



Reza Banakar  and Keyvan Ziaee

The Life of the Law in the Islamic Republic of Iran

Beyond the esoteric deliberations of Islamic jurists and their exegesis of criminal and private law doctrines, Iranian law lives a life of its own. It is a life of routine practices of judges, court clerks, lawyers and clients, each of whom is striving to turn the law to their own advantage. It is also a life of contested legality, a relentless struggle over the right to determine the law in a juridical field which is infused with strife and hostility. These conflicts are reproduced daily as two competing conceptions of law, and their corresponding perceptions of legality clash in pursuit of justice. The Iranian judiciary's concept of law, its reconstruction of Islamic jurisprudence and methods of dispensing justice, which on the surface are reminiscent of Max Weber's "qādi-justice," collide with the legal profession's formal rational understanding thereof. However, Iranian judges are not Weberian qādīs, and the legal profession is not a homogenous group of attorneys driven by a collective commitment to the rule of law. To understand their conflict, we need to explore the mundane workings of the legal system in the context of the transformation of Iranian society and the unresolved disputes over the direction of its modernity.

Keywords: Iranian Law; Iranian Bar Association; Judiciary; *Qādi*; Legal Profession; Legal Services; Fiqh; Shari'a; Female Lawyers; Field; Illusio; Doxa

The life of the law is a struggle—a struggle of nations, of the state power, of classes, of individuals.
(Rudolf von Jhering, 1915)¹

The life of the law has not been logic; it has been experience. The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow-men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed. (Oliver Wendell Holmes, 1968)²

Reza Banakar is Professor of Sociology of Law and Keyvan Ziaee is Visiting Research Fellow at Lund University, Sweden.

Introduction

This study provides a snapshot of “the life of law” in the Islamic Republic of Iran, a glimpse of “law in action” from the vantage point of attorneys who are members of the Iranian Bar Association (*Kānun-e Vokālā-ye Dādgostari*, “the IBA”). Their daily experiences of working as lawyers, and their accounts of the everyday struggles within the legal system, are pieces of a puzzle which, once in place, will reveal the institutional practices that produce and reproduce over time the judicial order of the Islamic Republic. It also tells us a great deal about the power struggles within Iranian society and the ongoing struggles over its normative boundaries and future direction. How is the Iranian legal system, which is openly religious and based on “Islamic criteria,” differentiated into a relatively independent field of action? How does a male-dominated judiciary deal with the increasing feminization of the legal profession? Why is the relationship between the legal profession and the judiciary characterized by hostility? Why do many Iranian lawyers express an intense dislike of family law cases? Why does the Iranian public mistrust lawyers? And finally, what does the life of law in the Islamic Republic reveal about the unfolding of late modernity in Iranian society? These are some of the questions that confronted us as we began interviewing Iranian lawyers and familiarizing ourselves with their daily reality. They are also the questions which we hope to shed some light on in this study.

The study presented here is based on three consecutive sets of interviews with lawyers and members of the public concerning the law, the legal system, legal practice and legal services in Iran: eleven interviews (three women and eight men) were conducted with lawyers, two of whom were retired judges, in 2012.³ In addition, thirty-one interviews with lawyers and two interviews with judges (fifteen women and eighteen men) were conducted between 2015 and 2016. All the interviews were semi-structured, each was approximately one hour long and carried out in Farsi in Tehran. Furthermore, twenty-six shorter interviews were conducted in 2016 with members of the public, to explore their attitude to, and their knowledge of, lawyers’ work as well as their views on, and experience of, legal services and other related issues.

This empirical material is analyzed using the idea of the law as a “social field,” which, following Pierre Bourdieu, is described not only as “a network, or configuration, of objective relations between positions,” but also as a structured space constituted by social forces and struggles between the agents who are competing for *stakes* (*enjeux*) in the field.⁴ Thus, the legal system is viewed as a social space and a field of legal force with its own logic, rules, values, capital and type of practice, whereas the judiciary and IBA attorneys are regarded as two competing subfields within the “juridical field.”⁵ The interviewees’ descriptions are not treated as “factual” statements, although they do contain many factual accounts and reflect our respondents’ knowledge of how the law works. Instead, they are used as indicators of agents’ “disposition” in the juridical field. The notion of disposition refers to different social attitudes, cultural tendencies and political inclinations which result from the agent’s standing in the field as well as their social background (class, gender, education, ethnicity, religion, etc.) and life experiences.⁶

The article starts with a brief presentation of the Iranian legal system, its sources and institutions, before presenting and analyzing the empirical data consisting of interviews.

The Iranian Legal System, its Sources and its Institutions: A Brief Overview

Prior to the 1979 Revolution, the Iranian legal system was a mixed jurisdiction: its private law merged ideas from the 1804 French Civil Code with Islamic law, while its criminal law largely abandoned Shari'a in favor of institutional and procedural designs of civil law jurisdictions. Those areas of the law which were regarded as un-Islamic, such as criminal and family law, were fundamentally revised after the 1979 Revolution to bring them in line with the tenets of Shari'a. Nevertheless, the legal system of the Islamic Republic continues to bear the hallmarks of its original organization and contains elements from Islamic and civil law traditions, with some of its sources dating back to the pre-revolutionary era.⁷ Crucially, as Article 4 of the constitution stipulates, Iranian law is based on "Islamic criteria," with Shari'a as its primary source.⁸

The Iranian legal system comprises a hierarchy of courts that operate under the constitution and allow for the possibility of appeal. However, it also has "special" courts, such as the Special Court of the Clergy,⁹ and the Revolutionary Courts,¹⁰ which are presided over by religious judges and operate outside the jurisdiction of public courts. The independence of the judiciary is guaranteed in Article 156 of the constitution, and the importance of ensuring the impartiality and independence of judicial tribunal is stressed in the 2015 Criminal Code of Procedure. Notwithstanding these constitutional provisions, "it has been widely reported that judges are handpicked and influenced by the executive branch of the state."¹¹ The head of the judiciary, as well as the chief of the Supreme Court and the prosecutor general, are appointed to five-year terms directly by the Supreme Leader, who is the highest political authority and in practice not accountable under the law or to any institution.¹² The head of the judiciary appoints the heads of the provincial courts, who in turn appoint lower-ranking judges.¹³ Thus, all low-ranking judges owe their allegiance to the heads of the provincial judiciary, who in turn owe their positions to the head of the judiciary, who owes his position to the Supreme Leader.

The binding sources of Iranian law consist of legislation passed by the parliament (*Majlis*) and approved by the Guardian Council,¹⁴ "commands and views of the Jurist-Leader" and Shari'a law as promulgated through the fatwas of prominent jurists and judicial decisions of the plenary session of the Supreme Court.¹⁵ Customs and usages (*urf*) also play a role, albeit a limited one. According to Article 167 of the constitution, courts are to adjudicate cases on the basis of the codified law, unless such law is absent, in which case the judge may decide cases on the basis of authoritative Islamic sources. Thus, the Iranian legal system is a hybrid of Shari'a on the one hand, and civil law institutions and procedures on the other. At times, when confronting hard cases, the judge has to maneuver between codified law and the rules of *fiqh* (Islamic jurisprudence), which are fluid, informal and concerned with delivering substantive justice.¹⁶ As we shall see below, the IBA attorneys described the complex relationship between

the formal character of codified law and the informality of *fiqh* as a source of uncertainty and as one of the causes of tension between them and the judiciary.¹⁷

Although the constitution incorporates a basis for due process, the principle of the rule of law (*hākemiyyat-e qānun*) is “largely absent from Iranian constitutional doctrine.”¹⁸ Instead, the rule of Shari‘a and the principle of *velāyat-e faqih*¹⁹ play decisive roles in shaping the boundaries of law and legality. It is worth noting that although the rule of law might be largely absent from the constitution of the Islamic Republic, it has not been in short supply in Iranian public political discourse since the second part of the eighteenth century. In more recent times, Seyyed Mohammad Khatami, who won the 1997 presidential elections, and Hassan Rouhani, who won two consecutive presidential elections in 2013 and 2017, represent the political expressions of the reformist social movements that seek a government under the rule of law.

The Legal Profession and the Market for Legal Services

The history of the Iranian Bar Association (IBA) can be traced back to the period after the 1906 Constitutional Revolution, when a modern legal system was established in Iran. The IBA was founded in 1915 and organized under the supervision of the judicial system until 1953, when it was granted legal personality. It operated as an independent civil society organization for the next twenty-seven years, until it was closed in 1980 by the revolutionary government and its rank and file were purged. It was reopened in 1991 under the control of the head of the judiciary and regained some of its independence in 1997 when Khatami, who advocated the rule of law, won the general election. Since then, the numbers of lawyers have grown steadily to an estimated 60,000,²⁰ and perhaps most significantly a large number of women have passed the Bar and joined the legal profession:²¹ “It is true,” one attorney explained, “that the number of lawyers might be small, considering the size of the population, but we must also remember that not many people use lawyers.” Another attorney added that there were enough cases to keep all the lawyers busy, but:

Not everyone who has a case turns to a lawyer. [...] Many don’t have the resources to pay lawyers’ fees.²² And one other factor: since being represented by a lawyer isn’t a requirement in law—before, it was compulsory to have a lawyer in certain cases, but it’s no longer so—it’s only those who have a special case and have the money who use lawyers.

Iranians, we were told, did not have a high opinion of lawyers and would not ask for their help, “even when their business [was] in trouble,” instead asking for “the advice of their friends and acquaintances.” Most Iranians turned to lawyers for advice, attorneys repeated, when it was too late.

