition.**



**Figure 1. 3- Gregor Schneider: White Torture Exhibition.**

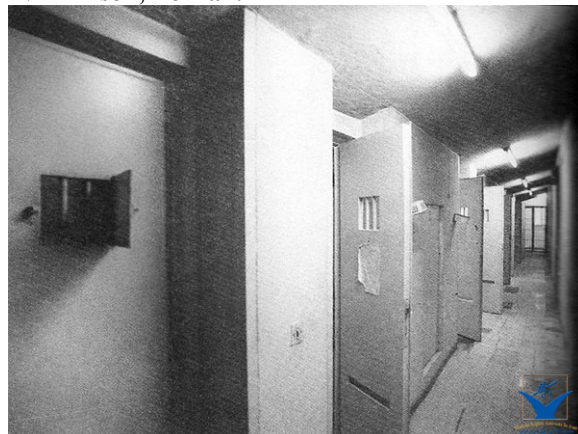


**Figure 1. 4- Internal view of a solitary cell, section 209, Evin Prison, Tehran.**



**نمای داخلی سلول انفرادی بند 209**

**Figure 1. 5- View of one of the 209 corridors, Evin Prison, Tehran.**



**نمای یکی از کریدورهای ۲۰۹**

**Figure 1. 6- External view of solitary cells, section 209, Evin Prison, Tehran.**



This very “inappropriate” encounter of the greatest terrors in beautiful illusions has perhaps long become appropriate to or rather appropriated by the modern subject, particularly in the context of the show-trial. Consider for example, the Soviet Great Terror, where the modern confession must be performed within the illusionary aesthetics of an independent court.<sup>61</sup> Prior to and during the second World War, the Moscow show trials constituted the single largest instance of white torture.<sup>62</sup> The clean technique, however, first appeared within the democratic aesthetics of British military punishments, American penal institutions and military, and British and French policing and military operations in the colonies.<sup>63</sup>

In the most comprehensive empirical study of modern torture titled *Torture and Democracy*, Darius Rejali offers a series of hypotheses about the reasons for the preliminary democratic attraction towards white torture. Of them, he argues, that the most applicable explanation is the “priority of public monitoring” in democratic states.<sup>64</sup> Interestingly, however, he notes a shift in the 1960s and 70s along with the rise of international and universal human rights monitoring agencies, wherein more states including authoritarian regimes turn to clean torture. “The Turn” as Rejali refers to it, is not one brought about by the advancement of science and technology.<sup>65</sup> Clean torture, despite its modern nature, consciously restricts itself to low technology on the one hand, and to unscientific and non-universalized methodologies on the other hand, to maintain

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<sup>61</sup> “The Great Terror” refers to the Stalinist purge of dissidents from 1936 to 1938, which is also the period in which the Moscow show trials were taking place. See Robert Conquest, *The Great Terror: A Reassessment*, (Oxford: Oxford University Press, 1990).

<sup>62</sup> Rejali, *Torture and Democracy*, 80-83.

<sup>63</sup> *Ibid.*, 406-407.

<sup>64</sup> *Ibid.*, 409-413.

<sup>65</sup> *Ibid.*, 422.

its clandestine character.<sup>66</sup> Its two-fold peculiarity of scarlessness and logistical ease (non-requirement for medical attention) can then be said to belong to the realm of political aesthetics rather than that of science.

It is significant here, however, to distinguish between the influence of science in the micro and the macro technologies of the tortured confession. Rejali's analysis of modern torture as a craft rather than a science<sup>67</sup> appeals to the micro-empirics of the operation and spread of white torture techniques, yet the macro relationship between the scientific and technological revolutions and the rise of democracies and human rights monitoring regimes, precisely the vocation of politics as a science, remains unexplored. In other words, the scientific processes at work in the emergence of modern juridical formations, as Foucault has identified them, cannot be taken for granted. In fact, it is Rejali himself, the political scientist, who in an earlier work introduced the entrance of Western modernization into Iran through scientific and disciplinary techniques. What follows in the remainder of this chapter is thus an analysis of the 2009 Iranian show-trials in accordance with the established biopolitical characteristics of the modern confession.

### **Situating the Iranian Confessions**

In his book titled *Torture and Modernity* Rejali, following Foucault's footsteps, highlights two historical moments marking the transition of Iranian society from a classical penal system into modernity. Most striking about this study is that these transitory moments were not accomplished through the two Iranian revolutions in the twentieth century, that is, the Constitutional Revolution of 1906-1911 and the Islamic

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<sup>66</sup> *Ibid.*, 423-430.

<sup>67</sup> *Ibid.*, 420.

Revolution of 1979. Rather, he broadly situates the two-step move away from the *ancien regime*, in the decades surrounding the 1891-1892 Tobacco Revolts and the 1953 military coup.<sup>68</sup> Both events signalled an intense interjection of Western thought, the first into the Iranian society and through the introduction of science, and the second into state apparatuses via the discourse of security.<sup>69</sup>

In the eighteenth and nineteenth century Qajar Iran, punishment as the exercise of the Shah's absolute "power of life and death over his subjects" constituted a political, ethical, as well as legal ritual.<sup>70</sup> Criminal offenses were not only threats to royal power but also "violated the justice of Allah."<sup>71</sup> Thus the royal punishment as "the judicial production of order"<sup>72</sup> was focused not only on the total coercion of the body, but on the body's proper behaviour in accordance with religious law (*Shari'a*) and traditional customs and law (*'Urf*).<sup>73</sup> The move beyond the body and onto individual life, liberty, and expression, and the consequent mechanization of pain, however, occurred particularly in the establishment of town prisons in the period between 1885 and 1900.<sup>74</sup> Rejali genealogically traces the new penal style to the emergence of "disciplinary matrices" beginning with the establishment of the first modern university, the *Dar-ul-Fonun* or the House of Science in 1851.<sup>75</sup> With the increase in the British and French

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<sup>68</sup> The Tobacco Revolts were the first organized mass protest in Iranian modernity against the state granting the monopolous right of the tobacco trade to a British citizen. The 1953 coup marked the joint British and American intelligence engineered coup against the Oil Nationalization movement led by the time Prime Minister Mohammad Mossadeq, his expulsion from power and the reinstallation of Muhammad Reza Shah. See Darius Rejali, *Torture and Modernity: Self, Society, and State in Modern Iran*, (Boulder: Westview Press, 1994), 135.

<sup>69</sup> *Ibid.*, 78.

<sup>70</sup> *Ibid.*, 27.

<sup>71</sup> *Ibid.*, 29.

<sup>72</sup> *Ibid.*, 21.

<sup>73</sup> *Shari'a* and *'Urf*, *Ibid.*, 24.

<sup>74</sup> *Ibid.*, 34.

<sup>75</sup> *Ibid.*, 35.

visits to Iran, the oriental “obstinate,” “retrograde,” “perfidious” and “receptive, but lazy” Persian character was to be transformed into a “trim,” “regulated, and useful body.”<sup>76</sup> And from this period onwards and by the invitation from European educators, Iranian disciplinary society began to be instituted through military, political, medical, moral, progressive, penal, police, tribal, and rural reforms.<sup>77</sup>

By the 1930s, Iran had passed through the Qajar dynasty, the Constitutional Revolution, and the coming to power of Reza Khan through the military coup of 1921. The restoration of a new political order entailed early leanings towards concern for the life of the body politic. Between 1934 and 1965, the Iranian population doubled with considerable changes in infant mortality, disease, drug and alcohol use, urbanization, and economic productivity.<sup>78</sup> However, it was not until after the 1953 coup through the large systematic presence of UN officers and US aid and advisors that rigorous modernization particularly through biopolitics was under way. Two important instances are 1957 and 1963. In 1957 the National Intelligence and Security Organization (SAVAK) was established with the aid of the Mosad and the CIA as part of the new knowledge-force nexus. And in 1963 Mohammad Reza Shah launched the White Revolution introducing a series of reforms in areas including, food safety, health policies, urbanization, educational reforms, and social security. By this time it was clear that disciplinary society was incongruent with the Iranian public as factories, universities, prisons, and tribes more often created resistors and recidivists than docile bodies.<sup>79</sup> On the one hand, this led to the development of “carceral practices” in which torture was utilized in order to

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<sup>76</sup> *Ibid.*, 39.

<sup>77</sup> *Ibid.*, 43-62.

<sup>78</sup> *Ibid.*, 93.

<sup>79</sup> *Ibid.*, 64.

*neutralize* and *depoliticize* rather than reform the subject.<sup>80</sup> On the other hand and much more widespread, various “tutelary practices” took center-stage in state policy infiltrating all aspects of life including educational, medical, social, policing and penal services.<sup>81</sup>

This was the crucial biopolitical environment on the basis of which Rejali makes the claim that torture in both carceral and tutelary practices did not varied much prior to and after the Islamic Revolution of 1979. The modern confession in this sense has functioned in various ways, at times neutralising opposition to authority, and in other instances pasteurizing the soul; recantation, the condemnation of others, police recruitment, psychological degradation, the extraction of information, the admission of guilt, and cooperation with the regime, are all functions of the confession that were carried out continuously before and after the revolution based on the political strategy of neutralisation or pasteurization.<sup>82</sup> The biopolitical inversion of the power of death fully installed itself during the Pahlavi period and remained operative throughout the Revolution. Whereas in the Qajar period, “death confirmed the juridical process;” during the Pahlavi reign “death undermined the penal apparatus and attested to the deceased’s fortitude.”<sup>83</sup> Insofar as death was welcomed by the victim as martyrdom, it confirmed a successful resistance. In the aftermath of the Revolution, too, the imperative remained “not to take life, but to maintain it for as long as possible on the threshold of death. As in prior decades, death is treated as a failure to purify the soul.”<sup>84</sup>

This leaves us with a series of questions as we attempt to understand the post-revolutionary confession in Iran. First, if biopolitics inverts the politics of death, then

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<sup>80</sup> *Ibid.*, 66-67.

<sup>81</sup> *Ibid.*, 83-133.

<sup>82</sup> *Ibid.*, 113-121.

<sup>83</sup> *Ibid.*, 76.

<sup>84</sup> *Ibid.*, 116.

what are we to make of the 1980s massacre of political prisoners, and the ongoing executions of ethnic minorities and the so called “socially degenerate”?<sup>85</sup> Second, what of the re-emergence of Islamic law and punishment? Third, what is the relationship between clean torture and Iranian biopolitics? And finally, how do the 2009 confessions relate to previous similar practices in the Islamic Republic and how can we understand the operation of biopolitics in this trajectory?

The mass executions of the 1980s in Iran, which were for the most part legitimated for domestic and international audiences through the confessions of opposition leaders, are awfully reminiscent of fascism and socialism. Foucault addresses the problem of mass murder in biopolitics in his discussion on racism. While the framework of racism seems very limited in understanding phenomenon such as Stalinism or the Iranian massacres, insofar as it demonstrates the necessity of the destruction of the other as an indispensable precondition of the preservation of the *bios*, for Foucault it

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<sup>85</sup> An estimated 7,000-30,000 political prisoners were executed in the 80s particularly in 1981 as anti-revolutionaries and in 1988 as Mojaheds (members of Peoples Mojahedin of Iran (PMOI), leftist Islamist opposition group operating from Iraq and allegedly assisting Iraq during the Iran-Iraq war). The lowest estimate collects the result of the compilation of several Amnesty International Reports, See *Ibid.*, 123. And the highest estimate comes from various opposition groups. See Christina Lamb, “Khomeini Fatwa Led to the Killing of 30,000 in Iran,” *The Telegraph*, 04 Feb 2001, <http://www.telegraph.co.uk/news/worldnews/middleeast/iran/1321090/Khomeini-fatwa-led-to-killing-of-30000-in-Iran.html>

Also in January 2011, the International Campaign for Human Rights in Iran reported that in the two week period since the beginning of the new year in that month, one person had been executed every eight hours in Iran. See “Iran on Execution Binge,” 16 Jan 2011, <http://www.iranhumanrights.org/2011/01/iran-on-%E2%80%9Cexecution-binge%E2%80%9D-immediate-moratorium-urged/> This was followed by a statement from the Iranian Ministry of Foreign Affairs declaring that 80 percent of the executed have been drug traffickers. See “Foreign Affairs Speaker’s Response to Recent Executions,” *The Green Way Movement (Jaras)*, 10 Feb 2011, <http://www.rahesabz.net/story/32208/> As well, the 2010 annual report of the Iran Human Rights Organization outlines that 66 percent of the total of 546 executions in 2010 were of people convicted on drug trafficking charges (many of whom are Afghan), followed by conviction for “enmity with God,” rape, murder, immoral (sexual) acts, and kidnapping. See “Annual Report of Death Penalty in Iran in 2010,” 23 Feb 2011, <http://iranhr.net/spip.php?article1984>. All text in original Persian translated by author.

becomes that which “alone can justify the murderous function of the State.”<sup>86</sup> The killing of “the inferior” is, in this sense, not a destruction of the enemy but an annihilation of the enemy’s species, and by the same token, a regeneration of healthier and purer biopower.<sup>87</sup> Hence, in the earlier years of the revolution, Iran experienced Ayatollah Khomeini’s attempt to purge all enemies of Islam “most rapidly” and his encouragement of others who disagree with him to leave the country. And in the aftermath of the 2009 elections, Ayatollah Khamenei famously referred to the protesters “social and political germs” against which the nation “vaccinated” itself.<sup>88</sup>

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<sup>86</sup> Foucault, *Society Must be Defended*, 256.

<sup>87</sup> *Ibid.*, 257.

<sup>88</sup> The official website of The Office of the Supreme Leader, “Enemy has Targeted Public Faith, Loyalty” 19 Oct 2010, <http://www.leader.ir/langs/en/index.php?p=contentShow&id=7370> It becomes important to note here that the biopolitical language is not limited to the state apparatus. The following work of a prominent Iranian cartoonist demonstrates the engagement of dissidents with such apparatuses and their limitations.

Figure 1. 7- Mana Neyestani: One Execution Every Eight Hours.<sup>89</sup>



Bottom/right: “One execution every eight hours for the Islamic Republic.” Top/left: “Your virus has become resilient, these once-every-eight-hours antibiotics are no longer effective!”

The apparent reversion to Islamic punishment alternatively raises a question of technique. Like most modern states, the Islamic Republic attempted relentlessly to distance itself from torture on the one hand, and from its *ancien regime* on the other. Thus the repackaging of torture under Islamic punishment served a much more rhetorical and tutelary purpose that it did a technical one. Rejali states, for instance, that over ninety

<sup>89</sup> Mana Neyestani, “One Execution Every Eight Hours,” *Mardomak*, Cartoon 139, <http://www.mardomak.org/cartoons/full/59598> Translated by author. (If reading in the print version, please note that there are green-color dots on the officer’s arm and face representing “the germs”).

percent of the executions of the Mujahedin between 1979 and 1985 were carried out by firing squads, a method introduced as part of the Western penal reforms during the late Qajar period rather than by the Quran.<sup>90</sup> Moreover, by the 1990s, Iranian police had accomplished their adaptation of clean torture techniques “with great skill.”<sup>91</sup> An interesting interview in this regard compares the experience of two prisoners, Farrokh Negahdar, a former head of leftist Organization of People’s Fedaian (Majority), imprisoned for ten years under the Shah, and Saeed Pourheydar, journalist and activist, who was arrested in the 2010 post-election crackdown and sentenced to five years imprisonment. In the discussion, Negahdar names severe flogging as the primary torture technique for confessions during his incarceration, while Pourheydar identifies various white torture techniques, such as rape threats against prisoners and their families, mock executions, and prolonged solitary confinement, as primary techniques for the same purposes.<sup>92</sup> It is also the case not only that Amnesty International<sup>93</sup> and Human Rights Watch<sup>94</sup> have increasingly recorded cases of white torture in Iran, but that the Iranian police have themselves announced in a press conference on 29 Sept 2010 that they are

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<sup>90</sup> Rejali here offers a great extended discussion of various tortures techniques according to the Islamic Penal Code such as flogging and amputations, both with respect their use in the Pahlavi period, and in comparison with traditional punishments such as burying prisoners alive or burning individuals with candles in the flesh. See Rejali, *Torture and Modernity*, 121-126.

<sup>91</sup> Rejali, *Torture and Democracy*, 409.

<sup>92</sup> Saeed Pourheydar and Farrokh Negahdar, Interview. The Sixth Hour, Radio Farda, 28 May 2011, <http://www.radiofarda.com/audio/broadcastprogram/318793.html> translated from original Persian by author.

<sup>93</sup> Amnesty International, *Helping to Break the Silence: Urgent Actions on Iran*, April 2004. <http://www.amnesty.org/en/library/info/ACT60/008/2004>

<sup>94</sup> “Like the Dead in Their Coffins: Torture, Detention, and the Crushing of Dissent in Iran.” *Human Rights Watch* 16, no. 2(E), June 2004. <http://www.hrw.org/reports/2004/iran0604/5.htm>

rigidly enforcing the use of “technical methods” as opposed to “physical methods” to obtain confessions from the accused.<sup>95</sup>

This official codification, if you will, of white torture particularly after the 2009 elections unrest renders yet another peculiarity about the 2009 trials and confessions. If biopolitical matrices have been operative in Iran for at least the past five decades reaching their peak during the 1980s massacre, how can we understand the radical new public reaction to the 2009 trials in relation to the wider culture of political confessions in modern Iran? In other words, how are these confessions peculiar insofar as they signal state attitude towards biopower?

On 29 October 2009, Ervand Abrahamian sponsored by the Simon Fraser University’s Centre for the Comparative Study of Muslim Societies and Cultures, lectured on “Show Trials in Iran.”<sup>96</sup> In this lecture, Abrahamian conducted a comparison of the Iranian show-trials of the 1980s<sup>97</sup> with those of 2009, in which he found two similarities: the stressing of the dangers of the “hidden foreign hand,” and the superiority of the Islamic ideology and hence an emphasis on conformity. He argued that in the 1980s these two objectives were reconcilable with the political context of the time for four reasons. First, the fear of foreign involvement was very present; various political factions were openly working with the Soviet Union, and a US reaction to the revolution, similar to the 1953 CIA coup, was still expected. Second, the 1980s were marked by a

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<sup>95</sup> *BBC Persian*, “Iranian Police: Physical Methods of Confession-Taking are Discontinued.” Sept 29, 2010. Translated by author.

[http://www.bbc.co.uk/persian/iran/2010/09/100929\\_107\\_iran89\\_police\\_persecute.shtml](http://www.bbc.co.uk/persian/iran/2010/09/100929_107_iran89_police_persecute.shtml)

<sup>96</sup> Ervand Abrahamian, “Show Trials in Iran,” (Lecture, Simon Fraser University, Center for the Comparative Study of Muslim Societies and Cultures, Mirhady Endowed Lectures in Iranian Studies, October 26, 2009). See <http://www.sfu.ca/ccsmc/past.htm>

<sup>97</sup> Most of his premises on the 1980s show-trials can also be found in Ervand Abrahamian, *Tortured Confessions: Prisons and Public Recantations in Modern Iran*, (Berkeley: University of California Press, 1999).

highly charged ideological atmosphere, due to both Cold War politics, and the domestic rivalry of Islam with Marxism-Leninism. Third, due to communications limitations, the general public were unaware of the stage productions that were employed for these shows. And finally, the trials assumed an attentive public since the *e'teraf* – which in Persian has a double meaning of confession and/or recantation - was understood as a sign of weakness, not only of the person but of the ideology.<sup>98</sup>

Abrahamian continues to illustrate that in 2009 none of the above factors were present, and that instead there was a boomerang effect of public sympathy for the confessors. First, the Iranian paranoid psyche had diminished as Iran has built itself into a major power in the region; there no longer is a Soviet threat; and conspiracy theories have become too repetitive for a young demographic who has no memory of foreign involvement. Second, the ideological intensity has been dissolved, with Marxism lending its threatening weight to theories of Weber, Habermas, post-structuralism, and feminism. Third, since the birth of the Islamic Republic, the dissidents of the 80s and the reform movement of the 90s have produced a “new genre of prison literature,” that has informed the public of the horrific conditions of prison life. Finally, with the accessibility of such literature, a shift away from the age of heroism has taken place which now associates confessions with torture as opposed to truth.<sup>99</sup>

Having outlined this difference, Abrahamian concludes that today, the Iranian authorities are simply repeating their own foot-steps on a path that proved itself viable in the past, but they are doing so without any conceptualization of the contemporary sociological transformations of their audience, leading them to failure. To this argument,

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<sup>98</sup> Ervand Abrahamian, Lecture

<sup>99</sup> *Ibid.*

however, I would propose that the positioning of the 2009 show trials against those of the 80s is missing a series of dynamic transformations in the confession-taking processes, which took place during the show-trials of the reform movement beginning with the arrests in the aftermath of the 2000 Berlin Conference on "Iran after the Elections".<sup>100</sup> These trials and confessions can be categorized into four sets:<sup>101</sup> First, were the post-conference confessions (though not limited to conference participants), including those of journalists Ebrahim Nabavi and Masoud Behnoud in 2000,<sup>102</sup> the 2001 confessions of conference participants, Ezzatollah Sahabi, a 70 year old journalist and leader of the religious-nationalist party, and Ali Afshari, a student representative from the Office of Consolidation of Unity,<sup>103</sup> and the 2002 confessions of intellectuals namely Hossein Ghazian, Abbas Abdi, and Siamak Pourzand.<sup>104</sup> The second wave was that of the 2004 crackdown on cyber-journalists, which led to the confessions of Shahram Rafizadeh, Omid Memarian, Javad Gholam Tamimi, and Roozbeh Ebrahimi.<sup>105</sup> The third group were

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<sup>100</sup> The conference was organized by the German government in order to improve Iranian-German relations after the 1997 election of the reformist government of President Khatami. Many reformist intellectuals participated in the conference, most of whom were arrested upon their return to Iran. See Hasan Yousefi Eshkevari, Ziba Mir-Hosseini, Richard Tapper, *Islam and democracy in Iran: Eshkevari and the quest for reform*, (New York: IB Tauris, 2006), 36-38.

<sup>101</sup> I owe the intellectual debt of this four-stage categorization to Roozbeh Mirebrahimi, journalist and researcher, who was one of the confessors in 2004.

<sup>102</sup> *Human Rights Watch*, "Like the Dead in Their Coffins," June 6, 2004, <http://www.hrw.org/en/node/12125/section/8>

<sup>103</sup> A total of 15 intellectuals and activists were arrested upon their return from the Berlin Conference, two of whom were forced to confess. Amnesty International, *Amnesty International Report 2002 - Iran*, 28 May 2002, <http://www.unhcr.org/refworld/docid/3cf4bc134.html>

<sup>104</sup> *Iran Human Rights Documentation Center*, "Mockery of Justice: The Framing of Siamak Pourzand," August 2008, <http://www.iranhrdc.org/english/publications/reports/3153-mockery-of-justice-the-framing-of-siamak-pourzand.html?p=14>

The confessions of Dr. Ghaziyan and Mr. Abdi concerned the "surveying case" wherein their research institute published the result of a survey determining that 74% of Iranians are in favour of relations with the US while Ali Khamenei had stated that the Iranian people are against such relations. See Mitra Shojaei, "Confession: 'Where the Interrogator is God'," *Deutsche Welle*, February 07, 2009, <http://www.dw-world.de/dw/article/0,,4451020,00.html> translated by author.

<sup>105</sup> In 2004, a total of 21 journalists and bloggers were arrested of which 20 accepted the charges against them under extreme pressure. Only 4 were however indicted and forced to make public confessions. See *Iran's Human Rights Documentation Center*, "Forced Confessions: Targeting Iran's Cyber Journalists, September

the 2006-7 confessions of academics with foreign links, namely the confessions of Iranian-Canadian professor Ramin Jahanbegloo, and of the Iranian-American scholars, Haleh Esfandiari and Kian Tajbakhsh.<sup>106</sup> Finally in 2009, there we witnessed the confessions of high-ranking reformist officials Mohammad Ali Abtahi, a former vice-president under Khatami, and Mohammad Atrianfar, a former deputy minister, along with other journalists, activists, and protesters.<sup>107</sup>

What is interesting in these four waves of confessions is the way in which Iranian authorities progressed and evolved in each wave from the previous one, in order to make the confessions more accessible to their audience. During the 80s, as Abrahamian describes, the recantations were arranged during imprisonment; they were entitled roundtables, discussions, debates, or interviews, and were filmed in the notorious Evin prison's large auditorium in the presence of other prisoners.<sup>108</sup> During the first wave of the reformist confessions in 2000-2002, however, since in principle the idea of reform could not itself be labelled "counterrevolutionary," and hence a more lenient audience was expected, the confessions assumed an evolved form. In this period, the prisoners were still incarcerated as they recanted, and the "interviews" were conducted in studio-like settings, on a one-on-one basis, and without a live audience. The second wave of reformist confessions in 2004, further took into consideration the question of authenticity

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2009, p.11. <http://www.iranhrdc.org/httpdocs/english/pdfs/Reports/Forced%20Confessions%20-%20Targeting%20Iran%27s%20Cyber-Journalists.pdf>

<sup>106</sup> Ramin Jahanbegloo was arrested in 2006, however, his confessions were broadcasted in a documentary along with Esfandiari and Tajbakhsh. Amnesty International, MDE 13/048/2006, <http://www.amnesty.org/en/library/asset/MDE13/048/2006/en/045d6efa-fa07-11dd-b1b0-c961f7df9c35/mde130482006en.pdf> The latter two were arrested in 2007 along with Parnaz Azima and Ali Shakeri, journalist and peace activist, both US-Iranian nationals, but only the academics were forced to confess. *Ibid.*, MDE 13/064/2007, <http://www.amnesty.org/en/library/asset/MDE13/064/2007/en/ceffd922-7e65-4c18-b603-c74b3ec33634/mde130642007en.pdf>

<sup>107</sup> Amnesty International, "Over 100 Iranians Face Grossly Unfair Trials," August 4, 2009, <http://www.amnesty.org/en/news-and-updates/news/over-100-iranians-face-grossly-unfair-trials-20090804>

<sup>108</sup> Abrahamian, *Tortured Confessions*, 143.

and was served up to a changing public opinion. In order to make the recantations seem more genuine, the confessions of bloggers were each publicized after each blogger's release from prison. These confessions were held as the condition of release for the next prisoner in the group and were prepared as voluntary interviews with the press.<sup>109</sup> It followed that the third wave of recantations in 2006 and 2007 not only were televised once the prisoners were freed, but they were gathered together in a documentary titled "In the Name of Democracy" with the confessors characterized as "experts" offering their opinions in their homes and offices.<sup>110</sup> Moreover, these confessions were also published by ISNA (Iranian Students News Agency), which is a prominent reformist medium.<sup>111</sup>

Thus, we witnessed a series of modifications in the conduct of confessions geared precisely to make "the Truth" intelligible to the domestic audience. Such efforts met with considerable receptivity from the public,<sup>112</sup> and encountered none of the massive backlash that was a determining characteristic of the 2009 confessions. In this most recent wave of confessions, however, the progressive contextualization of the mechanisms of the confession spectacle have for the most part disappeared. Their styles

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<sup>109</sup> *Iran's Human Rights Documentation Center*, "Forced Confessions: Targeting Iran's Cyber Journalists," p. 14.

<http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Forced%20Confessions%20%20Targeting%20Iran%27s%20Cyber-Journalists.pdf>

<sup>110</sup> The second part of the 90 minute montage documentary is available on Google videos. See *The Political Group of the Islamic Republic of Iran Broadcasting's (IRIB) Channel one*, "In the Name of Democracy," <http://video.google.com/videoplay?docid=4028699621645069761#> Translated by author. See also Hossein Derakhshan, "TV confessions undermine the reality of American plans to destabilise Iran," *The Washington Post*, July 19, 2007.

[http://newsweek.washingtonpost.com/postglobal/hossein\\_derakhshan/2007/07/tv\\_confessions\\_undermine\\_the\\_r.html](http://newsweek.washingtonpost.com/postglobal/hossein_derakhshan/2007/07/tv_confessions_undermine_the_r.html)

<sup>111</sup> *Reuters*, "Iran Sees 'Soft Revolution' in US Academic's Work," May 21, 2007.

<http://www.reuters.com/article/politicsNews/idUSN2136312520070521>

<sup>112</sup> This sense of public reception is mostly gathered through personal interviews with former confessors on the extent to which they felt their confessions were received in their own social networks. With the exception of Ramin Janbegloo, whose social network mostly consists of academics and political elites globally, others thought that the confessions significantly demolished their reputation among friends, colleagues, and associates.

of staging are much more similar to those in the 1980s: the confessions are read in court, in large groups, and with other prisoners as audience, while the confessors remain incarcerated; they are then asked to answer a few questions in group press conferences outside the courts, while they remain in prison uniforms.

The confession has now come full circle back to its biopolitical peak in the 1980s, when we witnessed fragmentation and purification through execution on its largest scale to date. This procedural return signals a re-strengthening of the enabling conditions of the biopolitical as fragmentation and purification in the aftermath of the elections. What is obvious is the re-surfacing of explicit opposition en masse for the first time since the beginning of the revolution, and thus the re-emergence of the “enemy threat.” More interesting, however, is the Iranian government’s casting of the enemy as not only ideologically identical to, but also biologically related to the executed *monafeghin*<sup>113</sup> or the “degenerates” deemed worthy of annihilation during the 1980s.<sup>114</sup>

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<sup>113</sup> The term literally means ‘hidden infidels’ and has been utilized in the Islamic Republic as the defining category of both the monarchists and the People’s Mujahedin Organization (PMO).

<sup>114</sup> To date, five political prisoners have been executed in the aftermath of the elections, who were directly or indirectly related to the protests. Mohammad Reza Ali-Zamani and Arash Rahmanipour were arrested prior to the elections but tried in the first post-election show trial. They were charged with “enmity against God” for “confessing” to membership in the Monarchist Association of Iran (API). See International Campaign for Human Rights in Iran, “Sudden and Unannounced Execution of Two Political Prisoners,” 28 Jan 2010 <http://www.iranhumanrights.org/2010/01/sudden-and-unannounced-execution-of-two-political-prisoners-audio-interview-with-attorney/> Jafar Kazemi and Mohammad Ali Hajee Aghae who were arrested during the protests were also executed on charges of “enmity against God” for membership in the PMO. See *Ibid*, “Two Post-Election Protesters Hanged,” 24 Jan 2011 <http://www.iranhumanrights.org/2011/01/two-protesters-hanged/> Finally, Zahra Bahrami, a Dutch/Iranian citizen also arrested during the protests, was executed on drug charges to which she had also made a televised confession. See *Ibid*, “Lawyer in Shock over Dutch-Iranian Client’s Execution,” 29 Jan 2011, [http://www.iranhumanrights.org/2011/01/zahra\\_bahrami\\_executed\\_tehran/](http://www.iranhumanrights.org/2011/01/zahra_bahrami_executed_tehran/)

Also, following the Feb 14, 2011 national protests, which were relatively smaller than the 2009 protests, Iranian authorities and pro-government websites increasingly claimed that the protesters were the “families” of the previously executed *monafeghin*. See “Presence of the families of *monafeghin* in the Israeli riots,” *The Voice of the Revolution*, 16 Feb 2011, [http://www.nedayeenghelab.com/index.php?option=com\\_content&view=article&id=4923:1389-11-27-10-26-42&catid=108:1389-08-20-05-23-38&Itemid=805](http://www.nedayeenghelab.com/index.php?option=com_content&view=article&id=4923:1389-11-27-10-26-42&catid=108:1389-08-20-05-23-38&Itemid=805) Translated by author.

The relapse into the original forms of confession performances is however *not* indicative of a government failure to account for a transformed sociopolitical body. Rather, given the successive attempts of the state to reconcile confession mechanisms with their audience during the reform movement, this relapse signals something greater than a simple miscalculation: a less pressing concern of the state with the society's acceptance of the confessions as such. Whereas before the election protests, confessions were structured to produce intelligible truths, in the 2009 trials they were brought back but with the concern for intelligibility regarded as irrelevant, and replaced with a performative ideal: the theatre must be performed *in time* and *in place*- before the next protests and within the Revolutionary Court. All else seems to have been secondary.

This chapter set out to understand the show-trial in relation to biopolitics and modernity. Foucault has much to offer in way of this consideration. He clearly put forth that sovereignty, discipline, and biopolitics are not mutually exclusive forms of power but that rather the latter is a product of a temporal transition from juridico-philosophical discourses into historico-political discourses. It seems, however, that the modern categories of confession, although biopolitical in technique and function, cannot be limited to the latter historical discourse. We will further investigate this limitation in the following chapters.

The Iranian confessions too, as we have seen, have been a mechanism of a penal system which had itself experienced the Foucauldian power matrices, particularly through Western interventions into Iranian modernity. Just as the penal system has taken a radically new form since Qajar days, the forced confession as well has assumed new

identities. The new exercise of biopower signals the use of force for the preservation and the health of the *bios*. It seems as if the theatrical court is to serve as a kind of a healing process for the infected –through neutralization and depoliticization- but of course only for those who do not belong to the enemy race, that is, the anti-revolutionaries and social and sexual degenerates. This otherwise clean politics of life is most compatible with its clean enforcement: the increasing use of white torture marks another one of such radical departures from pre-modern Iran.