The attorneys also agreed that recent increases in the quantity of lawyers had not gone hand in hand with an improvement in the quality of lawyering or legal services; in fact, we heard time and again that lawyering had deteriorated in every respect and its practitioners were no longer respected. While most Iranian lawyers worked with

professional integrity, some acted as “chic brokers” or as classy agents whose primary task was to negotiate and “fix” deals, even at the expense of undermining the law. Some of our respondents—both attorneys and ordinary people to whom we talked—used the adverb *dallāli* to describe the way some lawyers had strayed away from their codes of professional conduct. The noun *dallāl* means “broker,” “go-between” or “agent,” but the way it was used in the interviews indicated that a lawyer working as a *dallāl* would do and say anything to fix a deal.

Since the 1979 Revolution, the IBA has been struggling to maintain its independence from the judiciary.²³ As part of this conflict, a new body of lawyers was created by the Iranian government in 2001 and “authorized to present cases in court” under Article 187 of the *Law of Third Economic, Social and Cultural Development Plan* (adopted in May 2000).²⁴ One of the senior attorneys described how the 187 legal advisors were introduced:

The IBA was reopened and its Board of Directors reinstated in 1997. Hardly two years had gone by before the judiciary started criticizing the IBA for monopolizing the legal market and restricting the number of the new entrants. This is interesting, because they themselves had closed the IBA, saying that people didn’t need lawyers to represent them. Now they were criticizing the IBA for not admitting enough attorneys. Up until then, they didn’t believe in the professionalization of lawyers and were saying that anyone could act as a lawyer and were allowing people with no formal legal training to practice law. A lot of people with no legal education actually did enter the profession at this time and started using it to do *dallāli*.²⁵ [...] Next, they introduced Article 187 [...]. Initially, the idea was that the judiciary would allow law graduates who fulfilled certain conditions to start advisory bureaus. They were not supposed to become attorneys. But once Article 187 was adopted, the judiciary amended it so that these legal advisors could practice law and represent clients in court. This became the law. The IBA objected but couldn’t stop the changes, because the people behind the changes had political clout and the IBA couldn’t make itself heard in the corridors of power. [...] It had taken the IBA a hundred years to issue 40,000 licenses; the judiciary issued 23,000 licenses for its 187 legal advisors in less than ten years.

This group, whose membership in 2014 was estimated to exceed 20,000, is officially known as the Legal Advisors of the Judiciary. The Centre for Legal Advisors and Experts of the Judiciary trains and examines its own members and issues and renews their licenses to practice. Several of our interviewees maintained that legal advisors’ training and examinations were not as rigorous as those of the IBA, and those who could not pass the Bar were instead recruited to the legal advisors ranks. To qualify as a legal advisor, one was required to pass one qualifying examination and complete a six-month pupillage, whereas to be qualified as an IBA attorney one had to pass several examinations and complete an eighteen-month traineeship under the supervision of a lawyer with more than ten years’ experience. A few senior attorneys

insisted that the IBA's criticism of the 187 advisors concerned their lack of legal and political autonomy:

Our problem is not with the individual legal advisors but with the system, which gives the right of issuing licenses to the judiciary. Otherwise, there are many legal advisors who work with diligence. In their ranks, there are, for example, people like Mr M. and another colleague of his, who are members of the order of sufi dervishes but have studied law and become members of the legal advisory body. As soon as they took up the defense of a few dervishes, the judiciary revoked their licenses.²⁶

Nevertheless, the fact remains that 187 legal advisors compete with IBA attorneys in what is a lean market for legal services.

One of the distinguishing characteristics of Iranian lawyers is their lack of specialization. As a female attorney explained, although "there are a few who work only with certain cases, the pressure of earning a living doesn't let younger lawyers specialize." In practice, Iranian lawyers tend to take most cases which come their way, though one exception to this rule is a small group of commercial lawyers, educated at postgraduate level outside Iran, who take only international private law cases, but their number is too small to make an impression on the overall structure of the legal profession. This absence of specialization among lawyers was caused by the underdeveloped state of legal services, which did not generate sufficient legal work in different areas of the law to ensure a steady demand for specialized legal counsel and representation. This point is reflected in several of the younger lawyers' descriptions of the legal market as "unstable."

The Juridical Field and its Agents

Our empirical material identifies four main groups of agents, or social actors, who interact to reproduce the juridical field: (1) the judiciary, which includes the hierarchy of judges and the prosecutor's office, (2) the court clerks and other administrative staff, (3) the legal profession, which consists of IBA attorneys and 187 legal advisors, and (4) clients of the legal system, i.e. laypeople, public and private organizations and various interest groups, which either turn to law to adjudicate their disputes or are brought before it for breaching the law.²⁷ These actors use the resources available to them—ranging from legal rules and the institutional arrangements of the legal system, to social norms and personal contacts inside and outside of the legal system, not to mention pecuniary assets in the case of clients—to compete with each other over available business and try to transform it to their own advantage.

Each of the four groups is characterized by its specific properties and the position it occupies in the juridical field, a position which exists irrespective of the individual actors holding it. In the context of the Iranian legal system, to preside as a judge means having the right to exercise a great deal of power in the field and enjoy

social and political status. According to the 1982 Law on the Qualifications for the Appointment of Judges,²⁸ only a male candidate who has faith and is deemed just and in possession of “a practical commitment to Islamic principles and loyalty to the system of the Islamic Republic” may be considered as a judge or a prosecutor.²⁹ The Supreme Selection Council and the Ministry of Intelligence vet the personal history, political affiliation, religious beliefs and activities of candidates for judgeship through the *gozinesh* process.³⁰ To ensure judges’ adherence to the ideologically correct interpretation of Islamic jurisprudence, the judiciary has since 1982 been running a special religious/judicial school for training judges. The IBA attorneys in our interviews regarded judges as a politically homogeneous group and argued that besides being religious and loyal to the Islamic Republic, many came from the “lower classes” and had a chip on their shoulder, whereas they themselves were a politically diverse group. We have no data to verify these claims about the judges’ social class background; the sociologically significant point, however, remains that many attorneys shared this view of judges, which arguably reveals more about their identity than about the judges’ traditional background. Nevertheless, considering how judges are carefully selected through *gozinesh*, the special training they receive and their shared daily work experiences are sufficient in creating a stable basis for a group habitus,³¹ which could largely influence how they collectively perceive the social world around them and react to it accordingly.

Being an attorney amounts to having influence in the field of law, albeit without enjoying much political power: “Lawyers generally belong to a section of society which does not give in to pressure,” claimed one attorney, “and since they see themselves as belonging to the select few, they say what they believe in.” This stance, however, is not from a position of strength. The attorneys’ sense of insecurity in the field was revealed in their nostalgic recollections of the pre-revolutionary period. Several, who were either born after or were children at the time of the revolution, talked wistfully about the times when lawyers were highly respected and allowed to operate with independence. A female attorney, whose father practiced law at this time, claimed that lawyers were held in considerably higher regard then; today, she had to “put up with all sorts of hostile attitudes and insulting comments made by secretaries, court clerks and judges.” The belief in belonging to “the select few,” with a duty to uphold the law and defend the public interest, is part of our attorneys’ self-description, but it is also a feature of their middle-class identity, which was forged partly prior to the 1979 Revolution.

The habitus of our attorneys, as well as their disposition, normative map and contextualized and practical knowledge of the field of law, is different from that of judges. As one attorney explained, “when discussing judges with colleagues, we wonder where they studied law—obviously not in the same schools as we did.” Some of these differences between judges and attorneys exist in all jurisdictions. Judges are expected to act as guardians of the law and legality, resolve disputes and punish criminal offenders, rather than represent clients’ interests and win cases. Such general role differences aside, the variations we find are partly specific to the political setting of the Iranian legal system, where judges are by definition

religious, loyal to the clerical rule and guided by an Islamic ideology and partly specific to the Islamic legal tradition where *fiqh*, or Islamic jurisprudence, can play a decisive role in deciding cases.

The court clerks and administrators generally possess a great deal of institutional influence in the day-to-day management of cases, the public's access to the courts and, subsequently, the way in which justice is delivered. IBA attorneys see the court administration as an arm of the judiciary, with which they do not see eye to eye. Whereas judges employ the normative resources of the law to exert legal power, administrative staff access organizational resources to exercise managerial power, for example by facilitating or delaying the processing of cases. More crucially for some attorneys, administrative staff's attitudes and general demeanor largely determine the working climate of the courthouse:

You might think the courthouse was my second home—I go there almost every working day. But how we are treated there leaves a lot to be desired. From the security people at the entrance, who search you, to the court clerks, they all treat you disrespectfully. I don't say 100 percent of them are discourteous [...], but it is a daily problem I have had to face in the seven years I have been practicing law. This makes the courthouse a stressful place.

We heard similar accounts from other lawyers, in that most judges, clerks and security personnel working within the courts are usually ill-disposed towards IBA attorneys, and many Iranian judges appear bad-tempered while presiding in court. Unconsciously as it might be, judges and clerks use their institutional positions to undermine lawyers' sense of well-being and self-perception:

Judges and clerks behave badly towards lawyers, but this aside, the courthouse is not a pleasant place of work. Lawyers' psychological welfare is not cared for in the court environment. In other countries, lawyers have a special status, but in Iran from the time you enter the courthouse and are searched by the security guards until you leave, you will be humiliated.

The judiciary, the court administration and the two categories of lawyers—which incidentally compete with each other in the market for legal services—constitute the permanent players in the field and represent its main subgroups. Besides having a degree of internal autonomy and organization, they have their own training and socialization as well as collective interests and identities. They struggle against each other over the right to determine the law, while members of each subfield also compete internally for the specific stakes of each subfield, such as legal work, recognition and prestige. Clients, on the other hand, have no collective identity and are occasional players endowed with different degrees of legal or political influence. To promote their case, they must bring resources from other areas of life, such as economic, political and cultural capital, into the law. The significance of clients should not, however, be underestimated, because

without their participation and their “objective complicity”—i.e. without them sharing judges’ and lawyers’ belief in the value of the law—the juridical field would lose its *raison d’être* and cease to exist. Judges, lawyers and clients have different interests, pursue different ends, and thus do not necessarily value the law in the same way and for the same reasons. Since the public does not believe in the underlying value of the law,³² clients turn to the legal system not because they value legality, but because the law can empower them to get what they want. By contrast lawyers have an interest in legality, which ensures their professional autonomy, whereas judges have a manifest interest in upholding an Islamic order. Nevertheless, they all share a belief in the power of the law.