Finally, there arises a question of strategy. If indeed the theatrical court cannot be simply dismissed as historically backward, can it be analysed and to a large extent disregarded as a strategic failure? On the grounds on which the argument for this failure is based, I have proposed that this reading of the trials is empirically limited. Studying the chain of political confessions from the 1980s onward reveals a continuous attempt at impressing public perception with the authenticity of the trials. However, the 2009 confessions seem to be preoccupied with different concerns than the earlier sets. In the following chapters, I will follow through with the theoretical investigation of the paradigmatic operations of Sovereignty and History as grounds for the urgency of the trials in place and time.

## Chapter Two: Sovereignty's Trial

“For only once in your entire life, trust the Intelligence Ministry of your country.”  
 -Ministry of Intelligence interrogator to Shabnam Madadzadeh (student activist)

“When I asked how could you do all this to extract confessions, I was told, ‘according to the founder of the revolution, the preservation of the regime is the *a priori* priority’.”  
 -Conversation between Abdollah Momeni and his interrogator

If we understand the Iranian show trials as a biopolitical phenomenon, the following move is to explore the discursive structure of this phenomenon. This chapter considers the role of sovereignty and law, via the discourse of the philosophico-juridical, in its relationship to biopolitics. Is it the case, as Foucault has argued, that this discourse has lost its significance, or that in fact it functions as an organizing principle of politics par excellence and its performative categories? What is this discourse of which we speak? What are its foundations and functions? What is its status in being?

To address these questions I pursue the relationship of the philosophical and the juridical to biopolitics separately. That is, I initially investigate the ways in which Carl Schmitt's theory of sovereignty may be reconciled with Foucault's theory of governmentality. An emerging possibility from this comparison is that which both theorists discount from their analyses: the law. I look to explore the relationship between the juridical and sovereignty on the one hand, and governmentality on the other through

Derrida's essay on law. The law, in this sense, enacts as the force of the preservation of the bios, linking the sovereign and the governmental through representation.

These initial meditations allow us to theorize biopolitics at its moment of extreme violence, for our purposes manifested in the performance of the trials, not as an outcome of an entirely separate process rooted in the historico-political, but precisely as the intersection of the two discourses. Where the interjection of sovereignty and law enables the state, and similarly where the interjection of history and politics enables the nation, biopolitics operates to preserve both, the nation-state. The problem though resides not in the temporal transformation of power from the former to the latter, but in the crisis of foundation and representation which the philosophico-juridical undergoes. This crisis in turn attempts to overcome itself in simulation, providing the spatial formation in which the Iranian trials perform sovereignty.

In this chapter, I argue that at the peak of biopolitical phenomenon rests not a simultaneous retreat and proliferation of sovereignty, but a double simulation of law and sovereignty into what Baudrillard refers to as the hyperreal. The Iranian trials in this sense are but trials of simulation into the simulacrum of sovereignty performing the *juridico-political*.

### **Biopolitical Sovereignty**

In rethinking sovereignty's role in biopolitics, let us consider the two concepts of sovereignty and governmentality independently, particularly keeping in mind their dichotomous polarity upon which both Schmitt and Foucault often rely in order to distinguish the two.

Governmentality is for Foucault a practice rooted in the Christian pastorship derived from the metaphor of the good shepherd who is concerned with the well being of his flock.<sup>115</sup> He explains three particular set of relationships between the Christian pastorate and the concepts of salvation, the law, and the truth which enable governmentality. Rather than guaranting salvation, the Christian pastorate is a form of power that is concerned with the manipulation of the conduct of both the collective and the individual lives of men.<sup>116</sup> What Foucault refers to as “the subtle economy of merits and faults” thus focuses on the problem of circulation without a teleological guarantee of salvation: “in the end, God decides.”<sup>117</sup> Secondly, writes Foucault, Christianity’s relationship to the law was one of “pure obedience” which repudiated any legal foundation and constituted itself on “God’s will.”<sup>118</sup> Obedience as such dictates a relationship of submission, but not one with a finalized end.<sup>119</sup> Lastly, Christianity’s teachings of the truth were directed at daily conduct, involved a spiritual direction which was not voluntary, was permanent and did not lead to a self-mastery, and focused on the production of a specific type of hidden truth from each individual soul -which he elsewhere refers to as the confession.<sup>120</sup> In this context, he defines governmentality:

First, by “governmentality” I understand the ensemble formed by institutions, procedures, analyses and reflections, calculations, and

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<sup>115</sup> Michel Foucault, *Security, Territory, Population: Lectures at the College de France 1977-1978*, tr. Graham Burchell, ed. Arnold Davidson, (New York: Palgrave, 2009), see lectures of February 8<sup>th</sup> and February 15<sup>th</sup>.

<sup>116</sup> *Ibid.*, 165.

<sup>117</sup> *Ibid.*, 173.

<sup>118</sup> *Ibid.*, 174.

<sup>119</sup> *Ibid.*, 175-177.

<sup>120</sup> *Ibid.*, 180-183. Foucault also extends his discussion of the Christian confession in *Discipline and Punish, History of Sexuality: An Introduction*. See also “On the Government of the Living,” In *Ethics: Subjectivity and Truth, Essential Works of Foucault 1954–1984*, ed. Paul Rabinow, (London: Penguin, 1994). And “The Confession of the Flesh.” In *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*. Ed. and trans. Colin Gordon, (New York: Pantheon Books, 1980).

tactics that allow the exercise of this very specific, albeit very complex, power that has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument. Second, by ‘governmentality’ I understand the tendency, the line of force, that for a long time, and throughout the West, has constantly led towards the pre-eminence over all other types of power –sovereignty, discipline, and so on- of the type of power that we can call ‘government’ and which has led to the development of a series of specific governmental apparatuses on the one hand, and on the other, to the development of a series of knowledges. Finally, by ‘governmentality’ I think we should understand the process, or rather, the result of the process by which the state of justice of the Middle Ages became the administrative state in the fifteenth and sixteenth centuries and was gradually ‘governmentalized’ [by the eighteenth century].<sup>121</sup>

In processes that Foucault names “counter-conducts,” particularly during the Protestant Reformation and Counter-Reformation, governmental reason was defined in contrast to the relations of God, nature, and the pastor, to their subjects; it was argued to be a self-perpetuating independent rationality absolutely external to natural or divine principles.<sup>122</sup> At this time, *raison d'état* constitutes the other end of this dimorphism in order to make intelligible “the type of rationality that will allow the maintenance and preservation of the state once it has been founded, in its daily functioning, in its everyday management.”<sup>123</sup> Given its internalized essentialism and its fundamental detachment from any external, prior, or subsequent nature, *raison d'état* and the art of government introduce a new temporality to the definition of political power. They “no longer pose a problem of origin: we are always already in a world of government, *raison d'état*, and the

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<sup>121</sup> Foucault, *Security, Territory, Population*, 108-109.

<sup>122</sup> *Ibid.*, 237.

<sup>123</sup> *Ibid.*, 238.

state.”<sup>124</sup> The state is the new face of perpetual peace.<sup>125</sup> The maintenance of this peace, is dependent upon the idea of “indefinite governmentality.”<sup>126</sup>

In this coming together of the reason of state and the rationality of government, the discrepancies in the notions of salvation, obedience, and truth are resolved. The problem of salvation is addressed through the *coup d'état*, that of obedience through “the conduct of conduct,” and that of truth, through the birth of statistics. The first of this set is however of most interest to this work. That is, the manifestation of *raison d'état* as *coup d'état* precisely to serve the purpose of the salvation of the State. Foucault defines *coup d'état* as the necessary, violent, and theatrical suspension of the law insofar as the law proves itself to be inconsistent with *raison d'Etat*.<sup>127</sup> Just as the role of “God’s will” in the pastorate, the State’s will or reason performed in the *coup* becomes the ultimate decider of salvation.

The *coup* is necessary just as politics is necessary, Foucault argues. It need not fall back onto any law, be it natural, positive, or divine, but is distinguished particularly from the latter as a kind of a philosophical necessity.<sup>128</sup> It is also necessarily violent, as *raison d'état* follows a logic of “selection and exclusion” and thus sacrifice, as opposed to the pastoral will requiring the salvation of each as the salvation of all.<sup>129</sup> Further, it is a theatrical performance insofar as it is “the irruptive assertion of *raison d'état*... which must be recognized immediately according to its real features, by extolling the necessity

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<sup>124</sup> *Ibid.*, 259.

<sup>125</sup> *Ibid.*, 260.

<sup>126</sup> *Ibid.*

<sup>127</sup> *Ibid.*, 261-265.

<sup>128</sup> Foucault uses the term “safety” once to describe this philosophical necessity. *Ibid.*, 263

<sup>129</sup> *Ibid.*

that justifies it.”<sup>130</sup> The *coup*’s theatricality is distinct from the religious character of the traditional ceremonies of the royalty in that it precisely *stages* the tragedy of the violent reality of the state.<sup>131</sup>

It is not only the case that here we are approaching the scenario of the show-trial as the necessary, violent, and theatrical manifestation of *raison d’état*,<sup>132</sup> but that indeed, the latter is rather closely aligned with Schmitt’s theory of sovereignty and exception. “Extraordinary action against ordinary law” defines both the parameters of the *coup* and the decision on the exception.<sup>133</sup> This brings us to the first conjunction between the theory of governmentality and that of sovereignty: politics. Insofar as politics for Schmitt is limited to the matter of state sovereignty, governmentality too marks the saturation of a preliminary form of modern sovereignty, *raison d’état*, with the rationality of government. The *coup* and the exceptional decision are both necessary for politics. They are both miraculous moments which define the norm, and without them, we find ourselves either in indefinite governmentality or everlasting parliamentary debate.<sup>134</sup> Both conditions are built upon a Weberian conception of bureaucratic/legal rationality which reduces politics to “economic-technical thinking” for Schmitt and “knowledge-power matrices” for Foucault.<sup>135</sup> In this way, liberalism as operative constitutionally and

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<sup>130</sup> *Ibid.*, 264.

<sup>131</sup> *Ibid.*, 266.

<sup>132</sup> The post-elections suppression was widely referred to as a *coup d’Etat* by bloggers, activists, and protesters. Namely, one of the street slogans during the protests called for the resignation of the “*coup d’Etat* government.” See “Friday 26 Tir,” Video clip, [www.youtube.com](http://www.youtube.com), [July 17, 2009], [http://www.youtube.com/watch?v=OUi9VE\\_jLXg](http://www.youtube.com/watch?v=OUi9VE_jLXg) Translated from original Persian by author.

<sup>133</sup> *Ibid.*, 261

<sup>134</sup> “The exception in jurisprudence is analogous to the miracle in theology.” See Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab, (Chicago: University of Chicago Press, 2005, [1985].), 36. On “everlasting discussion” see *Ibid.*, 63.

<sup>135</sup> *Ibid.*, 65.

juridically becomes the condition of the *depolitical* in the former, and understood in terms of political economy, the condition of the biopolitical in the latter.<sup>136</sup>

The second common ground between the two theories, and perhaps a more fundamental one, is that upon which both sovereignty and governmentality rest. The “concept of the political” and in turn the concept of the biopolitical share the friend/enemy distinction at their cores.<sup>137</sup> The antagonism is understood by Schmitt as that which allows one “to preserve one’s own form of existence.”<sup>138</sup> As a manifestation of such preservation, war “is the existential negation of the enemy,” he argues.<sup>139</sup> For his part, Foucault bases his theory of biopolitics on the inversion of Clausewitz’s war as a continuation of politics into politics as war.<sup>140</sup> Yet, the inversion echoes Schmitt’s critique of Clausewitz: “War has its own grammar but politics remains its brain,” writes Schmitt on the political decision that determines the enemy in war.<sup>141</sup> The biopolitical, by definition a variation of the political, is however not only formulated in the shared conception of the political, but also in the theorization of the biological. Schmitt too recognizes the nation as a referent object of the political.<sup>142</sup> The Foucauldian affirmation of the antagonism in the political eventually intertwines with discourses of nationhood, enabling the biopolitical condition which recognizes the enemy as the species in need of

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<sup>136</sup> I will return to the understanding of the juridical as the limit of sovereignty under “biopolitical law.”

<sup>137</sup> It is perhaps of significance to note that the term ‘enemy’ itself, in Persian *doshman*, is combined from *dosh-* bad, ugly, and *man-* essence, self, ego, I, translated collectively as ill-natured, mean-spirited. See *Dehkhoda* Persian dictionary online, s.v. “*doshman*,” <http://www.loghatnaameh.com/dehkhodaworddetail-0198cbe009ee4746a3db098871737e17-fa.html> Translated by author.

<sup>138</sup> Schmitt, *The Concept of the Political*, tran. & intro. George Schwab, (Chicago, University of Chicago Press, 2007 [1932]), 29.

<sup>139</sup> *Ibid.*, 33.

<sup>140</sup> Foucault, *Society Must be Defended*, 15.

<sup>141</sup> Schmitt, *The Concept of the Political*, 34, see footnote 14.

<sup>142</sup> *Ibid.*

annihilation. Thus the political and the biopolitical rely on fundamentally parallel categorical associations.

The third and the final point of convergence between sovereignty and governmentality is the domain of the juridical. This however is the odd commonality which is only common insofar as it is otherized by both thinkers. Schmitt critiques the “sovereignty of law doctrine” and interprets it as the “liberal negation of the state vis-à-vis law.”<sup>143</sup> Ultimately he reduces the juridical to the authority of the sovereign decision: “Like every other order, the legal order rests on a decision and not a norm.”<sup>144</sup> His particular critique of “association theory” described as the conception of community “based on associations and constituted from below, as an organization that did not need a monopoly of power and could thus manage without sovereignty,” comes to increasingly approximate Foucault’s critique of governmentality.<sup>145</sup> According to association theory, law is the power that as the *ultima ratio* keeps the state in check, but otherwise order is manifested in mature “self-government.” Schmitt recognizes the latter as the “historical-pedagogical... turn from discussion to dictatorship.”<sup>146</sup> He also finds the “ultimate guarantor” to be a close manifestation of the ultimate decider. To this end law cannot be the limit of the state but instead sovereignty becomes the constitutional condition of law. Now, let us recall that the Foucauldian turn towards governmentality was not only also historical and pedagogical, recognizing the juridical as a discourse of the past, but that in exploring the biopolitical condition, he finds that law has given way to the internalization

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<sup>143</sup> Schmitt, *Political Theology*, 21-22.

<sup>144</sup> *Ibid.*, 10.

<sup>145</sup> *Ibid.*, 25.

<sup>146</sup> *Ibid.*, 25-26

of political economy as the external limit condition of the *raison d'état*.<sup>147</sup> For both theorists, the juridical is subsumed into a philosophy of origin, hierarchicalized for Schmitt and temporalized for Foucault.

The three points of convergence of politics, the political, and the juridical, between sovereignty and governmentality thus provide us with mirror-like referential frames through which we can come to understand sovereignty itself as a biopolitical condition. This is neither to claim that the two modes of power are fundamentally of the same nature, nor is it an overlooking of Foucault's account of the "paroxysm" of biopolitical sovereignty in fascism.<sup>148</sup> Foucault too does not recognize these power mechanisms as mutually exclusive, and as Andrew Neal has argued "Schmitt's sovereign is by no means an absolute ruler, the king of Foucauldian legend, the centred front of power, but rather he who most successfully understands and expresses the prevailing, dominant and decisive truths and oppositions of the day."<sup>149</sup>

In thinking through the Iranian show-trials, I have found theoretical intersections and overlaps beyond the spatiotemporal paroxysm that Foucault reaches. As discussed in the first chapter, the show-trial is not an exceptional event, just as the *coup d'état* cannot be, nonetheless it is a decision. Therefore I find the necessity for a framework which not only synthesizes the two apparently opposing modalities of power, but one that seeks to follow the threads through which they enable one another. The most significant of these, particularly in the context of the theatrical court, is the domain of the juridical, which I have found to be theoretically subordinated to and thus excluded from the political and

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<sup>147</sup> Foucault, *The Birth of Biopolitics: Lectures at the College de France 1978-1979*, tr. Graham Burchell, ed. Michel Senellart, (UK: Palgrave Macmillan, 2008), 7.

<sup>148</sup> Foucault, *Society Must be Defended*, 260.

<sup>149</sup> Andrew Neal, "Foucault in Guantanamo: National, Sovereign, Disciplinary Exceptionalism, *Challenge: Liberty & Security*, April 12, 2005, <http://www.libertysecurity.org/article199.html>

hence the biopolitical. In what follows, I attempt to understand the ways in which the operation of the juridical may be read through biopolitics.

### **Biopolitical Law**

Law is biopolitical insofar as it is concerned with life and its regulation, and survival and its enemy, but not only of the *bios*, nor only of the sovereign, but of both in addition to itself. It is neither forceless nor decisive, understood à la Foucault and Schmitt, but rather both enforced and normalizing. It is through these three grounds, that is, law as an end in itself, its undecidability, and its enforcement, that I offer here a possible reading of law as the very Weberian rational connective between sovereignty and governmentality, and thus the biopolitical condition.

First, let us recall that the “legal” is the third and modern form of Weber’s three forms of “legitimations” in the “monopoly of the legitimate use of physical force.”<sup>150</sup> This legality is embedded in the “rational grounds” which define patterns of normative rules, establishing the “impersonal” institutional orders or “bureaucracies” to which obedience is owed.<sup>151</sup> Law thus becomes intelligible through bureaucracy. The bureaucracy in its “pure type,” is itself a monocratic institution with the hierarchical function of a “supreme authority” at its top.<sup>152</sup> It is precisely this characteristic which makes it of the most efficient and thus desirable forms of administration. The “free selection” of its officials in turn is based on technical knowledge which allows for

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<sup>150</sup> As opposed to charismatic and traditional legitimation/ domination/ authority. See Max Weber, “Politics as a Vocation,” in *From Max Weber: Essays in Sociology*, tr. & ed. H. H. Gerth and C. Wright Mills, (New York: Oxford University Press, 1946), 78-79.

<sup>151</sup> Max Weber, “The Types of Authority and Imperative Coordination,” in *Max Weber: The Theory of Social and Economic Organization*, tran. A.M. Henderson and Talcott Parsons, ed. Talcott Parsons, (London: The Free Press of Glencoe, 1947), 338.

<sup>152</sup> *Ibid.*, 332-3.

competition between individuals.<sup>153</sup> “Bureaucratic administration means fundamentally the exercise of control on the basis of knowledge,” writes Weber.<sup>154</sup> And thus in it lies the embodiment of both, a supreme decision making authority and the knowledge/power mechanism of control.

Moreover, Weber writes of a development of “secrecy” as the bureaucracy seeks to increase its superiority through knowledge, particularly “everywhere that the power interests of the domination structure toward *the outside* are at stake.”<sup>155</sup> Meanwhile, the efficiency of the system leaves little room for alternative forms of organization of resistance.<sup>156</sup> This is where the inward functionality of the bureaucratic-legal machine seeking its own self-preservation begins to be more clear especially in the Iranian trials. An interesting narrative is offered by Navid Khanjani, a student activist who was arrested and pressured to perform a confession in 2010.<sup>157</sup> In his interview with Gooya News, while released on bail before being handed a 12 year sentence, he describes a bureaucratic competition between the Iranian Ministry of Intelligence and the Revolutionary Guards’ intelligence unit in the detainment of human rights activists. He speaks of another activist, Behzad Mehrani, whose arrest by the Ministry of Intelligence was followed by a raid of his residence by the Revolutionary Guards a few hours later looking to arrest him. He also describes a similar attempt in reverse order of the agencies

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<sup>153</sup> *Ibid.*, 335-7.

<sup>154</sup> *Ibid.*, 339.

<sup>155</sup> Weber, “Bureaucracy,” *From Max Weber: Essays in Sociology*, 233. Emphasis in the original text.

<sup>156</sup> Weber, *Max Weber: The Theory of Social and Economic Organization*, 338.

<sup>157</sup> *Radio Zamaneh*, “Iran hands human rights activist 12 years in prison,” January 31, 2011, <http://www.radiozamaneh.com/english/content/iran-hands-human-rights-activist-12-years-prison>

for his own arrest.<sup>158</sup> We can see how the very bureaucracy through which the law becomes intelligible and indeed enforced faces a priority of its own interests of survival. To do so, it too must monopolize both force and knowledge just as its organizing principle, the law, must do so. In Derrida's words:

Whence the law's interest, for it does have an interest in laying itself down and preserving itself, or in representing the interest that, *justement*, it represents... it is in the nature of its own interest to pretend to exclude any individual violence threatening its order, and thus to monopolize violence... This monopoly does not strive to protect any given just and legal ends but law itself.<sup>159</sup>

If we understand the law and its apparatuses to be biopolitical insofar as self-preservation formulates the distinguishing limit between the friend and the enemy, then we arrive at the aporia of law and justice, which constitutes the second biopolitical dimension of the juridical. Justice is suspended, undecidable, and urgent, Derrida argues. It is a *decision* that in order to be free, responsible, and just can only take place in the "epokhe of rule". It must in its proper moment "be both regulated and without regulation, it must preserve the law and also destroy or suspend it enough to reinvent it in each case."<sup>160</sup> Perhaps it must be the Schmittian sovereign. However, the modern judge as a rational "calculating machine" can at no time be "purely just" but only legitimate, resting on a law that itself rests on the sovereign.<sup>161</sup> As such justice is undecidable:

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<sup>158</sup> *Gooya Newsletter*, "A Description of Interrogations, Beatings, and Pressure for Televised Confession in the Glass Room: In Conversation with Navid Khanjani (Part I)," June 02, 2010, <http://news.gooya.com/politics/archives/2010/06/105661.php> Translated from original Persian by author.

<sup>159</sup> Jacques Derrida, "Force of Law: The Mystical Foundation of Authority," in *Acts of Religion*, ed. and intro. Gil Anidjar (New York & London: Routledge, 2002), 266-7

<sup>160</sup> *Ibid.*, 251

<sup>161</sup> *Ibid.*, 252.

A decision that would not go through the test and ordeal of the undecidable would not be a free decision; it would only be the programmable application or the continuous unfolding of a calculable process. It might perhaps be legal; it would not be just. But in the moment of suspense of the undecidable, it is not just either, for only a decision is just.<sup>162</sup>

This second Derridian aporia of justice, “the haunting of the undecidable,” is the point at which sovereignty merges into governmentality.<sup>163</sup> Justice is sovereignly undecidable and thus the burden of decision *must*, in the Kantian sense of *duty*, be transferred onto the subject. This is the very burden of the Foucauldian confession, and of Kafka’s tale of the man sitting *Before the Law*.<sup>164</sup> In the Iranian trials too, we find the performance of this transfer. “Have you decided to confess?,” asks the Ministry of Intelligence interrogator from Abdullah Momeni, a prominent imprisoned activist, “we know everything already and this confession will only help your own case.”<sup>165</sup> Momeni’s “decision” to confess, and thus to enter the law, came after 86 days of solitary confinement in a grave-like cell, of repeated beatings, and near death choking experiences by having his head jammed into a full toilet bowl.<sup>166</sup>

And so Derrida reminds us, the undecidability of the decision rests not only in justice, but also in the subject. “One could say that a subject can never decide anything: a subject is even that to which a decision cannot come or happen otherwise than as a marginal accident that does not affect the essential identity and the substantial presence-

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<sup>162</sup> *Ibid.*, 253.

<sup>163</sup> *Ibid.*, 252.

<sup>164</sup> “*He decides* it’s better to wait until he has permission to enter.” Frantz Kafka, *The Trial*, trans. David Wyllie, (New York: Dover Publications, 2003), 154. emphasis added.

<sup>165</sup> *International Campaign for Human Rights in Iran*, “Letter of Prominent Prisoner of Conscience, Abdollah Momeni, to Ayatollah Khamanei,” September 09, 2010, <http://www.iranhumanrights.org/2010/09/letter-momeni-khamanei/>

<sup>166</sup> *Ibid.*

to-self that make a subject what it is.”<sup>167</sup> The “coming or happening” of the decision which can never arrive is posited by Derrida as the very “idea of justice,” a regulative ideal understood both in the Kantian sense, and in the messianic sense of an eschato-teleological promise.<sup>168</sup> A final point here is that the urgency of justice constructs it in the “performative structure of speech acts,” not least in that of the theatrical court, creating an excess of truth in interpretation, which in turn “obstructs the horizon of knowledge” and thus expectation.<sup>169</sup> This for Derrida is the “very reason” why justice remains “to-come,” and is always in the coming as a condition of history.<sup>170</sup> We will see the unfolding of this philosophy of history in the following chapter.

At last, in thinking the juridical biopolitically, we may consider the question of force. This is the mechanism by which self-preserving law becomes law-preserving violence. It is the positioning of capital punishment as the manifestation of the possibility of the juridical for, as Benjamin argues, “in the exercise of violence over life and death, more than any other act, the law reaffirms itself.”<sup>171</sup> Thus the 421 death sentences issued by the Iranian judiciary in 2009-2010 (Persian calendar year 1389), are testimony of a self-preserving law in the face of a crisis of the sovereign. Here, the distinction between the force of sovereignty and force of law, and that between Benjamin’s law-making violence and law-preserving violence, and indeed Derrida’s critique of this dichotomy, creates the final passage.

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<sup>167</sup> Derrida, “Force of Law,” 253.

<sup>168</sup> *Ibid.*, 254.

<sup>169</sup> *Ibid.*, 255.

<sup>170</sup> *Ibid.*, 256-257.

<sup>171</sup> Walter Benjamin, “Critique of Violence,” in *Walter Benjamin Selected Writings: Volume I, 1913-1926*, trans. & ed. Marcus Bullock & Michael W. Jennings. (Harvard: Belknap Press, 2004), 242.

For Benjamin all legitimate violence is legal, either law-making or law-preserving.<sup>172</sup> Both are manifestations of a mythic violence which he posits against God's will, divine violence, that which holds the capacity of the decision of justice. "Justice is the principle of all divine endmaking, power the principle of all mythic lawmaking," he writes.<sup>173</sup> And the two are fundamentally antithetical:

If mythic violence is lawmaking, divine violence is law-destroying; if the former sets boundaries, the latter boundlessly destroys them; if mythic violence brings at once guilt and retribution, divine power only expiates; if the former threatens, the latter strikes; if the former is bloody, the latter is lethal without spilling blood... Mythic violence is bloody power over mere life for its own sake; divine violence is pure power over all life for the sake of the living. The first demands sacrifice, the second accepts it.<sup>174</sup>

We can begin to see the sovereign/governmental opposition in this binary as well. Divine violence is the very miracle in Schmitt's political theology, the exception in jurisprudence, the violent constitutive condition of non-violence.<sup>175</sup> For the final sentence of Benjamin's essay reads, "divine violence, which is the sign and seal but never the means of sacred dispatch, may be called 'sovereign' violence."<sup>176</sup> And mythic violence seems rather aligned to the day to day "conduct of conduct," the violence of liberal parliamentary democracy and its apparatuses, of representation, and in a word, of governmentality, towards which Benjamin and Schmitt shared a common critique.<sup>177</sup> The boundaries of the opposition are of course fluid and permeable as Derrida demonstrates.

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<sup>172</sup> *Ibid.*, 243.

<sup>173</sup> *Ibid.*, 248.

<sup>174</sup> *Ibid.*, 249-50.

<sup>175</sup> Schmitt, *Political Theology*, 36.

<sup>176</sup> Benjamin, 252. The exploration of this connection between Schmitt and Benjamin is Derrida's move. Derrida, "Force of Law," 262.

<sup>177</sup> Derrida, 259, 261.

In his critique, Derrida deconstructs all three distinctions at play: that between mythic violence and divine violence, that of founding violence and preserving violence, and that of power and justice.<sup>178</sup> The mythic and the divine infiltrate one another on multiple layers. Perhaps most relevant to our discussion, is this infiltration on the question of life itself. For that which is “power over life and for the sake of life itself,” the divine and the sovereign, carries with it, an *a priori* biopolitics. Derrida highlights the paradox of the divine “sacralisation of life *for itself*,” that is, of natural and biological life and the need for its preservation.<sup>179</sup> On the one hand, for Benjamin, divine violence values existence itself over a just existence, since justice is only a divine decision and cannot be predetermined. On the other hand, Benjamin objects to the extension of this sacralisation to non-human life, a move which attributes a particular worth to human life. Derrida traces in Benjamin’s conception of life, as something beyond merely physical existence, a value in its potentiality for justice. What makes man worthy of life is the possibility of justice. “What is sacred in his life is not his life but the justice of his life,” he writes. This for Derrida resembles “the awakening of a Judaic tradition” in recognizing the value of life as worth more than life, precisely because “it is life itself, insofar as life prefers itself. It is life beyond life, life against life, but always in life and for life.”<sup>180</sup> To be sure, Derrida does not fail to mention Benjamin’s analogous gesture to Schmitt, who also takes into account the power of “*physical* putting to death” as a thinker of politics as war, “but this putting to death would be only an opposition of life to life. There is no death. There is only life, its position-and its opposition to itself which is only

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<sup>178</sup> *Ibid.*, 264-265.

<sup>179</sup> *Ibid.*, 288.

<sup>180</sup> *Ibid.*, 289.

a mode of the position to self.”<sup>181</sup> This can be safely posited as the biopolitical rupture of the distinction between the divine and the mythic.

The opposition, between law-making and law-preserving violence within the realm of the mythic, too, is vulnerable. Again, Derrida’s deconstruction is far more rigorous than the scope of this chapter, particularly in discussing the spectral character of the death penalty, the police, and ultimately the parliament. But let us add the spectacle of the court, indeed of *The Trial*, to the “performative tautology,” the “a priori synthesis” that founds the preservation of law.<sup>182</sup> At the revolutionary moment of founding violence, he writes, a grammar of the “future anterior,” of justice to come, naively takes the form of presence, a language of “our time.” Such moments are the interruption of an already existing law, the suspension, the *epokhe* of law within law, “an instance of non-law.”<sup>183</sup> But they are also “the whole history of law.” Foundation is always already suspended before the law, “suspended by a pure performative act that would not have to answer to or before anyone.”<sup>184</sup> The *Revolutionary Court* of the Islamic Republic is precisely the site of such a founding preservation. It becomes the very transcendent nature of law, which makes it inaccessible to those before it. But it is also immanent as it is dependent on the performative act of the subject sitting before the law, the subject of confession who decides.<sup>185</sup> “A foundation is a promise,” writes Derrida, and a promise is recognized in “the law of iterability” and repetition, hence it cannot be anymore pure than preservation.<sup>186</sup> “The paradox of iterability” makes it so “that the origin must repeat itself

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<sup>181</sup> *Ibid.*, see footnote 45 in Derrida.

<sup>182</sup> *Ibid.*, 267.

<sup>183</sup> *Ibid.*, 269.

<sup>184</sup> *Ibid.*, 270.

<sup>185</sup> *Ibid.*

<sup>186</sup> *Ibid.*, 272.

originally, must alter itself to count as origin, that is to say, to preserve itself.”<sup>187</sup> Thus the law, as violence without grounds can rest on nothing but itself, neither sovereignty nor governmentality.

If however, the juridical can make the claim to legitimacy on something outside of itself, let us consider too, the foundation upon which this other rests, that is, sovereign foundation. In this consideration, and given the foreclosure of the possibility of justice in thinking law biopolitically, what follows is the cross-examination, if you will, of sovereignty through power.

### **The Paradoxical and the Hyperreal**

The paradox of law also parallels that of sovereignty. Engaging in a discussion of crisis in the discipline of International Relations, Walker and Ashley identify one of the manifestations of such to be “a crisis of representation.”<sup>188</sup> They speak of an “institutional order” which does not assume an absolute presence, thus never occupying the position of an object which can entirely rid itself of active subjectivities. The re-presented institutional order is sovereignty in both its Weberian and Schmittian instances. To this end, a crisis of representation in sovereignty can be understood as a representation, not of an object present in some time and place, but as “a representation of other representations.” Walker and Ashley continue:

The very possibility of truth is put in doubt... On trial is the self-evident reality of the objects which might be unambiguously represented, assigned a definite social value, and entered into

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<sup>187</sup> *Ibid.*, 277-8.

<sup>188</sup> Richard Ashley and RBJ Walker, “Reading Dissidence/Writing the Discipline: Crisis and Question of Sovereignty in International Relations.” in *Critical Theory and International Relations*, edited by Steven C. Roach. (New York: Routledge, 2008), 346.

circulation in a system of communication or exchange. On trial, too, is the very life of the institutionalized subject of the social order.<sup>189</sup>

It is here, in this representational crisis, that the Iranian trials can suppose a different function. In their non-relationship to truth, both in output and input to and from society, the trials implicitly, and at times explicitly, confess the mere crisis in the representational nature of the institutionalized order of sovereignty.

This representation which rests on the foundation of the state as its condition of possibility, then also claims to be “a fundamental principle, a supporting structure, a base on which society rests, a fund of authority capable of endowing possibilities, accrediting actions and fixing limitations.”<sup>190</sup> Echoing the Derridian moment of revolutionary foundation misinterpreted as a presence, what Walker and Ashley refer to as the paradox of sovereignty is realized here as the very authority which cannot exist objectively in and of itself, and grants legitimacy to a representation of itself in a process of representational reification. The *show*-trials, then, can be conceptualized not as shows in the sense that the actors involved are acting their scripts. Rather, they are the performative of a center of power, a source of authority, a sovereign, which is never really present, but *re*-presentations of which are necessary in order to make-believe its reified presence. Further, this *belief* is not, nor is it intended to be, one of the scripts or the truths produced in the confession. It is however, a manifestation of a belief in a decider of the truths and the scripts, the norms and the exceptions, and the monopoly of their enforcement.