This last point needs further elaboration. All social fields possess what Bourdieu terms *illusio*, i.e. a “tacit recognition of the value of the stakes of the game and ... practical mastery of its rules.”³³ Notwithstanding the contest between the dominant and the dominated, there is an objective complicity which underlies all antagonisms in any social field. “Players agree by the mere fact of playing, and not by way of ‘contract,’ that the game is worth playing, that it is ‘worth the candle,’ and this *collusion* is the very basis of their competition.”³⁴ Thus, those competing in any field of practice disagree on many things and seek different ends, but to participate meaningfully in the field, they must agree on the innate value of what is at stake. Within the juridical field the players must agree on the value of legal authority, which enables them to make decisions in accordance with the valid law. What constitutes the valid law at any given time, however, is a matter of dispute and subject to negotiation. Whoever succeeds ultimately in determining the applicable law to a case, and the way that law is construed, has the power in the field, albeit momentarily, as that case is decided.

Illusio is the emotional and corporal investment that the agents have made in the game of law. It influences the set of values and ideas about the law that they share and shapes the components of their *habitus* which guide their actions. Focusing on the *illusio* of the juridical field helps us to understand how different competing groups, such as attorneys, 187 legal advisors and judges, inadvertently as it might be, produce a dominant legal discourse on the inherent value of the law as public goods. This dominant discourse also serves as the internal logic of the juridical field, i.e. rules which all players must abide by. Many of our attorneys, who were critical of the way legal institutions were administered, nevertheless believed in the idea of the law as a source of justice and social order. None of them, whether implicitly or explicitly, questioned the basic rule of the field, which is, as mentioned above, enshrined in Article 4 of the constitution, in that all laws and regulations are to be based on “Islamic criteria.” Instead, we heard recurrently that the problem was not the law itself, but how it was interpreted and enforced. Even when, as in the case of family law, they admitted that the law was defective, they nevertheless attached an intrinsic value to it, which vindicated their continued participation in the legal system’s shady games and justified their dealings with a clientele that neither believed in the law nor respected lawyers. To exemplify this point, a senior female attorney remarked that she regularly considered quitting her practice, because working under the special conditions of the Iranian legal system took its toll on her:

Iranians generally regard the law as written rules that are there to be circumvented. [...] Even when they turn to a lawyer, it is because they think that the lawyer knows how to bypass the law. [...] Frankly, people's view of law and lawyers isn't positive. [...] The authorities themselves don't view the law positively and don't follow it. In this mayhem, what can you expect of a lawyer working single-handedly? [...] But it doesn't mean that you can't achieve anything. Even within this flawed framework, there are many of us who work conscientiously, inform our clients correctly, follow the law, refuse to bribe the courts—and get results.

As we shall see, attorneys' objective complicity introduces a contradiction into the heart of their practice. On the one hand, they describe the legal system as a bastion of corruption and disorder, which gradually but steadily grinds them down, while, on the other hand, they claim that "you can still get the right judgement in many cases, if you persist."

Acquiring a "Feel for the Game" in the Juridical Field

Notwithstanding the field *illusio*, our attorneys appeared as a group of pragmatic professionals who entertained very few illusions about what they could reasonably achieve within the legal system: "In the beginning, when I still didn't know better," one attorney confessed with a touch of resignation, "I believed that I could use the law to serve justice and to protect those whose rights are violated. I was so naïve." Another explained that soon after he began practicing law, he became aware of the discrepancy between his actual experiences of the law and legal processes and his clients' normative expectations. Some female clients came to him with all sorts of plans and expected him to take their husbands to court:

I tell them that their gender makes no difference to me, but the law treats them differently by giving them half the rights of a man. I explain to them that I am forced to work within a legal framework which denies them equal rights. So, I can't take on their husbands legally because I won't have a chance of winning.

We hear a very similar account from a female attorney:

When women come for advice on how to get a divorce, I find it very difficult to tell them that they don't legally have the right to lodge a divorce lawsuit. Nevertheless, this law is the only legal instrument at my disposal and I have no alternative but to get the best out of it for my clients.

Women who seek the advice of lawyers in such cases know that Iranian law allows women to divorce their husbands under certain circumstances, for example, if he is violent, criminalized or infertile, or if he fails to provide for her (*nafagheh*). Consequently, those who turn to lawyers often do so with their own plans and ideas on

how to proceed legally. The attorneys' "feel for the game," however, tells them that plans devised by some women as a basis for requesting divorce normally fail to convince family courts.³⁵

A female attorney stressed that she never represented men who filed to divorce their wives, although she had occasionally represented women, whereas another female attorney maintained that she refused to take any family cases, because the laws in this area were "inconsistent, unequal and work against women." Yet another explained that she had even refused to take divorce cases where both parties had agreed to a settlement. Family disputes entailed psychological tension and exposed you to negative social attitudes and gender prejudices prevalent in Iranian society. A male attorney explained that to begin with, he took family cases, but after a few years, when he had established his practice, he felt that he could no longer be part of the family court scene: "They make legally routine cases but emotionally drag you into the bitter personal quarrels of other people and transfer their anxiety to you." In divorce cases where the parties clashed head-on over custody matters or the payment of *mahriyyeh*,³⁶ both male and female attorneys were subjected in equal measure to the same type of unpleasantness and even slander. This unpleasantness was partly a reaction to the unequal and discriminatory laws which defined the encounters between parties to family disputes and, in that sense, was misdirected at lawyers who were not responsible for how the law was formed. To many lawyers, it also indicated that Iranians had not yet "developed a culture in which lawyers [were] seen as impartial professionals" who sought the best result for their clients.

One of the 187 legal advisors also remarked that she "stayed away from family law". She had done part of her training in a family court and, unlike the IBA attorneys, had no objection to family law itself, but she kept her distance from divorce cases, because they involved aggression, fighting, threats and confrontations with angry spouses:

Family cases seem not to be about legal disputes or problems but about fighting couples—full of hate, aggression and anger—looking for a forum to get rid of all their feelings and emotions. Often, they don't want to resolve their differences, they just want to bring each other to account.

Descriptions outlining similar tendencies to act reveal our interviewees' personal "feel for the game," or the "practical sense" they have acquired from competing in the field. This is a tacit knowledge of legal practice which is gained not from the written rules of the "game" but from participating in legal processes. In this way, the interviews allow us to identify what attorneys consider collectively as the objective relations of legal practice, what they regard as valuable in the field and worth struggling for, what is the likely outcome of different processes and what are reasonable and obvious actions to take. Alternatively, they suggest which actions should be avoided in different situations. They can also be regarded as bits of a jigsaw puzzle: on their own, they express individual tendencies of respondents, while those pieces that fall into place together describe the make-up of legal work. However, a lawyer's "feel

for the game” can in some instances prevent them from pushing the boundaries of the law. By identifying Iranian law’s discriminatory treatment of women as one of the “objective” dimensions of the juridical field,³⁷ and family disputes as psychologically stressful, these lawyers deny their clients the opportunity to challenge the law. Their justification is that, legally, most family cases are a foregone conclusion in favor of the husband and there is no legal space for making a case.³⁸

The law, as Robert Cover argued, is a normative universe which helps us to “create and maintain a world of right and wrong, of lawful and unlawful, of valid and void.”³⁹ This universe contains within it the law’s violence—physical and interpretive coercion which is exercised legitimately to uphold a form of order—but also a promise of justice and visions of unrealized possibilities. Once this promise of justice is stripped away from law, as is the case in Iranian family law, then all that remains of the law is its violence; in this case a gendered violence directed at women. Hence, the chaos and fury described by attorneys.

Let us provide another example, this time from the perspective of how attorneys talk about criminal law processes. Many of them said that they liked taking criminal cases, although they expressed their frustration with institutions within the criminal justice system. Some also noted that attending police stations, *dādsarā* (the prosecutor’s office) and criminal trials posed additional challenges to female lawyers. A young attorney stated that he liked defending criminal cases but took private law disputes, which, besides being more lucrative, were easier to manage and did not require him to deal with *dādsarā*. Similarly, a female lawyer maintained that she found criminal cases mentally stressful and physically demanding, because:

You have to deal with the police and attend *dādsarā* several times, sometimes seven or eight times, and I have seen cases taking three years to process in *dādsarā*—to complete its preliminary inquiry and issue an indictment. Then, it is passed on to public courts for trial, which also takes time [...] So, you see, the volume of the work a lawyer has to do in a criminal case is very large.

Another female lawyer, specializing in banking and contracts, stated that she did not take criminal cases because the authorities conducting the pre-trial investigation viewed defense lawyers negatively and, despite the recent amendments to criminal procedures, continued to disregard the accused’s right to legal representation: “That is why I have been trying to take private law cases, especially property disputes and contract.”⁴⁰ Another attorney stressed that he preferred taking criminal cases even though they posed difficulties that had little to do with the law. Very similar accounts of criminal law ran through our interviews, suggesting that notwithstanding all the difficulties that criminal law poses, it is regarded by many attorneys as one of the stakes in the field and worthy of the struggle. Put differently, demonstrating one’s ability to manage and perform well within the criminal justice system is as important to the professional standing of an Iranian lawyer, as obtaining private law cases is to their economy.

In Defense of the Public Interest

The importance that attorneys attached to criminal cases should be examined in the context of their professional commitments to providing public services,⁴¹ which includes defending the public interest within a criminal justice system that imposes draconian punishments on citizens. By taking criminal cases, some lawyers serve clients and the public interest, while at the same time they enhance their professional persona and energize the innate value of the field of lawyering. In spite of the growing number of Iranian lawyers who choose to serve business clients and arguably engage in *dallāli*, the image of the lawyer as an independent defender of public interest retains its hold over the imagination of many lawyers.⁴² It attracts new entrants to the field of law, but also forms an important part of the *illusio* of the legal profession ensuring that those who have invested in the “game” of lawyering remain confident in its lasting value. There is no tradition of public interest litigation in Iran similar to that which we find in some western jurisdictions, and yet the idea of publicly campaigning against human rights violations and defending political cases in Revolutionary Courts is hardly alien to Iranian lawyers. For example, in the wake of the anti-government demonstrations in various Iranian cities in December 2017, 155 lawyers protested in an open letter to the head of the judiciary against the restrictions that the authorities had imposed on detainees’ access to legal counsel.⁴³

The Revolutionary Courts are the least accommodating arena for defense lawyers and the price of getting involved in cases brought before them, especially when the opponents of the regime are put on trial, “can be far too high to bear.” According to one attorney who is familiar with Revolutionary Courts, “in the course of trials, judges used threatening language” against the defense, “openly refused to apply the law and seldom took any notice of the defense lawyers’ repeated objections to the court’s breaches of the law.” Nevertheless, the same attorney went on to add, she and her colleagues persisted against all odds and carried on with their work because:

Only by working long-term under these very difficult conditions, we might manage to develop a method of dealing with the Revolutionary Courts. And this comes at the price of our own liberty, being persecuted, being prosecuted, being imprisoned and losing our license. Taking such risks, we might manage to establish basic rights such as the need for proper arrest warrants. [...]. Defending cases under such conditions clearly takes its toll on [...], but I can still claim that our advocacy at the Revolutionary Courts has not been completely without success.

Political interference and attempts to intimidate defense lawyers are not limited to political cases and can occur in criminal law processes where attorneys are seen to be engaged in “cause lawyering,” i.e. influencing legal processes to change the law.⁴⁴ One attorney mentioned the case of a teenage boy who had been sentenced to death on a charge of murder in the city of X, even though the evidence suggested that he was most probably innocent:

Together with a social worker and a celebrity film star and few other people, I went to the city of X to follow up the boy's case and see if we could overturn his death sentence. When I returned to Tehran, I got a phone call from the security forces in X. They asked if I had been to X in connection with the boy's case and then summoned me back to X for questioning. [...] I refused to go and told them that if they wanted to question me they had to come to Tehran. [...] The point I am making is that they make life very difficult for us when they politicize our cases, turning them into security problems. Our everyday social space is poisoned by their suspicious minds.

Cause lawyering and defending the public interest, which occupy a section of the legal profession, constitutes part of the *illusio* of the "game" of lawyering, which these attorneys play under intimidating conditions and at their own personal risk.⁴⁵ Their pursuit of *illusio* is not necessarily motivated by altruistic values and, as Bourdieu explains, could be part of their search for recognition, or the need for obtaining symbolic capital. Citing Pascal, Bourdieu maintains that the greatest baseness of man is the pursuit of glory. But that is the greatest mark of his excellence; for whatever possessions he may have on earth, whatever health and essential comfort, he is not satisfied if he has not the esteem of men."⁴⁶

Professionalism and Lawyers' Autonomy

The attorneys found it difficult to establish and maintain a professional relationship with their clients. This difficulty was caused by several factors including the clients' negative attitudes toward the legal profession and their mistrust of the law and legal institutions. Thus, Iranians tried to "evade" the law, were unwilling to use legal services and doubted female lawyers' professional ability.⁴⁷ A senior lawyer, who stated that "Iranians [were] not law abiding," asked rhetorically, "How do you think the public would view the law when they see that the government officials don't follow it?" Hence, "the general belief [was] that smart (*zerang*) people don't follow the law," and people who do not trust the law and legal institutions will not willingly retain the services of lawyers. Another attorney added that even when some Iranians retained a lawyer's services, it was "because they believ[ed] that lawyers know how to sidestep the law." These clients also look for a lawyer who is "connected":

Irrespective of whether their case is at Public or Revolutionary Courts, the first thing they ask is if you know the judge, and then they wonder if they could fix their case by bribery. [...] These clients are prepared to pay large sums to agents who claim to know the relevant officials and promise to secure them a judgment. They know that these people are unreliable, and yet they pay them money. I have been involved in cases where a bribe has been paid out without result. But

the same clients are unwilling to pay a fraction of the bribe money to cover their lawyer's fees.

This attorney went on to argue that the attitude of clients to the law and legal system, combined with lawyers who played along and reproduced the corrupt system, undermined the professional standing of lawyers and deprived them of trust, which is one of their most valuable assets.

Attorneys also talked at length about the overall lack of professionalism among their colleagues, which illustrates the internal competition within the subfield of the legal profession, and the judiciary's hostile attitude towards attorneys, which provides us with a basis on which to understand the power struggle over law generally. All of our attorneys voiced their concerns, albeit in different terms and contexts, about the extent of corruption within the judicial system and referred to it as one of the obstacles they had to negotiate daily. This showed the importance and the complexity of struggles over the economic resources of the juridical field while at the same time reflecting an ongoing public debate on high levels of corruption in various state agencies, including the legal system. In a recent speech, the head of the Iranian judiciary acknowledged the scale of the problem by admitting publicly that some judges "become corrupt after serving a few years on the bench."⁴⁸

IBA interviewees referred to the hostile approaches of judges and the difficulties they faced within a court system that did not favor independent legal counsel. This is our IBA lawyers' side of the story. To evaluate it, we needed to interview Iranian judges to find out about their experience of running the courts and working with the IBA attorneys. The handful of interviews we conducted judges (at the time of the interviews, two of them were retired from the bench and were working as attorneys) confirm the existence of a different subfield with its own logic, habitus and forms of symbolic capital, i.e. goods that are at stake, the conception of the law and legality as well as a different experience of court organization. For example, the number of cases judges must decide every month has increased sharply over the last decades, thereby affecting their ability to familiarize themselves with the details of cases before hearings and thus prompting criticism that they do not know the cases they decide. Judges share a common belief with the attorneys in the value of the juridical field as well as the Islamic character of the law, but whereas their conception of Islam is ideological and formed by their loyalty to the Islamic Republic, the attorneys' understanding of the role of Islam is "*doxic*".

Doxa

Doxa is another of Bourdieu's central concepts, which, through symbolic violence,⁴⁹ links habitus with misrecognition. *Doxa* refers to assumptions, common beliefs, attitudes and viewpoints that are taken for granted, thus guiding actions and practices of agents in an unreflective fashion: "The adherence expressed in the *doxic* relation to the social world," writes Bourdieu, "is the absolute form of recognition of legitimacy

through misrecognition of arbitrariness, since it is unaware of the very question of legitimacy.”⁵⁰ Furthermore, *doxa* ensures that the arbitrary exercise of power is misrecognized by agents as the norm, or the natural order of things, even when it is to their disadvantage.

The IBA attorneys, both male and female, talked at length about the unequal and at times discriminatory treatment of female lawyers.⁵¹ Some judges could order female lawyers to leave the court for not observing the Islamic dress code (hijab), and security guards could deny them entry into the courthouse, arguing that their hijab was inadequate:

I am very careful about my hijab when I visit government offices. It is not because I am a 178 legal advisor, but because I always try to avoid tension. I personally don't have a problem with the hijab, but I have seen too many times that it's used against women. Imagine a woman, who has spent many years studying to become a lawyer to serve this country, is stopped by a security guard at the entrance to the courtroom because she has nail varnish, or because her headscarf isn't quite right. You know, when you see this sort of thing, it's like someone pulling the rug from under your feet. They wreck your confidence in your work. They put one of these *khwābarān* (female revolutionary militias) to guard the entrance, and they are very rude low-class types, to search your bag, and they even do body searches. I once complained to their security office, telling them that the guard didn't have the right to search me.

The female lawyers who objected to the discriminatory conduct of the court officials also argued that women were partly responsible, because some of them did not abide by the dress code of the courthouse and some even “dressed provocatively.” In other words, they challenged the officials' authority for imposing unreasonable restrictions on, and behaving disrespectfully towards, women, but paradoxically accepted the legitimacy of the values that underpinned the arbitrary nature of the restrictions placed on women. The values they recognize as legitimate are *doxic*, but they are embedded in mainstream Iranian culture.⁵² Put differently, they are not *of* the juridical field and should not be confused with the ideologically tuned Islamic values that the officials impose on female attorneys. Another related observation supporting the assumption that the Islamic fiber of the field is *doxic* relates not so much to what the attorneys said, but rather to what none of them mentioned, namely the status of religious minorities in Iranian law, or how minorities are treated in courts. Although many of them discussed the rights of women at length, none of them referred to non-Muslim Iranians, whose rights and treatment in law have been criticized by human rights organizations.

*Judge or Qādi*⁵³?

The attorneys' “feel for the game,” which allows them to employ their tacit knowledge of how the field operates in practice to the benefit of their clients, was regularly challenged by what they described as judges' arbitrary decision-making:

The judge's decision is very often based on personal opinion rather than the law. They follow their personal convictions in some issues. Attorneys, on the other hand, follow the law more rigorously, because they have only the law to support them.

The last sentence in the above quotation implies that judges have sources beyond the law to draw upon—sources that are not available to the legal counsel. It can equally refer to procedural informality and personalism in administration of *qādi*-justice.⁵⁴ Here is another attorney complaining along the same lines and protesting about judges' arbitrariness:

Our legal system doesn't [...] exactly accommodate lawyers. Some of the judges are headstrong, and they decide cases as they like, without paying the slightest attention to defense lawyers' arguments. Even when they know the lawyer is right and has the evidence to back up his/her argument, still, for different reasons, they decide cases against him/her. They do it just to make a point. I don't know; perhaps they want to show that they know the law better.