The crisis of representation, also projects itself internationally, unfolding itself in the same manner with respect to the sovereignty which is self-acknowledged to *not* be

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<sup>189</sup> *Ibid.* 346.

<sup>190</sup> *Ibid.*, 248.

domestically present. Walker and Ashley discuss a “third world sovereignty, where the anarchy seems to be on the ‘inside’ and the center of authority seems to be on the ‘outside’.”<sup>191</sup> The case of post-elections Iran fits this description, reaffirming itself in the trials. The confession, in this sense, becomes precisely, one of the sovereign, confessing to the centralized source of power on the outside. It is not a case of a simple shift in the burden of responsibility that the texts of the indictments are over-saturated with terms such as CIA, MOSSAD, Gene Sharp, Western intelligence and espionage services, Western hegemony, America, Western government agencies, Israeli spy, Open Society Institute, Soros Foundations Network, The Rockefeller Institute, the Ford Foundation, the German Marshall Fund, Freedom House, Council of Foreign Relations, German Association for Foreign Policy, the Institute for Democratic Studies in England, MEMRI, SAE Dutch Institute of Hyves, Dutch oil companies, Harvard University’s Berkman Center, and Konos Foundation, and many more Western government employees, academics, and research institutes.<sup>192</sup> In this language, this paradoxical (re)iteration of the founding promise, the confession takes a role of representing the non-present object of the institutional order of sovereignty on the outside, but does so with a claim to temporal and spatial material foundations, which are themselves ultimately representations of representations. Also, a reference to a temporal materiality is illustrated in historical moments other than the spaces listed above. These include the CIA coup of 1953, and the velvet revolutions of Georgia, Serbia, Ukraine, and Croatia.

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<sup>191</sup> Walker and Ashley, 356.

<sup>192</sup> See the texts of the first and second groups indicted in August:  
<http://www.iranhrdc.org/httpdocs/English/aadel.htm>

This re-allocation of the paradox to the outside is described by Campbell as “a need to discipline and contain the ambiguity and contingency of the “domestic” realm [by] the externalization and totalization of threats to that realm through discourses of danger.”<sup>193</sup> In other words, reworking from Schmitt and through Foucault, it can be derived that the exception necessitates the imposition of a norm, the norm is obtained from an order, “order requires discipline,” and disciplining the self necessarily follows a strategy of otherness.<sup>194</sup> This key component of otherizing in turn functions not only simply to alleviate any impressions of domestic difference, ambiguity, or dissidence, but to establish a (non)foundation outside, based on which the paradoxical logic of sovereignty can circulate. This exercise of imagination is entirely distinct from whether there is any reality to the political operation of any of the mechanisms listed above, as some of them have in the past and are currently engaged in direct or indirect efforts which threaten “Iranian security.”<sup>195</sup> Rather what is significant in the imagining of the other, is representationally positing it to function as the basis for a paradigm which would otherwise be baseless.

The paradox of sovereignty is hence twofold: on the one hand it undergoes a representational crisis of the institutional order of the inside; and on the other hand, as a resolution to this crisis, it seeks to locate the center of power on the outside. But as that institutional order as well is not de-subjectified, it is bound to representations which are built on other representations. The twofold operationalization itself works to mutually

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<sup>193</sup> David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity*. (Minneapolis: University of Minnesota Press, 1992), 64.

<sup>194</sup> Campbell, 58.

<sup>195</sup> A most obvious instance of these attempts would be the neo-conservative agenda of a US or Israeli military attack on Iran. In the words of one analyst on this issue, “just because I’m paranoid, it doesn’t mean they are not out to get me!”

constitute each side, working circularly between the domestic and the international, and hence creating a crisis of representation *within* each, and *between* the boundaries of the two, destabilizing the categorical operation of each. To this destabilization then, an automatic performance of the spectacle of trial is reacted, conscious of its own non-attempt to convince its audience of its stories, but set to prove in court the reality of its existence, and regain its grasp on the underlying logic of statehood, both in the international version of the monopoly of the use of force, and the domestic role of the decider on the exception.

This act of re-reaching, itself a representation of a previous representation, may be described as Cynthia Weber has put, as a shift from the “logic of representation” to “a post-representational logic of simulation.”<sup>196</sup> Where the former understands sovereignty to be a representation of a nation based on the ability to speak on behalf of a domestic population in the international realm, it also assumes an *a priori* foundation of “the people,”<sup>197</sup> which C. Weber demonstrates to be a discursive construction.<sup>198</sup> C. Weber here follows a Foucauldian line of truth production in relations of power, whereby a truth, operating as a foundation to sovereignty, is historically and geographically enabled. Whether through the production of “God” in the *ancien regime*, or the production of “the people” in modernity, the King or the government become the sovereign representatives of the constructed foundation. As Foucault has established, in the modern “escape” of the Western legal edifice from the monarch, it is only the *limits* of sovereign power that are

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<sup>196</sup> Cynthia Weber, *Simulating Sovereignty: Intervention, the State and Symbolic Exchange*, (UK: Cambridge University Press, 1995), 10.

<sup>197</sup> *Ibid.*, 5.

<sup>198</sup> *Ibid.*, 30.

put in question, and never its ontological foundation.<sup>199</sup> C. Weber further continues that the concept of “communities as the foundation for sovereign states”<sup>200</sup> requires a stable practice of boundary-making which is economically, culturally, and ecologically non-sustainable, thus enabling the circular production of the non-present foundation to be re-presented.

Following a failure of the logic of representation, in effect, a failure to produce an authoritative truth, C. Weber looks to Baudrillard to pose the question of “what happens when representation is no longer possible?”<sup>201</sup> “How is the truth’s non-existence concealed so that a logic of representation still appears to function? How are images or models simulated and seduced?”<sup>202</sup>

In her application of Baudrillard to the sovereignty problematic, Weber draws on Baudrillard’s critique of Foucault insofar as the case of sovereignty demonstrates that a truth can never be produced –just as a stable sovereign foundation hasn’t been so– rather it becomes a matter “of substituting signs of the real for the real itself” in an act of “symbolic exchange.”<sup>203</sup> Weber continues to explain that “the state is a sign without a referent.”<sup>204</sup> The process of symbolic exchange thus occurs as simulation rather than representation. Sovereignty is therefore required to be conceptualized not in relation to its object of reference, but as a simulacrum, defined by Baudrillard to be “a truth-effect that

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<sup>199</sup> Michelle Foucault, “Two Lectures” from *Power/Knowledge* in “Two Lectures” from *Power/Knowledge*, in *Critical Theory and International Relations*, edited by Steven C. Roach. (New York: Routledge, 2008), 320.

<sup>200</sup> C. Weber, 4.

<sup>201</sup> Ibid., 34.

<sup>202</sup> Ibid., 38.

<sup>203</sup> Baudrillard quoted in Weber, 37.

<sup>204</sup> Weber, 123.

hides the truth's non-existence."<sup>205</sup> At operation here is not an act of truth *production*, but one of *seduction*, which is concerned with "the manipulation of appearances."<sup>206</sup> From this, the important question arises: "If sovereign foundations could only be seduced but not produced in the discourses surrounding these [trials],<sup>207</sup> what recognizable 'falsehoods' were circulated as proofs of the truth's existence? What were the alibis for representation both domestically (dictators) and internationally (regional communities)?"<sup>208</sup>

Let us recall Derrida's warning that the "excess of justice over law and calculation, this overflowing of the unrepresentable over the determinable, cannot and should not serve as an alibi for staying out of juridico-political battles, within an institution or a state, between institutions or states."<sup>209</sup> If, our alibi for truth is not justice itself, then what performs as the alibi, the "recognizable falsehood," in the trial of sovereignty? On the opposite end of Benjamin's binary, and indeed necessary in Derrida's "juridico-political battle" is *power*: the very problematic over which Baudrillard forgets Foucault. In Baudrillard's words, if understood in terms of a Foucauldian production, then:

Power is an irreversible principle of organization because it fabricates the real (always more and more of the real), effecting a quadrature, nomenclature, and dictatorship without appeal; nowhere does it cancel itself out, become entangled with itself, or mingle with death. In this sense, even if it has no finality or no last judgement,

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<sup>205</sup> *Ibid.*

<sup>206</sup> Weber, 38. For Baudrillard, "*seduction* is that which is everywhere and always opposed to *production*; seduction withdraws something from the visible order and so runs counter to production, whose project is to set everything up in clear view." See Jean Baudrillard. *Forget Foucault*. Introduction and Interview by Sylvère Lotringer. Translated by Nicole Dufresne. (CA: Semiotext(e), 2007, [1977]), 37.

<sup>207</sup> The word "invasions" here is replaced with "trials", as Weber's case study is the US invasions of Grenada and Panama; but the analytical framework is very much applicable to the project of the Iranian show-trials.

<sup>208</sup> Baudrillard, *Forget Foucault*, 39.

<sup>209</sup> Derrida, "Force of Law," 257.

power returns to its own identity again as a *final principle*: it is the last term, the irreducible web, it is the last tale that can be told; it is what structures the indeterminate equation of the word.<sup>210</sup>

The “final principle” which Baudrillard extracts from Foucault, once again, not far from Schmitt’s *ultima ratio*, formulates an episteme of the show-trials as a representation of sovereign power, one indeed in crisis, but not a crisis of representation, rather one of power: a crisis precisely situated in the contextually particular micro-mechanisms of power, indeed of biopower, which are increasingly failing at the level of the production of power as the momentum of resistance works to redefine power in other ways.

However, Baudrillard questions power as a “*reality principle*... not merely impossible to locate because of dissemination, but dissolved purely and simply in a manner that still escapes us, dissolved by reversal, cancellation, or made hyperreal through simulation.”<sup>211</sup> Where for Foucault power is “‘to produce something real’ or produce *the* real,” Baudrillard posits that:

It is only from this point on that we can conceive of a new peripeteia of power –a catastrophic one this time- where power no longer succeeds in producing the real, in reproducing itself as real, or in opening new spaces to the reality principle, and where it falls into the hyperreal and vanishes, *this is the end of power*, the end of the strategy of the real.<sup>212</sup>

It is in this “simulacrum of power itself,”<sup>213</sup> that the spectacle of sovereignty in the trials can be conceptualized: a performance of sovereignty behind which there exists a void, giving it “a last glimmer of reality. Without that which reverses [it], cancels [it], and

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<sup>210</sup> *Ibid.*, 50.

<sup>211</sup> *Ibid.*, 31.

<sup>212</sup> Baudrillard, 45.

<sup>213</sup> *Ibid.*, 50.

seduces [it], [power] would never have attained reality.”<sup>214</sup> Such peripeteia is fluid in all points of contradiction in the case at hand. Inversions, cancellations, and the hyperreal are now visible: The confession no longer participates in the production of the truth, rather it seduces the distinguishing line between truth and falsehood,<sup>215</sup> creating the hyperreal truth/lie. Further, the performance of the sovereign defies, or rather cancels, its own sovereignty, becoming both the non-decider of the exception and the effective multiplicity of legitimate force. And finally, the backlash of the domestic and the international reverse the expected effects of the spectacle. As Baudrillard asks: “Do you think that power... would have stood up one single instant without a fascination to support [it] which originates precisely in the inversed mirror where [it is] reflected and continually reversed, and where [its] imaginary catastrophe generates a tangible and immanent gratification?”<sup>216</sup>

Perhaps we could imagine this mirror, the revolutionary court of the Islamic Republic of Iran, at the juridico-political limit of the sovereign state. For Foucault, a place of both utopia and heterotopia, and for Baudrillard nothing but a simulacrum, it is here, in this mirror, this “placeless place,” that sovereignty

sees [itself] there, where [it is] not, in an unreal, virtual space that opens up behind the surface... a sort of shadow that gives [sovereignty’s] own visibility to [itself], that enables [it] to see [itself] there where [it is] absent... but... where [the court], also exerts a sort of counteraction on the position that [sovereignty] occupies. From the standpoint of the mirror, [sovereignty] discovers [its] absence from the place where [it is supposed to be] and sees [itself] over there. Starting from this gaze that is, as it were, directed

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<sup>214</sup> *Ibid.*, 54.

<sup>215</sup> Hannah Arendt describes this moment as the point at which “the audience to which the lies are addressed is forced to disregard altogether the distinguishing line between truth and falsehood in order to be able to survive.” See Hannah Arendt, “Lying in Politics,” in *Crisis of the Republic*. (New York: A Harvest/HBJ Book, 1972), 7.

<sup>216</sup> Baudrillard, 54.

towards [it], from the ground of this virtual space that is on the other side of the glass, [it] comes back towards [itself]; [It] begins again to direct [its] eyes towards [itself] and to reconstitute [itself] there where [it is].<sup>217</sup>

Perhaps then, this displaced space of the theatrical court, can be conceptualized as a space in which the juridico-political boundaries of the state are established, defined, and separated from its other, and thus preserved and re-found. It is here that sovereignty engages in infinite reflection with itself through law creating the simulacrum of power. It is here that the truth is seduced only for the court to prove the hyper-reality of sovereignty, and not for the theatre to produce the truth for its audience.

On trial in this text, and indeed in the trials of this text, has been sovereignty itself, insofar as it relates to governmentality, law, justice, power, and ultimately itself. To this end, I have tried to pursue each set of these relationships distinctly while maintaining the fluid and overlapping character of each process.

The deconstruction of the opposition between sovereignty and governmentality through biopolitics has led me here to a rethinking of the relationship between the political and the juridical. Sovereignty is biopolitical in that it shares with governmentality a necessity of the exception. The former finds the agent of this necessity to be the sovereign, and the latter the *coup d'état* which manifests *raison d'état*. The pair also share a conception of the political based on the Schmittian friend/enemy antagonism. Finally, they both recognize the juridical as the discourse belonging to the other. For

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<sup>217</sup> The subject of Foucault's engagement with the mirror is himself, whereas here, the "I" has been replaced with the subject of "Sovereignty." See Michel Foucault, "Of Other Spaces," *Diacritics* 16, no. 1, 24.

Schmitt law is the parliamentary norm which should be instituted in the sovereign exceptional decision. For Foucault it belongs with the philosophical discourse of the past.

This theoretical suppression of law, if you will, incited my inquiry into the operation of the juridical at the biopolitical level. I have found here that law's biopolitical interest in self-preservation not only acts as a redistributing force of sovereign authority in the bureaucracy, proliferating the monopolies of legitimate violence, but that it also posits the law in a fundamentally aporetic relationship to justice. Justice as understood by Derrida as a free and responsible decision is suspended and undecidable in law and thus always in the coming. But also, the force of law itself is divided amongst the same sovereign/governmental rupture in Benjamin's law-making/law-preserving distinction. Derrida's deconstruction of this dichotomy opens up the possibility of addressing the question of life itself and its capacity for justice, through a biopolitics that disrupts the separation of mythic founding violence and divine preserving violence.

The following move is to understand the foundation of sovereignty beyond justice and through power. Recalling Foucault's original distinction between juridico-philosophical and politico-historical discourses, I find that theoretically it is indeed a *juridico-political* discourse that is at work in the Iranian show-trials, in the very possibility of biopolitics. This discourse however, is at once in crisis, paradoxical, and hyper-real. It is in a crisis of representation which makes the foundational claim to sovereignty itself a paradox, enforcing its simulation through law into the hyperreal. And thus we are faced, as in any other politico-judicial site of biopolitics, with a simulacrum of power iterating and reiterating itself into hyperreality.

Sovereignty's trial through law, before the law, and simultaneously within and without the law, could not have been performed in a symbolically more appropriate place than the Iranian revolutionary court. It is here, in this very name, that most paradoxical assumptions on the opposing natures of sovereignty and law, founding violence and preserving violence, presence and representation, and power and justice are simulated. Insofar as a judgment in this trial of sovereignty is concerned, it would have to belong to history.



### Chapter Three: History's Judgment

“The journey of a volume along the line of time  
 And impregnating the barren line of time with a volume  
     A volume conscious of an image  
 Returning from the feast of a mirror

It is in this way  
 That someone dies  
 And someone remains”

-Forough Farrokhzad, *Another Birth*

“I said: ‘I didn’t mean to tease, I only wanted to be sure that in a few years, when my daughter sees my interrogation papers in the museum, she won’t ask me why I answered my illiterate interrogator.’

-Are you expecting that we put your interrogation papers in a museum? He asked. You will not, but one day not too far ahead, these will be published, documented, and protected by the museum. I replied.”

- Saeed Heydarpour (imprisoned journalist) in conversation with the Ministry of Intelligence interrogator.