The attorneys and one of the judges we interviewed confirmed that the majority of Iranian judges were hostile to lawyers who appeared in their courts to defend cases, and both the judiciary and the court administration treated lawyers disrespectfully. As soon as attorneys begin to practice law, they discover that the bar and the judicial system, which they might have imagined to be the integral parts of the machinery of justice, are pitted against each other most of the time. In addition, they discover that "on the whole, judges are unfair," "difficult to deal with" and "treat you disrespectfully, as if you were their inferior." Furthermore, "the judge is not an independent arbiter of disputes who ensures the rule of law by bringing checks and balances into how opposing lawyers construct a case. Instead, he is your rival." The attorneys admitted that this negative view varied from court to court, and although some judges would trust attorneys whom they knew to be reliable, others would "call in your client, close the door behind them and tell them in confidence that they should get rid of you." Several attorneys repeated that the judge had either told their client that they did not need a lawyer to defend their case or advised them to dismiss their legal representative, to get a favorable judgment.

The judges' animosity has many different foundations. First, the attorneys argued that judges saw and construed the law in view of their understanding of *fiqh*, which for the counsel did not generate legal certainty in regard to the outcome of cases. Their adherence to *fiqh* also meant that they treated procedural requirements of decision-making as "presentational" (*tashrifāti*) and thus dismissed them as "superficial" legal concerns. Judges leaned more toward making substantive decisions about what they believed to be right, which prevented them from giving sufficient weight to formal aspects of the law.

Fiqh, as it has been developed by Shi'a jurists, does not lend itself to simple definitions. Whereas the application of *ijtihād* enables Islamic jurists to employ their inde-

pendent reasoning, to establish the secondary rulings of Shari‘a in accordance with the Quran and Sunnah, *fiqh* reasoning brings their interpretations in line with what *they* consider to be the requirements of time and place. Some contemporary scholars describe *fiqh* as a normative system incorporating “religious ethical commands and precepts with rare legal sanctions that are a product of jurists’ argumentation and interpretation of the primary sources of Shari‘a.”⁵⁵ Although they point out that *fiqh* is not the same as the law, they nevertheless describe it in terms which suggest an already existing corpus of principles that may be applied to evaluate human deeds. While *fiqh* can be employed progressively to bring the interpretation of Shari‘a up to date, for example by promoting women’s rights in the context of codified family law, or to avoid draconian sentencing in criminal cases, it can—and often in criminal cases does—work negatively, thereby allowing judges to sidestep the codified law and violate its due process. This introduces, to borrow from Zahra Tizro, “perpetual tensions between different sources of the law, which destabilise the juridical system and introduce a huge amount of uncertainty into the situation.”⁵⁶

Article 167 of the constitution establishes that it is incumbent upon judges to decide cases on the basis of codified law, unless confronted with cases in which there are no applicable codified rules. In situations where the law is silent, deficient or appears contradictory, “He [the judge] has to deliver his judgment on the basis of authoritative Islamic sources and authentic fatwa.” By referring to “authoritative Islamic sources and authentic *fatwas*,” Article 167 authorizes judges to use *fiqh* as well as the *fatwās* of Islamic jurists in their reasoning. This principle is then brought to bear on Article 220 of the 2013 Criminal Code, where it is stated that regarding “the *hadd* punishments that are not mentioned in this law, Article one hundred and sixty-seven (167) of the Islamic Republic of Iran’s Constitution shall be applicable.” Article 170 of the constitution stipulates further that *fiqh* can override codified law:

Judges are obliged to refrain from executing statutes and regulations of the government that are in conflict with the laws or the norms of Islam, or lie outside the competence of the executive power. Everyone has the right to demand the annulment of any such regulation from the Court of Administrative Justice.

To comply with Article 170, the judge must have knowledge of *fiqh*, which was why Article 163 of the constitution states categorically that “the qualifications and conditions of judges shall be laid down in law in accordance with the criteria of *fiqh*.” Therefore, grasping how *fiqh* operates as a normative force through the law and across the legal and political systems of the Islamic Republic becomes indispensable to our understanding of the habitus of judges (but not the lawyers’) and the stakes in the juridical field.

The second cause of the animosity between judges and attorneys concerns the formers’ view of lawyers, a negative opinion which is at least in part embedded in the traditional role of *qādi*⁵⁷ (*qāzi* as it is called in Persian) in Shari‘a courts:

I can't understand why judges think that there must be something fishy about a case where the defendant is represented in court by a counsel. They seem to believe that the case must have a serious hitch if the defendant has a lawyer to represent him. This attitude weakens the delivery of justice and places judges and attorneys up against each other.

Lawyers, attorneys or advocates who plead on behalf of a plaintiff or a defendant are not part of the traditional setting of Shari'a courts or the Islamic process of dispensing justice. Traditional religious judges, who enjoyed immense discretionary powers, interpreted and applied the law as well as interrogated and cross-examined witnesses, and it is therefore not surprising that *fuqahā*, or experts in *fiqh*, did not consider lawyering as an acceptable means of making a living:

Some of the former *fuqahā* and, if I am not mistaken, some of the current ones [...], have issued *fatwas* expressing their misgivings about money earned by working as a lawyer. They haven't denounced lawyering, but [they have] said that there is something not quite right about the idea of lawyering, [suggesting] that the philosophy behind it is not acceptable. This attitude has roots in *fiqh* among some Islamic jurists.

Although Iranian judges are not traditional *qādis*, a female attorney explained, many of them seem to refuse to see attorneys as agents:

If you look at criminal trials, you see that judges see attorneys as the accused's accomplices. In [private law] disputes, they think that lawyers abuse legal rights and would do anything to win their case. I don't want to generalize, as it is not everyone, but most of them [judges] disapprove of attorneys.

The suspicion of lawyers, according to another attorney, could be traced back to the period immediately after the 1979 Revolution, when the judiciary was purged and courts were re-opened with judges, many of whom were trained in religious seminaries:

Those days, courts were *revolutionary* courts and the judges were *hākem-e shar'a* [religious judges trained in *fiqh*]. The decision of the judge was on a par with God's judgment, and therefore there was no need for anyone to act as a lawyer. The lawyer was seen as a nuisance. This understanding [of lawyers and courts] has not completely disappeared and continues to work against the legal profession.

The procedural informality adopted by judges and their tendency to seek substantive justice by resorting to *fiqh*, are the hallmarks of *qādi* justice. Nevertheless, we argue that it would be misleading to treat them as Weberian *qādis* who abide by "no rational 'rules of decision'" and make irrational and substantive decisions based on their personal emotions, convictions and feeling.⁵⁸ Unlike traditional *qādis*, the majority of judges

who preside over public courts at present have been educated at modern law schools, and not religious seminaries, and work within a formally institutionalized bureaucratic court system with separate laws of procedure for each area of law (such as criminal, family, civil, commercial etc.),⁵⁹ which they are expected to follow. What confounds their judgments is their shared ideological agenda: they are loyal to the Islamic Republic and are trained to uphold a particular form of Islamic order, where necessary, by referring to normative principles which lie beyond the sphere of codified law.⁶⁰ The contradiction we find in a judicial order which, on the one hand, uses a rationalized hierarchy of courts and codified law and, on the other hand, allows a politicized judiciary to exercise a degree of informality when deciding cases, reveals the unresolved legal and political problems of the Islamic Republic.⁶¹

It would be a mistake to present Iranian law as a field solely constituted by normative factors such as *fiqh* and ideals such as commitment to the “Islamic criteria.” Our attorneys did not make any secret of the importance of the economic dimension of their practice—making money was a major force, structuring the strategies adopted by lawyers and judges alike. Not surprisingly, the third cause of judges’ hostility concerned the economic dimensions of the juridical sector, i.e. the market for legal services, where individual lawyers compete against each other and where IBA attorneys as a group struggle against the 187 legal advisors and vice versa. Judges receive a fixed salary and are technically excluded from this competition for business, a fact which, according to attorneys and one of the judges we spoke to, is a source of friction between them and the legal profession, thinking that attorneys are parasitizing on the legal system, reaping the rewards of judges’ hard work. Attorneys admitted that they often had to “lubricate the wheels of justice,” especially in cases where large sums of money changed hands. Thus, the economy of legal practice is one of the factors spawning corruption within the juridical field. Most attorneys insisted that they never bribed officials and even acknowledged that there were some incorruptible judges around. Nevertheless, they were collectively alarmed by the extent of corruption within the legal system and disconcerted by how it was used to tarnish the public image of the profession.

The Distorted Images of Lawyers

The IBA attorneys were concerned about the negative press they received from soap operas produced by *Sedā va Simā*, the state-run radio and television network. A female attorney, for instance, told us that she became interested in advocacy when, as a teenager, she watched an American movie about a female lawyer who defended the case of a group of elderly women. The image of the lawyer in that movie inspired her to study law. By contrast, she added, the images of lawyers in Iranian media are designed to deter people away from the legal profession:

They [the authorities] are conducting a systematic *farhang-sāzi*⁶² to tarnish advocacy and destroy lawyers’ reputation. [...] The public is influenced by what they see

on television, and the series which have been made in the last few years spread a negative image of lawyers. *Sedā va Simā*'s propaganda aims at vilifying lawyers. The lawyer is presented as a *dallāl*, an evil-minded and corrupt person who is only interested in undermining the law. As a result, the public does not have a positive view of lawyers.