If sovereignty’s trial offers us the possibility of a critical reading of the Foucauldian discursive binary of biopolitics, opening up space for a discourse of the juridico-political, this chapter explores the working of the discourse of the *historico-philosophical* in the theatrical court. In the context of the biopolitical, there operates not only a political reading of history, but also a distinct philosophy of history based on the scientific-technological rationalization of progress.

I explore this discourse beginning with the Moscow Trials during the Stalinist purge in the 1930s, otherwise known as the Great Terror, which bears an uncanny similarity to this most recent wave of the Iranian trials. The timely overlap is that we witness in both events in Tehran and Moscow, the prosecution and confessions of key revolutionary figures, the so called “believers”, en masse. If this most striking resemblance has allowed for strangely familiar processes in Tehran, then it is worth drawing upon the theoretical analyses that have been offered on Moscow. For this purpose, I turn to Merleau-Ponty’s *Humanism and Terror*, a meditation on the “communist problem,” in which he articulates the significance of a particular philosophy of history which enables violence towards a certain acclaimed objective end. This is not a simple means-for-ends politicization, but a structural conceptualization of history which will fail to account for and thus imagine any other ontologies. This section of my argument works also within Walter Benjamin’s *Theses on the Philosophy of History* which allows for an incorporation of theology in this discourse and thus its relationship with revolution, ideology, and history.

On the relationship between the above paradigms, particularly reading both Marx and Benjamin, Derrida’s deconstructive reformulation of time and thus of history becomes most pivotal in understanding the Iranian show-trials, both in their conditions of possibility and the possibilities they condition. Here, I work through Derrida’s theatrical language on the spectral character of the commodity on display to read the same process into the theatrical confessions of the trials. For if the confessions are a product of “history”, of linear and teleological time, rethinking the theatre of the object through the spectre dislocates and dis-aligns time. The spectre for Derrida is that which survives and

returns and is thus present but from the past or the future. This phantasmagoria allows for an understanding of the relationship between religion and ideology through history that, enforced as law, is precisely the unfolding of law without justice. Justice thus is made possible only if time and by the same token history remain open, undetermined, and non-teleological. I argue that the theatrical court paradoxically works to promise this possibility. In its historical disorderment, particularly in its relationship to the Moscow trials, the show-trial invokes and conjures spectres which perform the impossibility of universal history and thus the possibility of justice.

### **A Philosophy of History**

While the 2009 Iranian trials bear striking similarities to the Moscow trials insofar as their consolidated relationship to terror on the one hand, and their targeting of high ranking officials and key revolutionary figures on the other hand, they do hold a rather significant difference. The question of Truth was approached much more rigorously in 1936 than in 2009. Although given the degree of terror, it is rather difficult to determine whether or not the Moscow trials were regarded as true domestically, the international support that they received on the pro-Communist left is well documented.<sup>218</sup> In France for example, Communists regarded the opposition's acts in support of Trotsky as "crimes

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<sup>218</sup> Most notably the British Communist Party, and documents such as "A statement of American Progressives on the Moscow Trials," and the "Statement of American Intellectuals" in 1938, are records of the communist support. See

Joseph Redman, "The British Stalinists and the Moscow Trials," in *Moscow Trials: An Anthology*, (London: New Park Publications Ltd., 1967), 1.

"Chronicle-Statement of American Intellectuals," *International Literature VII*, July 1938.

A more detailed list of American support for the Moscow Trials can be found in the California Legislatures, [Report of the Senate Fact-Finding Committee on Un-American Activities, 1948 : Communist Front Organizations](#), [openlibrary.org](http://www.openlibrary.org), [http://www.archive.org/stream/reportofsenatefa00calirich/reportofsenatefa00calirich\\_djvu.txt](http://www.archive.org/stream/reportofsenatefa00calirich/reportofsenatefa00calirich_djvu.txt)

against history.”<sup>219</sup> Also, the fact that leftist intellectuals found it necessary to organize the Commission of Inquiry into the Charges Made against Leon Trotsky in the Moscow Trials, demonstrates that the question of the authenticity of the charges was addressed seriously.<sup>220</sup> This of course is situated within an underlying basis of political affiliation insofar as communism was a political agenda globally at the time, where Islamic Republicanism is not today.<sup>221</sup> However, even amongst the supporters of the Iranian government, no state or party has proceeded to defend the trials as just, and certainly no such attempt to inquire into their juridical validity have been made.

So what marks this change from 1936 to 2009? Precisely history. It is specifically the historical experience of the Moscow trials that immediately directs the political imagination towards the injustice of the Tehran trials, and disallows even the political affiliates of the Iranian government to make gross affirmations of their fairness. And this is precisely why, given the fundamental difference between trials in Moscow and in Tehran, Merleau-Ponty’s take on the role of universal history as a principle justification is crucial: to “see the present as past and see those who hesitate as traitors.”<sup>222</sup> For although the Moscow trials did serve an audience present in space, they more so served history’s communist dream, its dream of revolution. It thus becomes possible to imagine that while the performers of the Iranian trials are *not* performing for the space of the present, they are doing so in the time of the past and for that of the future; perhaps to be

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<sup>219</sup> Maurice Merleau-Ponty, *Humanism and Terror: An Essay on the Communist Problem*, trans. John O’Neill, (Boston: Beacon Press, 1969), 30.

<sup>220</sup> John Dewey, *Not Guilty: Report of the Commission of Inquiry into the Charges Made Against Leon Trotsky in the Moscow Trials*, (New York: Monad Press, 1938).

<sup>221</sup> The odd combination of Islamism and Republicanism is often regarded as too democratic for the Islamists and too theocratic for the Republicans. Hence the failure in the “export of the revolution” which was one of Khomeini’s fundamental ideals in 1979.

<sup>222</sup> Merleau-Ponty, 29.

judged by Benjamin's Angel of History, who will come to believe the justice of politics, the juridico-political, on the principle ground of "progress".<sup>223</sup> After all, the recognition of the Moscow trials as "a triumph in the history of progress" at the time was part of this dream.<sup>224</sup>

Progress it seems is the legal order of the court of history, triumph, its prosecutor. The system of temporal jurisprudence which much like its spatial counterpart originates in illegality internalizes ideological political terror and thus renders it as always already justified. In describing an attitude of not trying to understand history, but simply waiting for its judgement in fear, Merleau-Ponty writes:

The original violence, which is the foundation of all other forms of violence, is that exerted by History when objectified as an incomprehensible Will before which all individual opinions are compounded as equally fragile hypotheses.<sup>225</sup>

This is the same Will of which Benjamin speaks when he describes the sadness in the resuscitation of history:

The nature of this sadness stands out more clearly if one asks with whom the adherents of historicism actually empathize. The answer is inevitable: with the victor... Whoever has emerged victorious participates to this day in the triumphal procession in which the present rulers step over those who are lying prostrate.<sup>226</sup>

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<sup>223</sup> Benjamin's Angel of History seems to be a messianic figure in that it is outside history making a judgement on its course before which it stands, thereby perceiving it as an ordered trajectory if not a teleo-eschatological apocalyptic process. It is the symbolic figure of history itself that will understand history to be moving in the opposite direction from the progressive narrative of modern historicism. My use of this figure, however, stops short of designating a final judgement to the Angel. Here, the angel of history is an undecided figure whose judgement on history as "progress" or "ruins" or otherwise is yet to be made and thus appealed to by the subject of history. See Walter Benjamin, *Illuminations: Essays and Reflections*, trans. Harry Zohn, ed. & intro. Hannah Arendt, (New York: Schocken Books, 1968), 258.

<sup>224</sup> Harry Pollitt, the General Secretary of the Communist Party of Great Britain, quoted in Joseph Redman, "The British Stalinists and the Moscow Trials," in *Moscow Trials: An Anthology*, 9.

<sup>225</sup> Merleau-Ponty, 19.

<sup>226</sup> Benjamin, 256.

History by the law of progress acquits the victor and condemns defeat, and here lies the violence of its “objective” Will. The “false” confession in this court becomes the Truth in accepting the guilt of defeat. “By the fact of having been beaten, the opposition confesses its inability to establish.”<sup>227</sup> Perhaps the instigators of the Iranian trials are hoping Angelus Novus to judge them as it did the Nuremberg trials. Or perhaps it is the case that they share Hitler’s predicament: “pronounce us guilty a thousand times over,” he said in 1924 during his trial of treason, “the goddess of the eternal court of history will smile... for she acquits us.”<sup>228</sup>

And here too, lies the paradox of history: the judgment of the angel and the expectation from the goddess, the historical outcome and the political intent, are hardly the same but are often present and judged as one. The perception is that the sense of historical responsibility requires an understanding of the future of which there is no science.<sup>229</sup> “That a contingent future, once it enters the present, appears real and even necessary. There appears here a harsh notion of responsibility, based not on what men intended but what they find they have achieved in the light of the event.”<sup>230</sup> The judgment of history is not one of the moral value of the political act, but a determination of the sense of responsibility towards progress in the historical context,<sup>231</sup> a responsibility which only comes into existence in victory, a victory which may only be achieved in terror.

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<sup>227</sup> Merleau-Ponty, 8.

<sup>228</sup> Adolf Hitler, quoted in Joachim E. Fest, *The Face of the Third Reich: Portraits of the Nazi Leadership*, (New York: Da Capo Press, 1999,) 25.

<sup>229</sup> Merleau-Ponty, 55.

<sup>230</sup> *Ibid.*, 42.

<sup>231</sup> *Ibid.*, 33.

“History is Terror,”<sup>232</sup> Merleau-Ponty writes of the contingency of the future. It is terror not just as the original violence of an objectified Will, but because of the infinite possibilities that it offers at each moment, but forecloses by the laws of progress. The future could be many, but must be lived in the present and is therefore one. “The irony of fate... brings to light not just the terror which each man holds for every other man but, above all, that basic Terror in each of us which comes from the awareness of historical responsibility.”<sup>233</sup> So that Bukharin may have believed his “false” confession to be the Truth in the eyes of Angelus Novus, the very truth for which he himself had once fought. He may not have committed treason, terrorism, sabotage, and espionage, but he may have been historically responsible for the failure of the revolution. And this, for Merleau-Ponty is the whole secret of the Moscow confessions; that “the split is no longer between man and the world but between man and himself.”<sup>234</sup>

There is indeed something Foucauldian at work here: the confession as a disciplinary technique of the self, as a proliferation of new categories of knowledge through guilt, and as survival means for both the body and the population, the self and the *bios*. The defiance of the self makes possible a legitimation of the structure through Truth production. To be always already guilty without any knowledge of it marks, after all, the fates of Socrates, Oedipus, and Joseph K. We may all be innocent or all guilty because we don’t know what we’re doing, and only time will tell.<sup>235</sup> Nonetheless, we must all confess ourselves into becoming the modern subject (as demanded of Joseph K.<sup>236</sup>). But there is also something Marxian at work, at least as Derrida reads one of Marx’s spectres:

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<sup>232</sup> *Ibid.*, 94.

<sup>233</sup> *Ibid.*, 93.

<sup>234</sup> *Ibid.*, 66.

<sup>235</sup> Merleau-Ponty, xxxix

<sup>236</sup> See Frantz Kafka, *The Trial*, trans. David Wyllie, (New York: Dover Publications, 2003), 78.

man. “Man makes himself fear. He makes himself into the fear that he inspires. Hence the contradictions that render humanism untenable.”<sup>237</sup> This terror marks the constitution of the self which no one will have escaped, “neither Marx, nor the Marxists.”<sup>238</sup> It is the one that constitutes and ensures the survival of “the body proper, the proper name, nation, blood, territory, and the ‘rights’ that are founded thereon.”<sup>239</sup> We can begin to see the apparition of the biopolitical spectre in Derrida, and indeed in history itself as it conditioned the Moscow trials.

In this biopolitical telos lies the very point of connection, the very parallel between 1936 Moscow and 2009 Tehran: Historical Materialism and Shi’i “Mahdism”. The latter is the eschatology of Shi’i Islam positing Judgment Day or the end of history upon the resurrection of the 12<sup>th</sup> Imam, Mahdi, commonly referred to as the “Imam of the Time” or “Imam of the Age” for his absence in the *present* but *presence* in all time. Mahdism provides the political foundation for the doctrine of *velayet-e faghih* “the rule of the cleric/jurist,” which is the single most distinguished pillar of the Islamic Republic deriving its legitimacy from its association with the absence of the Imam of the Time.<sup>240</sup> The two ideologies each have a philosophy of history on a linear trajectory of time connecting the origin to the end. Let us call this common ground, as Benjamin does, between historical materialism and theology, “historicism” as culminated in universal

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<sup>237</sup> Jacques Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning and the New International*, trans. Peggy Kamuf, intro. Bernd Magnus and Stephen Cullenberg, (New York and London: Routledge, 1994), 181.

<sup>238</sup> *Ibid.*

<sup>239</sup> *Ibid.*

<sup>240</sup> Hamdi Dabashi, *Theology of Discontent: Ideological foundations of the Islamic Revolution in Iran*, (New Brunswick, USA: Transaction Publishers, 2006), 11.

This relationship is further outlined in Ayatollah Khomeini’s proposal that Mahdi’s reappearance will be conditioned upon recreating a *just* society in the return to Islam. See Ervand Abrahamian, *Khomeinism: Essays on the Islamic Republic*, (CA: University of California Press, 1993), 32. Emphasis added.

history.<sup>241</sup> The story is a familiar one, an *automaton* as puppet, a system of *mirrors*, an illusion of transparency, indeed a simulacrum, a theatrical play “to win all,” and a strange relationship between history, ideology, and theology.<sup>242</sup> The trio are most at work in the Iranian trials along with all their parameters. For Derrida their relationship has to do with justice, its irreducibility and its possibility in time. And if we could trace his deconstruction of history, ideology, and theology, to arrive at undeconstructible justice, we have indeed deconstructed the historical logic of the trials.

### **A Time for Justice**

Indeed, at the time of the trials, both in Moscow and Tehran, history sits somewhere near the end. We must be at its final stage just before the “withering of the state” or the apparition of the Imam of the Time. There can be no other after the revolution. It must be the end of history, a Persian literal phrase which translates into “the period of the end of time.” In the aftermath of the Iranian protests, this discourse of the proximity of the apparition of the Imam of the Time reached an unprecedented level. This included television interviews, documentaries, and articles discussing the current conditions as those described by religious teachings as the conditions of the end of time period.<sup>243</sup> Thus, the Ministry of Intelligence interrogator’s injunction to Abdullah

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<sup>241</sup> Benjamin, 262.

<sup>242</sup> See Benjamin’s story of the chess-playing automaton who wins all. *Ibid.*, 253.

<sup>243</sup> Of the most notable cultural pieces on this discourse are two documentaries broadcast by the Iranian State Television. The films deserve a discursive analysis of their own, which is beyond the scope of this chapter. But it is worth mentioning their direct affiliation to the political context of the time. To give only one example, figures such as Ahmadinejad and Khamenei are associated with key figures that have been promised with Mahdi’s apparition in religious texts and teachings. For more on the significance of the film “The Reappearance is Very Near” see Jamsheed Choksy, “Why is Iran Championing Messianism to the Arab Masses?” *e-International Relations*, April 19, 2011, <http://www.e-ir.info/?p=8348>. The films are: The Annunciators of Reappearance Cultural Group “The Reappearance is Very Near,” Fall and Winter 2010, *youtube* [Feb 11, 2011] <http://www.youtube.com/watch?v=bm9b6yra1bk&feature=related>.

Momeni, “imagine that it is judgement day and you must confess to all your sins,” is grounded in a sense of historical finality.<sup>244</sup> More than an imaginary dictation to Momeni, it reflects the contextual imagination of the interrogator himself, who beyond a divine comparison, sees no historical alterity past his judgment.

But as Derrida writes of the “end of history” thesis, this end itself signifies a deconstruction history and historicism. It necessitates as “law, the law of the law” a post-historical promise of a “future-to-come.”<sup>245</sup>

In the same place, on the same limit, where history is finished, there where a certain determined concept of history comes to an end, precisely there, the historicity of history begins, there finally it has the chance of heralding itself-of promising itself.<sup>246</sup>

To be sure, he emphasizes, we are not speaking of a new history or a new historicism, but an opening for the event-ness of the emancipatory promise “as *promise* and not as onto-theological or teleo-eschatological program or design.”<sup>247</sup> The promise insofar as it is of a decision of justice, as discussed in the previous chapter, always remains in the condition of undecidability.

In its undecidability, justice is the decision that remains to come. It is a promise. But also in relation to time, that is, disparate, dis-jointed, and disadjusted present time, Derrida finds in the *Spectres of Marx*, the possibility of justice: “A time without *certain* joining or determinable conjunction,” through which there is no calculable insurance, that

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The Burnt Candle, “The True Scholarship of the Signs of Reappearance,” *youtube* [Aug 12, 2010] <http://www.youtube.com/watch?v=Z67caaRi46g&feature=related> Translated from original Persian by author.

<sup>244</sup> Abdullah Momeni, “Letter of Prominent Prisoner of Conscience, Abdollah Momeni, to Ayatollah Khamanei,” *International Campaign for Human Rights in Iran*, Sept 09, 2010, <http://www.iranhumanrights.org/2010/09/letter-momeni-khamanei/>

<sup>245</sup> Derrida, 93, 92, respectively.

<sup>246</sup> *Ibid.*, 93.

<sup>247</sup> *Ibid.*, 94.

is, the law, in its history and as history.<sup>248</sup> The essence of tragedy, writes Derrida as he reads Hamlet, rests in the originary crime of law, the truth of which can only be represented and fantasized “in a self-confession that *confesses the other*, as if that amounted to the same.”<sup>249</sup> The confession is the fixation of law as history. It is to redress history, to enjoin it properly for its judgement, which marks “the necessity of thinking justice on the basis of the gift, that is, beyond right, calculation...*without force*, precisely [*justement*], without necessity perhaps, and without law.”<sup>250</sup> Justice as gift, as presented, and under the sign of presence can “*come back* or belong to the other” and is thus incalculable, anachronistic, and “out of joint.”<sup>251</sup> In the coming of the event, writes Derrida, “the necessary disjointure, the de-totalizing condition of justice, is indeed here that of the present- and by the same token the very condition of the present and of the presence of the present.”<sup>252</sup> Otherwise, history is terror; the possibility of the future is foreclosed, and so is the chance of what Derrida calls a “desert-like messianism,” that is, the messianic promise of justice, the “coming of the other, the absolute and unpredictability of the *arrivant as justice*,” without the messiah.<sup>253</sup>

This “messianic without messianism,” the very inheritance and simultaneous departure from Marx, comes for Derrida at the discernment between teleology and eschatology; where the former enacts a determined telos of history, an “ideal finality” of progress, itself ahistoric as it cannot be measured against any event; and the latter exceeds such telos, at each moment, as an “ultimate event, immediate rupture, unheard-of

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<sup>248</sup> *Ibid.*, 20- 24.

<sup>249</sup> *Ibid.*, 24-5.

<sup>250</sup> *Ibid.*, 32.

<sup>251</sup> *Ibid.*

<sup>252</sup> *Ibid.*, 33.

<sup>253</sup> *Ibid.*

interruption, untimeliness of the infinite surprise, heterogeneity without accomplishment.”<sup>254</sup> The messianic without messianism, is therefore eschatological but not teleological. It comes with a spectre of Marx, but it moves through religion and ideology.

For “what is ideology?” asks Derrida, as he invokes a patrimonial lineage of the “idol”- that which gives body to the idea but a body that is “less real than the idea itself”- from Plato to Marx and beyond, without the ontological questioning of the idea of an idea.<sup>255</sup> This uninterrupted inheritance is for him a question of survival, and thus of life or death, “before being a question of Being, of essence, or of existence.”<sup>256</sup> The logic of *surviving* in the “patrimony of the idol” which once again enables a biopolitical reading of sovereignty and law, makes apparent for Derrida the artificial, prosthetic, spectral body formulating the “theory of ideology.”<sup>257</sup> On the one hand, he argues this spectre of the idol is itself irreducible, and on the other hand, the concept of ideology is itself constructed upon the religious model.<sup>258</sup> Religion thus works as both the originary moment of the spectre, and the messianic, eschatological, and abstract, emancipatory moment of the revolutionary and the ideological.<sup>259</sup> At stake here, he proposes, is everything that singularly links “Religion and Technics.”<sup>260</sup> These are the “two deserts” each presupposing the other. For it is possible to recognize “the atheological heritage of the messianic” in the borrowed land of the earth from God, “the arid soil in which grew,

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<sup>254</sup> *Ibid.*, respectively 74, 71, 45.

<sup>255</sup> *Ibid.*, 185, 184.

<sup>256</sup> *Ibid.*, 185.

<sup>257</sup> *Ibid.*, 158.

<sup>258</sup> *Ibid.*

<sup>259</sup> *Ibid.*, 209.

<sup>260</sup> *Ibid.*, 210.

and passed away, the living figures of all the messiahs.”<sup>261</sup> But also, they make possible the simulacrum of the “tele-technosciences, in general the dis-location to which our time is destined,” on the edge of which the messianic “trembles.”<sup>262</sup>

Eschatology, ideology, religion, technics, and simulacrum. What are the Iranian trials but the manifestation of such *hauntologies*?

Is there *there*, between the thing itself and its simulacrum, an opposition that holds up? Repetition *and* first time, but also repetition *and* last time, since the singularity of any *first time*, makes it also a *last time*. Each time it is the event itself. A first time is a last time. Altogether other. Staging for the end of history. Let us call it a *hauntology*.<sup>263</sup>

But of course, hauntology for Derrida, is always both, the incorporations of the idol, and the messianic promise, present future past. At its heart, there lies an undetermined hope, an “eschatological relation to the to-come of an event and of a singularity, of an alterity that cannot be anticipated.”<sup>264</sup> This hope, this waiting for the “absolute surprise of the *arrivant*” without the horizon of expectation, which requires “a hospitality without reserve,”<sup>265</sup> is one which often appears in the Iranian political prison literature.

Majid Tavakoli, for instance, a prominent student activist sentenced to eight and a half years,<sup>266</sup> writes in a letter from prison to Tehran’s Courts of Appeal, the closing statement of which reads:

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<sup>261</sup> *Ibid.*, 211.

<sup>262</sup> *Ibid.*, 212, 213.

<sup>263</sup> *Ibid.*, 10.

<sup>264</sup> *Ibid.*, 81.

<sup>265</sup> *Ibid.*, 82, 83

<sup>266</sup> His sentencing was broken into five years for spreading propaganda against the regime, two years for insulting the Supreme Leader, one year for insulting the President, and six months for gathering and collusion. Iran Human Rights Voice, “Majid Tavakoli Sentenced to Eight and a Half-Year Jail Term,” January 26, 2010, <http://www.ihrv.org/inf/?p=3600>

In the hope that in the continuance of the previous weeks' rapid and theatrical processes, this authority's position would not be a confirmation of the alloyed dictated and show characteristic of the court, and the constitution of the "in" onto the status of justice; for the passing of time is itself the good prosecutor, who by a difficult judgement and in a great court, will accurately referee all action and judgment."<sup>267</sup>

Tavakoli, knows very well that history is not the only judge of politics. The first part of his statement clearly *presents* a judgement, not just one of his own, but of the world that started two international campaigns in his support.<sup>268</sup> However for him, this judgment does not carry the promise and thus the possibility of the *arrivant*, of justice-to-come, of democracy-to-come, of the impossible event. What, if any, would be the difference between such a promise and that of Bukharin's when he said "world history is a world court of judgement"?<sup>269</sup> Unlike Bukharin, having not been subjected to the discourses of the revolution as a revolutionary, Tavakoli too promises the future in history. The promise though is not of a history that belongs to the victors. It does not promise triumph, but justice. Neither is it of a justice that belongs to the messiah or the Imam of the Time.

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<sup>267</sup> JARAS (The Green Path Movement), "Majid Tavakoli: Respect the rights of the accused," May 3, 2010. Translated by author

[http://www.rahesabz.net/story/14792/?keepThis=true&TB\\_iframe=true&height=650&width=850](http://www.rahesabz.net/story/14792/?keepThis=true&TB_iframe=true&height=650&width=850)

<sup>268</sup> Tavakoli is internationally known for an Iranian government news agency publishing his photos dressed in women's clothing at the time of his arrest. This was widely acknowledged as an act of humiliation and was followed by an international campaign of men wearing the headscarf in solidarity. For further interest see Eve Bower, "New Protest Statement Builds in Iran—Men in Head Scarves," CNN, December 14, 2009, <http://www.cnn.com/2009/WORLD/meast/12/14/iran.headscarf.protest/index.html>

Also in March 2010, he was selected as the winner of the Homo Homini Award, which is awarded annually by the Czech NGO People in Need "in recognition of a dedication to the promotion of human rights, democracy, and nonviolent solutions to political conflicts." See Radio Free Europe Radio Liberty, "Iranian Activist to be Awarded Human Rights Prize," The Persian Letters, March 9, 2010.

[http://www.rferl.org/content/Iranian\\_Activists\\_To\\_Be\\_Awarded\\_Human\\_Rights\\_Prize/1978666.html](http://www.rferl.org/content/Iranian_Activists_To_Be_Awarded_Human_Rights_Prize/1978666.html)

<sup>269</sup> Bukharin, quoted in Merleau-Ponty, 62.

In a polity in which all official documents begin “in the name of God”, the name appears not once in the letter that ends in the name of history.<sup>270</sup>

The messianic without messianism, however, requires too the despair that “trembles” the messianic. Despair is that which invites the *arrivant*, remains hospitable, and prevents the reduction of the irreducible. For without despair “and if one could *count* on what is coming, hope would be but the calculation of a program,” that is, of “law without justice.”<sup>271</sup> And this too appears in the language of the trialed. “Justice arrives precisely at the time of absolute despair,” writes Nasrin Sotoudeh, imprisoned human rights lawyer in an open letter to her eleven year-old daughter.<sup>272</sup> But Sotoudeh and Tavakoli are both non-confessors. The chilling despair of those who have confessed, it seems, is of a whole other genre, one that carries what Derrida attributes to “a curious taste, a taste of death.”<sup>273</sup> It is perhaps of the phantasmagoria. Maziar Bahari, the Canadian/Iranian Newsweek journalist, describes:

The morning of my "confession," I woke up humming "The Partisan," a Leonard Cohen tune about World War II resistance fighters:  
*When they poured across the border*  
*I was cautioned to surrender,*

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<sup>270</sup> This is a very open reading of Tavakoli’s letters from prison. The latter could just as well be interpreted as a highly ideologically charged framework of understanding time. I am less interested here in the intent of the author than the possibilities that the text offers. My purpose is not to demonstrate that a Derridian conception of “hope” is empirically evident amongst Iranian activists, but that the current situation invites such readings. Otherwise, we are to hopelessly repeat history.

<sup>271</sup> Derrida, 212.

<sup>272</sup> Sotoudeh was found guilty of “acting against national security,” “not wearing the hijab during a videotaped message,” and “propaganda against the regime,” and sentenced to 11 years imprisonment. Nasrin Sotoudeh, “Nasrin Sotoudeh’s letter to her daughter, Mehrvareh: You have endured like I.” *Change for Equality*, April 16, 2011, <http://www.we-change.org/spip.php?article7614> Translated from original Persian by author. For full English translation see <http://www.we-change.org/english/spip.php?article877>

<sup>273</sup> Derrida, 212.

*This I could not do;  
I took my gun and vanished.*<sup>274</sup>

It is indeed in this despair, in the “tomb-like cell, which benefited from the deathly silence of the ward,” in the words of Abdullah Momeni, that the curious taste of death, of law without justice, “leaves something to be desired.”<sup>275</sup> Death is invisible but present everywhere in the trials. It is literally tasted according to one witness account of a confessor:

The first time for thirty minutes, he was waiting on the stand with the rope around his neck... After half an hour they announce that because the prison ward was unable to make it, and the sentence must be carried out before dawn, it will be postponed for a few days... Four days later they wake him again, and take him to section 2A, put the rope around his neck as he stands on the death stand. His sentence is read, he utters his last words and will, they pull the stand beneath him, but the rope is long enough that he hits the ground. His interrogators laugh obnoxiously...<sup>276</sup>

Hope and despair, with an opening for desire, a desire for justice and democracy to-come, these are the conditions upon which the confessor walks onto the stage of the court. The confession is about to *turn the tables* in the crisis of the authorities, the authoritarian crisis. The confessor seems “a little mad, weird, unsettled, ‘out of joint’.”<sup>277</sup> S/he is objectified, commodified, *turned into a tableau*,<sup>278</sup> an object of a speech act, an

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<sup>274</sup> Bahari was sentenced in absentia after having left the country, to 13.5 of prison on national security charges. See Maziar Bahari, “118 Days, 12 Hours, 54 Minutes,” *Newsweek*, November 21, 2009, online edition. <http://www.newsweek.com/2009/11/21/118-days-12-hours-54-minutes.html>

<sup>275</sup> Abdullah Momeni, “Letter of Prominent Prisoner of Conscience, Abdollah Momeni, to Ayatollah Khamanei.” The final quote is from Derrida, 212.

<sup>276</sup> Saeed Pourheddar, “Torture in Evin’s 2A, 209, and 240,” *RAHANA*, May 13, 2011 <http://www.rahana.org/archives/39789>

<sup>277</sup> Derrida writes with regard to the “turning table” in Marx’s *Capital*, 187.

<sup>278</sup> ‘Tableau’ is the term Derrida uses for turn table. I thought its incorporation would be relevant here as the word is also used in Persian in two different senses: its original French meaning of painting, board, blackboard, or wall-piece, but also in slang, in its reference to a bulletin board, it is a sarcastic epithet to

automaton of sorts, perhaps a tape player. S/he is not the actor, for the actor acts willingly without having to taste death. For the limited duration of the confession s/he is the prop, the prop with both a use-value and an exchange value. S/he is the very *turn table* of the phantasmagoria, a *thing* that someone turns, or turns on, plays, so that it *automatically* speaks, but this is to remain invisible. Before taking the stage the confessor is only another member of the audience, upon staging the confession, s/he turns into a “commodity-thing;” it is “transfigured.”<sup>279</sup> And hence the “*coup de théâtre*,” the necessary, violent, and theatrical suspension of the law before the law as it proves itself inconsistent with *raison d'état*.<sup>280</sup> For tortured confessions are indeed illegal in the Iranian legal code.

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refer to someone who is obviously hiding something, (i.e. they are so obvious as if they are making the announcement of their secret on the bulletin board).

<sup>279</sup> Derrida, 188.

<sup>280</sup> *Coup de théâtre* is Derrida's term to which I apply Foucault's definition of *coup d'etat* discussed in Ch.2.

Figure 3. 1- Mana Neyestani: I Confess.<sup>281</sup>



But let us continue in theatre, for it is in this language that the absurd begins to appear. The stage entrance, and thus the transfiguration of figures such as Hajjarian, Abtahi, and Atrianfar, (for Derrida reading Marx, commodity turned spectre, and for us, man turned commodity turned spectre) marks the “apparition of a strange creature: at the same time

<sup>281</sup> Mana Neyestani, “I confess”, *Radio Zamaaneh*, Aug 9, 2009, [http://zamaaneh.com/zamtoon/2009/08/post\\_197.html](http://zamaaneh.com/zamtoon/2009/08/post_197.html) Translated from original Persian by author.

Life, Thing, Beast, Object, Commodity, Automaton –in a word, spectre.”<sup>282</sup> And it is here, at this moment, that the confessing object performs its most absurd contradiction. On the one hand, it appears willing and in control of itself. “It emancipates itself on its own initiative: all alone, autonomous and automaton, its fantastic silhouette moves on its own, free and without attachment.”<sup>283</sup> On the other hand, this appearance is the very condition of its emancipation, its re-embodiment, its preservation, while having to become “a sort of automaton, a puppet, a stiff and mechanical doll whose dance obeys the technical rigidity of a program.... it is the contradiction of *automatic autonomy*, mechanical freedom, technical life.”<sup>284</sup> This of course is an experience not too far from our modern imaginations. The transfiguration of Kafka’s ape into the human also captured the contradiction of forced freedom.

Derrida will find this spectral and spectacular intersection of autonomy and automaton to be the disjointed accumulation of undecidability:

An idol would like to make the law. But inversely, the spirit, soul, or life that animates it remains caught in the opaque and heavy thingness of the *hulē*, in the inert thickness of its ligneous body, and autonomy is no more than the mask of automatism... The automaton mimes the living. The Thing is neither dead or alive. It is dead and alive at the same time. It survives. At once cunning, inventive, and machine-like, ingenious and unpredictable, this war machine is a theatrical machine, a *makhanē*.<sup>285</sup>

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<sup>282</sup> Derrida, 190.

<sup>283</sup> *Ibid.*, 191.

<sup>284</sup> Derrida is of course speaking to the subject of *Capital*, the stakes of which -that of the singular conceptual link between religion and technics- are much higher than the specific case at hand. But let us consider also, that this singular link runs through the heart of the discourse of Iranian politics insofar as the relationship between theocracy and democracy is concerned. *Ibid.*, 192.

<sup>285</sup> *Ibid.*

A theatrical war machine performing to survive, autonomously confessing to perform the automaton, and in doing so preventing the law-making of the idol: let us explore this process in one confessional text.