Admittedly, there were fraudulent lawyers among the ranks of the IBA, confided another attorney, but they were a very small group compared to the overwhelming majority, who diligently served their clients and the law. He also pointed out that among judges there were also those who violated their code of conduct, although "you would never find a TV series in which the judge breaks the law." The attorneys also objected to the way soap operas misrepresented their income and lifestyle: "People watching these soap operas would think that an attorney was a person without principles, who charged astronomical fees and lived a life of luxury," while the reality is that many of them, especially new entrants, struggle to make ends meet. The IBA complained about the misrepresentation of lawyers in soap operas, in response to which the state-run television outlet produced the ideologically approved figure of the lawyer:

If you watch American movies, they show many corrupt lawyers, but they also show good and decent lawyers who fight for law and justice. In Iranian TV series, lawyers always side with criminals. If it happens that the TV shows a lawyer who is not criminally compromised, then this lawyer has a personality and appearance which you wouldn't find among Iranian lawyers: He will be a bearded religious guy who walks around with a *tasbeḥ* [prayer beads] in his hand. You never find any attorney among the members of the IBA who looks like that.

To explore how the public perceives the legal profession, and also to examine the impact of soap operas on their attitudes, we conducted 26 semi-structured interviews with Iranians from different backgrounds. We asked our interviewees if they had experienced using lawyers' services, if they knew what lawyers' daily work consisted of, what were their general views of lawyers and the legal services, if they watched soap operas, and, finally, if they did, how were lawyers depicted in these programs? Although the limited number of interviews did not allow for making generalizations, they nevertheless revealed a much more complex and diverse picture of how the public perceives and describes the legal profession, on the one hand, and the role of lawyers in soap operas, on the other. First, not all Iranians watch soap operas, and of those who do, not everyone forms a negative view of lawyers or even agrees that they are discredited. To exemplify this point, a thirty-five-year-old man with a university education said:

I have never needed a lawyer, but I know a few. [...] Just like any other group, they have both good and bad, competent and incompetent. But in our society, the law is not always transparent and accessible. Sometimes, lawyers play the role of a *dallāl*, even though it is not all of them who make a living that way. But I personally don't

trust them. [...] Yes, I have watched soap operas. Lawyers have both positive and negative roles.

Admittedly, there is a group that watches soap operas and also holds a negative view of lawyers, but even in their case, it is unclear if they formed their distaste from watching TV series or from other sources. Here is an excerpt from an interview with a twenty-five-year-old woman:

Yes, I know a few lawyers. I haven't personally used a lawyer, but my family had to use them to sort out a property dispute. [...] Lawyers are legal gangsters. [...] I think they are parasitic [and feed] on people's problems. [...] They all try to show that their client is right, even if it means telling lies and making up evidence. [...] As regards the soap operas, those lawyers who are often on the side of the protagonist are successful. In some cases, you see that the lawyer bribes the judge and other people to win his case.

However, there are those, such as a forty-nine-year-old male professional, who do not watch soap operas but dislike lawyers nonetheless, because, according to him, "their job is *dallāli* and they are in league with the judge." Another interviewee, a forty-seven-year-old housewife, told us that soap operas often present lawyers in a positive light, but she did not like them anyway, because they had let her down:

To be successful, lawyers must either be on friendly terms with the judge or find a way of bribing him to get the right result for their client. [...] The two lawyers whose services we used failed us because they couldn't make the right contact with the judge.

It is true that television and movies shape popular culture and influence how some people learn about the law, the legal system and lawyers. Thus, Iranian attorneys have cause to object to the uniformly negative portrayal of the legal profession on the state-run TV channel. However, the interviews also demonstrated an overall negative perception of the legal system and contained many critical references to judges and courts as well as derogatory references to lawyers. Studies of public perceptions of lawyers show that "of all the factors that affect attitudes toward lawyers, nothing has as strong an impact as an individual's amount of interaction with the profession."⁶³ Moreover, the public is hardly a passive participant in this context and leads as well as follows "negative[ly] filmed images."⁶⁴ What is perhaps more interesting from the vantage point of Iranian legal culture is the total absence of positive images of lawyers in Iranian movies.

Concluding Remarks

Lawyers, even those who are not members of the Bar, have fought and continue to fight with all their power to safeguard their professional autonomy. They have been

struggling since the inception of the Islamic Republic and are determined to maintain their professional identity and integrity. They want to retain their autonomy so that they can defend people. And despite the attempts by the Attorney General and the Revolutionary Courts to suppress them politically, you see that there are still lawyers who have the courage to defend political dissidents in court.

We could regard this young female attorney's words as yet another expression of "field *illusio*," i.e. a belief among players in the field that not only is the "game" worth playing, but its stakes are so valuable that they are worth dying for. Alternatively, we might treat her words as a rhetorical self-presentation, or even as an "interview effect"—i.e. the interviewee is responding to what she believes the interviewer would like to hear. Either way, the fact remains that at least fifty lawyers were prosecuted and sentenced to lengthy imprisonment between 2009 and 2016 for representing prisoners of conscience and political detainees.⁶⁵ Put differently, the field *illusio*, subjective as it is at the individual level, gains facticity at the level of the field and forms the disposition of those who commit themselves to the "game." Moreover, it manifests itself through a commonly shared belief in the intrinsic value of the rule of law, the value of winning criminal law cases or negatively by avoiding family disputes. The field *illusio* constitutes an essential part of the life of law, a life engendered by the day-to-day practices of the lawyers and judges, clerks and clients, a life existing beyond the doctrinal concerns of the Islamic jurists, but it is also a life of contested legality. The juridical field in the Islamic Republic is strong on *illusio*, which is partly due to the politicized nature of Iranian law, but weak on *doxa*, i.e. the shared sense of normalcy which guides the competing agents to accept the order of things. Judges and the IBA attorneys might share the same *illusio*, but besides a taken-for-granted general assumption regarding the Islamic makeup of the Iranian law, they appear to share very few certainties about the normal state of the juridical field.

Hence, forty-one years after the Islamic Revolution, the legal system remains a battleground on which the fundamental values and objectives of the law continue to be contested. The judiciary blames the conflict on those attorneys who are "trouble-makers" and interfere with the process of justice.⁶⁶ Moreover, it sees the legal profession's calls for upholding the due process of law as an obsession with the standards of western legal tradition. By contrast, the attorneys we interviewed accused the judiciary of hostility towards the counsel, disregard for due process and allowing their personal values to guide their judgments. The descriptions of both the judiciary and the IBA attorneys are tainted by their separate group interests and their different dispositions as agents of the juridical field. Put simply, they have an "internal" view of the legal system, which compels them to describe their conflict in terms of the law and as a struggle over the control of legal processes, institutions and resources. Once viewed from beyond the domain of law, where the juridical field reveals itself as an integral part of the larger field of power, the same conflict appears as a contest over society's normative foundations, which determine the direction of Iranian modernity. It becomes a clash between, on the one hand, those groups

which seek a government—whether Islamic or secular—that is accountable under the rule of law, and those who wish to maintain the rule of *velāyat-e faqih*. These contentions positively vitalize the discourse on law and legality, but they also destabilize the juridical field. Moreover, they bring not only social change, but also uncertainty and arbitrariness into the operations of the legal system. The intensity of the struggle between attorneys and judges suggests that the normative structures of the juridical field remain in flux. Despite the politically dominant position that the judiciary occupies, judges' open hostility to attorneys, and their intolerance of the very notion of counsel, hints at their jurisprudential and political insecurity, and it seems as if they have been forced into taking a defensive posture, fighting to maintain the status quo within the legal system. Viewed in this light, the IBA attorneys appear as the agents of social change. Their efforts are hampered, however, by the fact that they are deprived of political capital, which, in the context of the Iranian legal system, generates legal authority.

There is a strong structural coupling between the fields of law, religion and politics in the Islamic Republic, which is ideologically arranged to facilitate the transfer of symbolic capital between the fields. High-ranking members of the judiciary are members of two or at times all three fields; besides being influential jurists, they are also members of the political and clerical elites. By contrast, most IBA attorneys are members of neither the religious nor the political fields, which they publicize outwardly through their demeanor and dress code, both of which defy the official norms of the judiciary and the clerical elite. Being deprived of the symbolic capital generated within the sphere of politics, they oppose the politicization of the juridical field and instead argue for the autonomy of the legal system from political power. Without challenging the Islamic nature of Iranian law, they seek a new form of juridical power based on a different set of symbolic capital independent of politics and religion.

This is not to suggest that all Iranian attorneys are committed to the rule of law, social justice and human rights. In fact, this study has shown that an increasing number of attorneys who have joined the profession more recently have done so for the sole purpose of making money and have no qualms about turning the domain into *dallāli* at the service of business. Only a small number of lawyers publicly advocate human rights, and those who represent the political opponents of the clerical regime do so at their peril. The noun *dallāl* was used repeatedly by lawyers and non-lawyers to express a perceived deterioration of moral standards within the legal profession. These concerns about lawyers turning into business agents and brokers reflect the shifting social and economic relations in the country. Here too, the legal profession plays a vital role, and our attorneys, the “bad apples” who are allegedly dragging the profession into the gutters of *dallāli*, are agents of social change in their own right. For one thing, they are changing the traditional face of the legal profession.

However, the feminization of the legal profession has to be the most important recent development within the juridical field. A legal system that does not recognize women's equal rights is now confronted with a growing number of female practitioners. It is far too early to assess the impact of their entry into the realm of law, especially since many of them stop practicing after four or five years, but it is

certain that their active participation in the struggles of the judicial field will fundamentally challenge the constitution of Iranian law and legal culture. It is not the outcome of the contest between religiosity and secularity, or the rule of Islamic jurists and the rule of law, which will seal the fate of Iranian law and the future of modernity in the country. It is instead the struggles of women within the legal system which, combined with other socio-political developments, will set the course for the next stage of the battles in this regard. In the meantime, the life of law in the Islamic Republic will be one of struggle: the struggle of women for equal treatment, lawyers for the rule of law, the IBA for independence, clients for justice and the judiciary for maintaining the status quo.