Saeed Hajjarian, a revolutionary believer-turned-reformist, a disabled survivor of a Ministry of Intelligence assassination attempt, and a political scientist who wrote his dissertation on “The Promise in the Russian and Iranian Revolutions,”<sup>286</sup> denounces in his confession his previous analyses of Iranian politics as a manifestation of Max Weber’s theory of oriental Patrimonialism and Sultanism. Hajjarian has been objectified and staged in the past; he has also survived and returned. Shot in the head at a close range, he is partially paralyzed and has minimal speech ability. In court, he is the most lifeless, the most ghostly, and most objectified of all: he sits static as his confession is read by another makhanē, another member of the Participation Front, Saeed Shariati.<sup>287</sup> That his intellectual and political works in the past two decades are discredited by himself for reasons that he names to be limited academic resources in social sciences in Iran, ideological translations of literature tainted with Marxism and neoliberalism, and the influence of foreign trained post-structural, post-Marxist, and feminist thinkers, is not quite the phantasmagorical element of the performative.<sup>288</sup> The former is the “inventive,” “ingenious,” and “unpredictable” critique of the academy, in its privileging of Engineering over Social Sciences in the Iranian context, that Hajjarian manages to bring

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<sup>286</sup> See Saeed Hajjarian, “The Promise in the Russian Revolution and the Islamic Revolution of Iran (Research Sample)”, PhD Dissertation, Faculty of Law and Political Science, University of Tehrna, 1992.

<sup>287</sup> Ali Akbar Dareini, “Saeed Hajjarian, Prominent Iranian Reform Figure, Admits Fomenting Unrest AT Mass Trial,” *The Huffington Post*, Aug 25, 2009. [http://www.huffingtonpost.com/2009/08/25/saeed-hajjarian-prominent\\_n\\_268003.html](http://www.huffingtonpost.com/2009/08/25/saeed-hajjarian-prominent_n_268003.html)

<sup>288</sup> Saeed Hajjarian, “Full Text of Hajjarian’s Defence in Court,” *Rajanews*, [no date], <http://www.rajanews.com/detail.asp?id=34980v> Translated by author.

to the table.<sup>289</sup> The phantasmagorical is even more apparent in the man who once wrote a critique of revolutionary messianism, now placed on stage to precisely perform the realization of the revolutionary promise: It is not only the case, Hajjarian says at the roundtable, that the Supreme Leader has all three forms of legitimacy in Iran, that is traditional, charismatic, and legal –prudently failing to mention that this is Weber’s theory of legitimacy as he repudiates Weber’s applicability to “*present Iran*”- but that he also has a fourth source of legitimacy, which is the prophetic, “attained from the holy domain of the Imam of the Time.”<sup>290</sup> The confession is to put back into place time, that is, to properly place the Imam of the Time into the present, and to place the present properly into the linear march of history towards the day of his apparition.

But Derrida à la Marx is reading something else from the *coup*: a double relation, “a double *socius*,” that the political actor-commodity enables, on the one hand amongst men, and on the other hand, amongst the commodities. The first is a relation bound in time. The performance, whatever its message -terror, power, or legitimacy- has its timing: it must relay it in time for the next protests, and time is the token by which it gathers its audience. Men, writes Derrida, are associated together, “who are first of all experiences of time, existences determined by this relation to time which itself would not be possible without surviving and returning, without that being ‘out of joint’ that dislocates the self-presence of the living present.”<sup>291</sup> The survival and return of the spirit of the Moscow trials, the revolutionary promise, and the spectres of the reformists, are but some of such dislocations. One could not help but be reminded of Benjamin as he writes: “the current

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<sup>289</sup> See also, Saeed Hajjarian, “Roundtable with Saeed Hajjarian in Prison,” *Youtube*, Sept 23, 2009, <http://www.youtube.com/watch?v=OiY5zG8zqyE> Translated by author.

<sup>290</sup> Hajjarian, “Roundtable with Saeed Hajjarian in Prison” and “Full Text of Hajjarian’s Defence in Court,” respectively.

<sup>291</sup> Derrida, 193.

amazement that the things we are experiencing are ‘still’ possible in [our time] is not philosophical. The amazement is not the beginning of knowledge – unless it is the knowledge that the view of history which gives rise to it is untenable.”<sup>292</sup> This view, of history as progress before its telos, before its end, begins with a definition of time as the ideal, Derrida writes, and “the ideality of time is obviously the condition of any idealization and consequently of any ideologization.”<sup>293</sup>

The other relation which binds commodity-things to each other echoes one of space. The confessor-object encourages, speaks to, and thus relates to the other in the space of the court. The court “is a front, a front among fronts, a confrontation.”<sup>294</sup> But in this confrontation there still remains a secret, a “mystical” and “enigmatic character” of this product of history.<sup>295</sup> The secret has to do with invisibility in time and in space.

Derrida finds it in “quid pro quo:” a theatrical term signalling the mistaken substitution of actors, characters, dialogues, things; “repetition upon the perverse intervention of a prompter.”<sup>296</sup> Here, he writes, it has to do with “the abnormal play of mirrors.” The court itself is a mirror and so is the confessor-commodity in its form, “but since all of a sudden it no longer plays its role, since it does not reflect back the expected image, those who are looking for themselves can no longer find themselves in it,” neither the confessors nor men.<sup>297</sup> The mirrors are inversed, reversed, cancelled, to create the simulacrum in simulacra without end. Let us recall the placeless place of power in the juridico-political

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<sup>292</sup> Benjamin uses the word “the twentieth century” in place of the bracketed “our time.” Benjamin, 257.

<sup>293</sup> Derrida builds this premise on Marx’s uses of the Hegelian definition of time at the beginning of *Capital* as “abstract or ideal, since it is the negative unity of being-outside-self (like space of which it is the truth).” Derrida, 194.

<sup>294</sup> Derrida is of course writing about fetishism produced in this double relation by the commodity-thing and its stage, in the context of which the “market” is a front. *Ibid.*, Derrida 194.

<sup>295</sup> *Ibid.*, 195.

<sup>296</sup> *Ibid.* See also footnote 23, p. 242.

<sup>297</sup> *Ibid.*, 195.

mirrors of sovereignty, in the Revolutionary Court, in simulacrum. But the space is haunted by the lack of the reflected image. For “how do you recognize a ghost?” Derrida posits, “by the fact that it does not recognize itself in a mirror.” Thereby this phantomalization, this apparition of the absurd, is a realization: it is the truth, “it shows by hiding.”<sup>298</sup>

As such, the historic phantasmagoria carries out its function to the fullest. It instills fear, terrorizes, and haunts, not only its audience, but so too the actors in the play itself, that is, if we accept the distinction between the two. The spectral object of the confession also haunts its “possessors” and “guardians,” the guardians of the revolutionary promise, indeed the Revolutionary Guards.

Persons are personified by letting themselves be haunted by the very effect of objective haunting, so to speak, that they produce by inhabiting the thing. Persons (guardians or possessors of the thing) are haunted in return and constitutively by the haunting they produce in the thing by lodging there their speech and their will like inhabitants.<sup>299</sup>

Men bound in time are all haunted by this piece of theatre for the angel of history: being and time, an ontology haunted by and itself haunting history. For what are the show-trials but a hauntology of history itself: a “becoming-ghost... of a man who became frightened of his own ghost, a constitutive fear of the concept that he formed of himself and thus of his whole history as a man? ... His history as the history and the work of his mourning, of the mourning he wears right on the surface of what is proper to man?”<sup>300</sup> It is this hauntology of history and its victor, and thus its subject, that dislocates it from

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<sup>298</sup> *Ibid.*

<sup>299</sup> *Ibid.*, 198.

<sup>300</sup> *Ibid.*, 199.

linear time, from its messianism, teleology, progress, and end, from the Imam of the Age. If the trials perform the haunting of history, for the latter exceeds itself at any time through the spectre, then history has no limit, in the sense that “the limits of phantasmagorization can no longer be controlled or fixed by simple opposition of presence and absence.”<sup>301</sup> This delimitation of history through the apparition of the absurd form, which is enforced in the show-trial precisely for history, for its judgement, is the moment, not an originary moment, but a time that re-opens, “conceptually and really,” the field for justice and democracy-to-come.<sup>302</sup> It disrupts the expectation of the judgement and thus the temporal structure that enables it.

The show-trial as situated in the discourse of the historico-philosophical is staged for history: staged in the same way a *coup d'etat* is staged, that is, sudden, violent, and theatrical, and expected to turn the tables in the same way as a *coup de theatre*, that is, by way of a suspension and a re-turn. The Angel of History and the Imam of the Time seem to have something in common, something that enables a performance of terror for their approval, for their judgement. Historical Materialism and Shi'i Mahdism may be as far apart as any two ideas could possibly be, but idolized, and thus embodied by the state as ideology, they have arrived at almost identical theatrical sites. This ideologization is itself an inheritance of ideal time, one that works teleologically, and by the laws of which only the survivors of the revolution can determine and thus guard both the telos and the universal path towards it. Hence, the terror of history. In this way, the show-trial, and

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<sup>301</sup> *Ibid.*, 204

<sup>302</sup> Here, Derrida is speaking of capitalization without limit. *Ibid.*, 205

more specifically the confession, is a re-alignment of those who have diverged from history's path onto the proper direction.

But Derrida will remind us that a confession as such is not only an attempt at the reintegration of the subject of history, but indeed one at the adjustment of history itself. For the spectral patrimony of the idol in the becoming of ideology is itself only possible in a time out of joint. In all its violence and vicissitude, the show-trial is enforcing the present into its proper location in linear time. This propriety is claimed through a certain sense of proximity to the telos, indeed the end of history, a calling that beyond this point, there is no other. The end of history however, is for Derrida the beginning of the historicism of history, "of the *other man* and of man *as other*."<sup>303</sup> It is where the possibility of promise and thus the condition of re-politicization appears.

The theatrical court is in this ending, a "tableau of an ageless world," a performance of what "is happening to age itself, it strikes a blow at the teleological order of history."<sup>304</sup> In its enforcement of history, of law as history, and thus law without justice, it conjures spectres, presents the absent both from the past and the future, from 1938 and the Imam of the Age. The confessions are automatic and autonomous, objectifying and humanist, scripted and inventive, they make visible the invisible. In their ghostly character, they work to perform the absurdity of singular history and linear time.

History will not judge, for history wills not. It is not the singular judge, in its singularity it is terror and not justice. What necessitates justice is the messianic promise in time but without the Imam of the Time. It is in time, out of joint, dislocated, and by the singularity of the event, disadjusted, that the possibility of justice is promised. By the

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<sup>303</sup> *Ibid.*, 93.

<sup>304</sup> *Ibid.*, 96.

same token the dislocation of history perturbs theology and ideology. It interrupts the idol and the telos, but there is something, perhaps itself a spectre, from the experience of the eschatological that remains lingering. The promise of justice, fluid in the hopes and despairs of the trialed, the confessors and otherwise, has only been made possible in this tableau. It survives.

## Concluding Remarks

“And we, completely wrapped up in this illusion and composed of it are compelled to consider this illusion as the truly nonexistent -i.e. as a perpetual becoming in time, space, and causality -in other words as empirical reality.”  
 -Nietzsche, *The Birth of Tragedy*

I began this meditation with a question of ‘why’, why was an event that just seemed so futile taking place? To this end, I turned to the function of theatre. If the show-trial is in the literal sense understood to be a performance, then I should not search for truth or reality in it. Theatre is a form of the expression of an idea, a dream. But more importantly, it leaves open, consciously or unconsciously, the impressions left on its audience. This space between intent and implication appeared heavier as I moved through the theories that offered pathways to understanding the problem. In this way, this work may be read in accordance with a horizontal division. Where the first parts of the chapters look into the constituting conditions of the trials, and the latter parts into their specific contextual operation, a gap may be visible between the two which I approach here as the performative gap: the performance which changes the very thing it is performing. There then follows three sets of questions: What is the nature of the performance? What is it performing? And how does it change what it has performed?

The performance of the theatrical court is *not* a barbarian, archaic, or backward practice. It cannot be externalized through time or space, nor can it be disregarded as irrational, ineffective, or miscalculated. On the contrary, it works within and in relation to a series of particularly modern apparatuses, in place and time and in many ways enabled by the revolution. The theatrical performance is of a biopolitical genre. It follows a

historical form by pushing the question of death and torture to the backstage, where they are present but invisible, and tortures are increasingly white, clean, and psychological, and executions increasingly clandestine. The murderous function of the state claims justification in the preservation of the *bios*, through the bodies of the one and the many. Annihilated will be the enemy race, even if the enemy does not have a race, even if the enemy is not. For what is the political without the enemy, and what is the biopolitical without manufacturing it as a race? And yet, there is no death, only life against life, only its opposition to itself.

The theatre caters to different audiences. To the domestic audience, the inside, the message of *The Trial*, is one of historical triumph, one of terror. The same terror of which Josef K. told, the very one under which Nikolai Bukharin confessed. If history is written by the victors, and then rationalized into objectivity, then the task is simple: to triumph and claim justice. For in its objectivity, history will be just. And triumphant justice through law is precisely what the theatre performs. But if law will impose the terror of history, then sovereignty defines the foundation of law, of history, of terror. So to the international, the outside, the theatrical court performs the dream of phallic statehood, one that reiterates sovereignty, externalizes the enemy threat, and prevents foreign penetration.<sup>305</sup> It performs foundation, promises the origin, and by the same token claims the end: the end of protest, the end of alterity, the end of time. And for this, the Imam of the Time will always be ready to serve, for the sovereign is after all, the “sign and seal” of the divine.

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<sup>305</sup> One unpursued possibility in this project is an analysis of rape, and more broadly a gendered discourse of sovereignty in Iran, particularly given that in an unprecedented manner, the post-election crackdowns followed reports of male rapes in Iranian prisons. This, in an Islamic country where “sodomy” is punishable by death marked a significant political shift toward cultures of hyper-masculinity where the body of the protesters, understood as the transgressive body of the enemy, were allowed to be penetrated.

Performativity, however, reserves the right of the transformation of the performed. The court transforms itself, *dadgah*, the time and place of justice, replays itself in theatre. And by the singularity of the event, each repetition will be original, redefining the performed in relation to the origin, whichever way it is defined. The repetitions will simulate and the origins haunt. But it also reverses the event: simulations will repeat and origins will be haunted, in being and in time. Hence we have the theatrical effect that will reach far beyond the intention of the production. History and sovereignty in performance, as if there would be any other way, cancel themselves, putting into question their principle of reality.

On the one hand, sovereignty as the foundation which is in crisis, finds the need to perpetually re-present itself, thus performing the paradox of a foundationless foundation based on representations of representations *ad infinitum*. Thereby the simulacrum is created in a place where we have been told to see and have been seeing a reality of sovereign-bio-power. What if the theatricality at work was just the necessary element by which we can theorize power beyond the real and into the hyperreal? Although this certainly was not Baudrillard's problem, one cannot help but wonder, what better place is there to begin than the place that claims reality in theatricality? Itself seemingly almost conscious of the void, the spectacle is presented to hide the "truly non-existent", and yet we search for what really exists in it. This, I must confess, was my initial step with the question of 'why'. But in taking Foucault's advice on the shift to the question of how, and especially in its extension into the simulacra, this placeless place that exists only by the virtue of its non-existence, I found myself in a front, indeed a

confrontation, which beyond its totalizing condition of terror, has the strange capacity to negate itself and displace the very grounds upon which it stands.

On the other hand, something else is contributing to this displacement, indeed through its anachronisation. The stage of the theatrical court is saturated with absurdities, transfigurations, and disjunctures that through Derrida I attribute to the work of a time “out of joint”. While performing the dream of victory for the angel of history, the court undermines the very history which it claims. Spectral appearances not only from the past and the future in the form of the idea, but also of those who would have *never* appeared otherwise, confess to something other than the teleological, linear, and progressive order of time. To understand the show-trial as backward is to first accept this linearity, second, to designate a particular location to the event, and finally, to leave the remainder of the path to the determinism of the fate of progress, a rather limiting conceptualization for political agency. But if we were to understand the archaic elements of the trial, to take only one ghostly instance, the idea of the forced confession itself, as indicative of the possibilities of a disjointed time, then the theatrical court paradoxically mediates this very possibility. On the stage of terror, appear the figures that rupture time and make possible the conception of an open future to-come. And this alone bears the promise of justice, for it allows for undecidability.

Recalling Artaud’s words on the necessity of “true dreams” as opposed to “a servile copy of reality” for the public to believe, we might conclude that perhaps, the dreams of sovereignty and history were only servile copies too faithful to reality, copies without an original, as Baudrillard would have it. Terror was perhaps just too close to the real, it was never a true dream. Upon the experience of the trials however, perhaps some

are dreaming of a justice to-come. And this is theatre, the dreams of which we can believe.



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