Notes

1. Jhering, *The Struggle for Law*, 1.
2. Wendell Holmes, *The Common Law*, 1.
3. The first sets of interviews were conducted as part of a larger study of Iranian legal culture. The current study follows the qualitative methodology described in ch. 2 in Banakar, *Driving Culture in Iran*, 21-39.
4. Bourdieu and Wacquant, *An Invitation*, 97. The *stakes* can be seen as the product of the competition between players.
5. Bourdieu, "The Force of Law."
6. *Ibid.*
7. Owsia, "Sources of Law."
8. Shari'a consists of its own primary sources—the Quran and *sunna*—which in the Shi'a tradition include the words, deeds and acknowledgments of the Prophet, the twelve Imams and the Prophet's daughter. Its secondary sources include *ijmā'* (consensus), *qiyās* (analogy) and *'aql* (reason). *Ijmā'* comprises commonly agreed positions of *fuqahā'*—Shi'a jurists—on legal issues, while reason, or *'aql*, constitutes cases in which *fuqahā'* drive secondary rules pertaining to matters not considered within the primary sources with reference to the primary sources through logic and reasoning.
9. These try criminal allegations against the members of the clergy. See Künkler, "The Special Courts of the Clergy."
10. Revolutionary Courts process crimes ranging from the violation of national security, terrorism and smuggling, to the ambiguously conceived offense of "waging war against God and sowing the seeds of corruption on earth." See the Islamic Penal Code of The Islamic Republic of Iran (2013), Articles 297 and 303.
11. Human Rights Council, *Report of the Special Rapporteur*, A/HRC/34/65, 9.
12. In theory, the Supreme Leader may be discharged by the Assembly of Experts in cases of proven misconduct or incompetence, but the Assembly has never challenged or questioned either of the two Supreme Leaders since the position began in its current form in 1983. In addition, such a dismissal would be highly unlikely, considering that the Leader indirectly—by controlling the Guardian Council, whose members are appointed by him—controls membership of the Assembly.
13. UNHCR/ACCORD, "Country Report—Iran," 67.
14. The Guardian Council (*Showrā'-ye-Negabbān*), among other things, is responsible for ensuring that all the laws which are passed by parliament can come into force only if they are in accordance with Shari'a. In the absence of the Guardian Council's approval, the proposed legislation is returned for amendment. The Council is made up of twelve members, six of whom are "Islamic *Faqih*s," i.e. experts and jurisconsults in Islamic law, appointed by the Supreme Leader, while the remaining six are appointed by parliament, albeit recommended by the head of the judiciary, who is in turn appointed directly by the Leader.
15. Owsia, "Sources of Law," 38.

16. Osanloo, *The Politics of Women's Rights*, 136.
17. For a parallel observation see Tizro, *Domestic Violence in Iran*, 91.
18. Moschtaghi, "Rule of Law in Iran," 1.
19. *Velāyat-e faqih* refers to the office of the Leader, whereas *vali-ye faqih* refers to the supreme Islamic jurist occupying the office.
20. The figure is the interviewees' estimates, and although they might be accurate, we have not been able to verify them.
21. The number of lawyers has increased from 20,000 to about 60,000 (over 20,000 legal advisors and 40,000 IBA members) over the last decade. In addition, there are about 10,000 IBA trainees. In 2016, Iran's population was just over 80 million, which means that the ratio of population per lawyer (not including the judiciary and notaries) was 1,333. According to an attorney who used to work for the IBA's public relations arm, only 12,000 of the 20,000 registered lawyers were in good standing and regularly paid their dues; 4-5,000 of those were women.
22. Lawyers' fees are, according to a bylaw from 2006, not to "exceed 7 percent in the monetary cases and 5 percent in the nonmonetary cases (not more than 4 percent in the family-related cases and maximum 5 percent in the criminal cases)." Maranlou, *Access to Justice in Iran*, 99.
23. We have discussed the ongoing conflict between the judiciary and the IBA in Banakar and Ziaee, "The Legal Profession in the Islamic Republic of Iran". Also, see Hojjati, *Didgāh-e Senfi-e Yak Vakil-e Dādgoštari*; Nayyeri, "In Defense of 'Independent Legal Practice'."
24. See Iranian Bar Association, "Balancing Independence and Access to Justice," 9.
25. The way this interviewee is using *dallāli* suggests that the legal profession was being used to facilitate ethically questionable business practices.
26. This interviewee is referring to the case of the *Ne'matollahi Gonabadi* Order of Sufi Dervishes, where the "licenses of two Article 187 legal advisors [...] were revoked by the Legal Advisors' Centre, in September 2008" for representing Dervishes on various occasions. Nayyeri, "In Defense of 'Independent Legal Practice'."
27. There are other groups active in the judicial field which are not mentioned here, either because they are not directly relevant to our enquiry or our material does not account for them. One emerging group worth mentioning is represented by the growing number of so-called "legal bureaus" (*mo'asseseh-ye hoquqi*), which are organized by managers who might not be lawyers themselves. These so-called "bureaus" act primarily as middlemen, providing "lawyer-on-demand" services—i.e. they allocate cases to a loosely constructed network of freelance lawyers. The IBA attorneys were collectively very critical of these entities. For a discussion see Banakar and Ziaee, "The Legal Profession".
28. See *Official Gazette*, "Law on the Qualifications for the Appointment of Judges."
29. All Iranian judges are men, although there are a number of female assistant judges (*dādyār*) serving in certain courts, especially those dealing with custody cases.
30. IHRDC, "Iranian Judiciary," 37.
31. The concept of habitus explains how certain types of behavior serve certain ends, without the agent's awareness of the fact that they are striving towards realizing those ends. Habitus "entertains the social world that has produced it a real ontological complicity, the source of cognition without consciousness, intentionality without intention, and a practical mastery of the world's regularities which allows one to anticipate the future, without even needing to posit it as such." Bourdieu, *In Other Words*, 11-12.
32. For a study of Iranians' attitude to, and conception of, the law see Banakar, *Driving Culture in Iran*.
33. Bourdieu and Wacquant, *An Invitation*, 117.
34. *Ibid.*, 98, emphasis in the original.
35. Tizro's study of domestic violence shows that women generally find it very difficult to convince family courts of their grievances against their husbands and even in cases where "the court endorses women's rights, husbands do not necessarily follow the court order." Tizro, *Domestic Violence in Iran*, 18.
36. *Mabriyyeh* is a single payment specified in the marriage contract, payable by the husband to the wife on her request, albeit a request which is normally made in the event of divorce.

37. The discriminatory treatment of women is not limited to family law. The amended provisions of the Penal Code (see Articles 550, 382, and 310) discriminates against women by stipulating that their lives are worth half of a man's and discriminates against non-Muslim victims of crime in certain proceedings by denying them the same rights as Muslims to seek retribution in kind. Under the Civil Code, women are denied "equal rights in divorce, custody, and inheritance while rendering her court testimony as less credible than her male counterparts." Abdelkader, "To Judge or not to Judge," 359.
38. In her study from 2009, Osanloo maintains that the strategies adopted by women and their lawyers had contributed to "the resurgence of the Euro-American rights talk" in Iran, which emphasizes "individuality over the needs of the community" (Osanloo, *The Politics of Women's Rights in Iran*, 7). In our study, we found no evidence of this type of "rights talk," and instead noted a tendency among attorneys to argue for rights within an Islamic framework. This might suggest a change in the direction of discourse on law and women's rights since 2009. For a similar conclusion see Schneider, "Polygamy and Legislation in Contemporary Iran," 671.
39. Cover, "The Supreme Court," 4.
40. The judiciary has recently (in March 2018) been criticized for forcing defendants held on political charges to select their counsel from an official list of lawyers approved by the head of the judiciary. See Centre for Human Rights in Iran, "Iranian Lawyers."
41. All professions create and maintain an occupational closure by controlling their jurisdiction, field of practice and market. The need for closure is justified by a number of so-called professional traits, such as providing a public service (or social goods), ensuring the quality of the services as well as upholding a code of professional ethics. These traits have been dismissed as myths preying on the naiveté of the laity and employed by professions to justify their monopoly. For Abel ("The Rise of Professionalism") professions (excluding the army and the clergy) are self-seeking projects aimed at controlling the market, whereas for Halliday and Karpik ("Politics Matter"), they derive their authority (and monopoly rights) from both their "knowledge mandates" and the use of that mandate for social good.
42. As part of their commitment to public interest, the IBA attorneys represent at least three cases per year pro bono.
43. Centre for Human Rights in Iran, "155 Lawyers Call on Iran's Judiciary."
44. Cause lawyers often select their clients on the basis of the potential of their case to promote certain social and political change. See Sarat and Scheingold, *Cause Lawyering*.
45. In a recent report (from March 2018), the UN Special Rapporteur draws attention once again to the harassment of lawyers: "In one case ... a lawyer was beaten and detained for being late to a court session. The Special Rapporteur also heard accounts of lawyers being disbarred or rejected for membership to the bar association after having represented certain defendants." Human Rights Council, *Report of the Special Rapporteur*. A/HRC/37/68, 14.
46. Bourdieu, *Pascalian Meditations*, 166.
47. The negative attitude of the public towards the law and legal institutions is confirmed by more interviews conducted with other groups of Iranians. See Banakar, "Driving Culture in Iran."
48. ISNA, "Qovveh-ye Qazā'i Niyāzmand-e."
49. Symbolic violence refers to the institutionalized processes which produce and uphold a form of social order through indirect socio-cultural mechanisms rather than direct coercion. This imposition of symbols and meaning on social groups and classes of people is carried out in a way which appears legitimate and even with the complicity of the agent, thus, obscuring the power relations. Symbolic violence is therefore achieved by *misrecognizing* the arbitrariness of power relations. See Bourdieu and Wacquant, *An Invitation*, 167-8.
50. Bourdieu, *Outline of a Theory of Practice*, 168.
51. For a detailed discussion of female attorneys' everyday experiences, see Banakar and Ziaee, "The Legal Profession."
52. For a discussion on the distinction between Iranian's cultural religiosity and the Islamic ideology, see ch. 9 in Banakar, *Driving Culture in Iran*, 178-209.

53. *Qadi* justice is a Weberian, ideal type of legal decision-making, which “knows no rational ‘rules of decision.’” See Weber, *Economy and Society*, 967.
54. See Arjomand, “Constitution-Making in Islamic Iran,” 114.
55. Fatemi, “Autonomy and Equal Right to Divorce,” 282-3.
56. Tizro, *Domestic Violence in Iran*, 91.
57. In the traditional setting of Shari’a, a criminal case is directly referred to a judge and the three stages of investigation, prosecution and trial are conducted by the court.
58. Weber, *Economy and Society*, 967.
59. Arjomand, “Shi’ite Jurists and the Iranian Law,” 45.
60. See the discussions above regarding the *gozinesh* process through which candidates to the judgeship are selected and appointed.
61. For a discussion on this point see Banakar, “Double-Thinking and Contradictory Arrangements.”
62. *Farhang-sazi* literally means “culture building,” but it is also used to refer to the top-down deployment of public policies to educate people about traffic and the law. See ch. 4 in Banakar, *Driving Culture in Iran*, 60-82.
63. Hengstler, “The Public Perception of Lawyers,” 60.
64. Asimow, “Bad Lawyers in the Movies,” 536.
65. Human Rights Council, *Report of the Special Rapporteur*, A/HRC/34/65, 9.
66. The statement was made by Zabihollah Khodaiian, the legal deputy of Iran’s judiciary, and quoted in Amnesty International, “Flawed Reform,” 8.

ORCID

Reza Banakar  <http://orcid.org/0000-0003-1298-2278>

Bibliography

- Abdelkader, Engy. “To Judge or not to Judge: A Comparative Analysis of Islamic Jurisprudential Approaches to Female Judges in the Muslim World.” *Fordham International Law Journal* 37, no. 1 (2014): 1–69.
- Abel, Richard L. “The Rise of Professionalism.” *British Journal of Law and Society*, 6, no. 1 (1979): 82–98.
- Amnesty International. “Flawed Reform: Iran’s New Code of Criminal Procedure” (2016). Accessed April 15, 2018. https://www.amnestyusa.org/files/flawed_reforms_-_irans_new_code_of_criminal_procedure.pdf
- Arjomand, Said Amir. “Constitution-Making in Islamic Iran: The Impact of Theocracy on Legal Order.” In *History and Power in the Study of Law*, edited by June Starr and Jane F. Collier, 113–127. New York: Cornell University Press, 1989.
- Arjomand, Said Amir. “Shi’ite Jurists and the Iranian Law and Constitutional Order in the Twentieth Century.” In *The Rule of Law, Islam and Constitutional Politics in Egypt and Iran*, edited by Said Amir Arjomand and Jonathan J. Brown, 15–56. New York: SUNY Press, 2013.
- Asimow, Michael. “Bad Lawyers in the Movies.” *Nova Law Review* 24 (2000): 533–592.
- Banakar, Reza. “Double-Thinking and Contradictory Arrangements in Iranian Law and Society.” *Digest of Middle Eastern Studies* 27, no. 1 (forthcoming).
- Banakar, Reza. *Driving Culture in Iran: Law and Society on the Roads of the Islamic Republic*. London: I. B. Tauris, 2016.
- Banakar, Reza, and Keyvan Ziaee. “The Legal Profession in the Islamic Republic of Iran.” In *Lawyers in Society: Thirty Years On*, edited by Richard Abel, Hammsrlev, Ole, Schultz, Ulrike, and Sommerlad, Hilary. Oxford: Hart Publishing, 2018 (forthcoming).
- Bourdieu, Pierre. “The Force of Law: Toward a Sociology of the Juridical Field.” 38, no. 5 *Hastings Law Journal* (1987): 814–853.
- Bourdieu Pierre. *In Other Words: Essays Towards a Reflexive Sociology*. Cambridge: Polity Press, 1990.

- Bourdieu, Pierre. *Outline of a Theory of Practice*. Cambridge: Cambridge University Press, 1977.
- Bourdieu, Pierre. *Pascalian Meditations*. Stanford, CA: Stanford University Press, 1993.
- Bourdieu, Pierre, and Loic Wacquant. *An Invitation to Reflexive Sociology*. Chicago, IL: University of Chicago Press, 1992.
- Centre for Human Rights in Iran. "155 Lawyers Call on Iran's Judiciary to Stop Restricting Detainees' Access to Counsel." 2018. Accessed April 2, 2018. <https://www.iranhumanrights.org/2018/01/155-lawyers-call-on-irans-judiciary-to-stop-restricting-detainees-access-to-counsel/>
- Centre for Human Rights in Iran. "Iranian Lawyers: Judiciary's Mandatory List of Approved Counsel Sets 'Dangerous Precedent.'" 2018. Accessed April 2, 2018. <https://www.iranhumanrights.org/2018/03/iranian-lawyers-judiciarys-mandatory-list-of-approved-counsel-sets-dangerous-precedent/>
- Cover, Robert. "The Supreme Court, 1982 Term—Forward: *Nomos and Narrative*." *Harvard Law Review* 97, no. 4 (1983): 4–68.
- Fatemi, S. Mohammad. "Autonomy and Equal Right to Divorce with Reference to Shii *Fiqh* and the Iranian Legal System." *Islam and Christian-Muslim Relations* 17, no. 3 (2006): 281–294.
- Halliday, Terrance C., and L. Karpik. "Politics Matter: A Comparative Theory of Lawyers in the Making of Political Liberalism." In *Lawyers and the Rise of Western Political Liberalism: Europe and North America from the Eighteenth to Twentieth Centuries*, edited by T. C. Halliday and L. Karpik, 15–64. Oxford: Oxford University Press, 1997.
- Hengstler, Gary A. "The Public Perception of Lawyers: ABA Poll." *ABA Journal*(Sept. 1993): 60–66.
- Hojjati, Mahdi. *Didgāh-e Senfi-ye Yak Vakil-e Dādgostari* [The professional viewpoints of an attorney at law]. Tehran: Avā, 2014.
- Human Rights Council. *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*. Advanced unedited version. A/HRC/34/65, 2017.
- Human Rights Council. *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*. Advanced unedited version. A/HRC/37/68, 2018.
- IHRDC (Iran Human Rights Documentation Center). "Iranian Judiciary: A Complex and Dysfunctional System." 2015. Accessed February 17, 2017. <http://www.iranhrdc.org/english/publications/reports/100000641-the-iranian-judiciary-a-complex-and-dysfunctional-system.html>
- Iranian Bar Association. "Balancing Independence and Access to Justice: A Background Report on the Justice System in Iran." 2007. Accessed September 12, 2017. <http://www.ibanet.org/Document/Default.aspx?DocumentUid=ecbef5ba-b42d-4b53-b0f4-51a5975a8d65>
- Islamic Penal Code of the Islamic Republic of Iran. Farsi website. 2013. Accessed April 5, 2017. <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opedocpdf.pdf?reldoc=y&docid=5447c9274>
- ISNA (Iranian Students' News Agency). "Qovveh-ye Qazā'i Niyāzmand-e Qozāt-e Sālem Ast" [The judicial system is in need of honorable judges]. no. 4 (Jan. 2017). Accessed July 8, 2017. <http://www.isna.ir>
- Jhering, Rudolf von. *The Struggle for Law*. 2nd ed. Chicago: Callaghan, 1915, first publ. 1872.
- Künkler, Mirjam. "The Special Courts of the Clergy and the Repression of Dissident Clergy in Iran." In *The Rule of Law, Islam, and Constitutional Politics in Egypt and Iran*, 57–100, edited by Saïd Amir Arjomand and Nathan J. Brown. Albany: State University of New York Press, 2013.
- Maranlou, Sahar. *Access to Justice in Iran: Women, Perceptions and Reality*. Cambridge: Cambridge University Press, 2014
- Moshtaghi, Ramin. "Rule of Law in Iran." *Understanding of the Rule of Law in Various Legal Orders of the World*. Working Paper Series No. 11 of SFB 700. Berlin: Free University Berlin, 2010.
- Nayyeri, Mohammad Hossein. "In defense of 'independent legal practice' in Iran" Iran Human Rights Document Centre, 2012. Accessed on May 6, 2018. <http://www.iranhrdc.org/english/news/100000251-in-defense-of-independent-legal-practice-in-iran.html>
- Official Gazette*. "Qānun-e Sharāyet-e Entekhābāt-e Qozāt-e Dādgostari" [Law on the qualifications for the appointment of judges], approved on 14 May 1982, Code Collection. Accessed September 12, 2017. <http://rc.majlis.ir/fa/law/show/90547>
- Osanloo, Arzoo. *The Politics of women's Rights in Iran*. Princeton, NJ: Princeton University Press, 2009.
- Owsia, Parviz. "Sources of Law Under English, French, Islamic and Iranian Law: A Comparative Review of Legal Techniques." *Arab Law Quarterly* 6, no. 1 (1991): 33–67.

- Sarat, Austin, and Stuart Scheingold. *Cause Lawyering: Political Commitments and Professional Responsibilities*. New York: Oxford University Press, 1998.
- Schneider, Irene. "Polygamy and Legislation in Contemporary Iran." *Iranian Studies* 49, no. 4 (2016): 657–676.
- UNHCR/ACCORD. "Country Report—Iran." Paper presented at the 7th European Country of Origin Information Seminar (2001). Accessed September 15, 2017. <http://www.refworld.org/docid/402d04744.html>
- Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. Vol. II. Berkeley: University of California Press, 1978.
- Wendell Holmes, Oliver. *The Common Law*. London: Macmillan, 1968.