

Managing Religion and Religious Changes in Iran

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Introduction and Relevant Background

The magistrate ought not to forbid the preaching or professing of any speculative opinions in any Church because they have no manner of relation to the civil rights of the subjects. If a Roman Catholic believe that to be really the body of Christ which another man calls bread, he does no injury thereby to his neighbour. If a Jew do not believe the New Testament to be the word of God, he does not thereby alter anything in men's civil rights. If a heathen doubt of both Testaments, he is not therefore to be punished as a pernicious citizen. The power of the magistrate and the estates of the people may be equally secure, whether any man believe these things or no. I readily grant that these opinions are false and absurd. But the business of laws is not to provide for the truth of opinions, but for the safety and security of the commonwealth, and of every particular man's goods and person.

—John Locke, *A Letter Concerning Toleration*, 1689

Much has been written concerning the disheartening rise of “authoritarianism” in the modern world, given impetus by the growing prevalence of authoritarian (*iqtidār-girā*)¹ regimes around the globe. Some of that attention has been on Muslim nations that have adopted versions of Islam to promote and maintain their governments.² “With the help of the religious bureaucracy, state-sponsored Islam produces an orthodox, conformist version of Islam [‘state Islam’ or ‘official Islam’] that endeavors to legitimize the prevailing regime and support its strategic choices policies” (Hmimnat 2021: 1).³ Much of that literature, however, has been based on analyses that are historical in nature or that adopt a perspective derived mainly from political science (e.g., Karawan 1992; Hakim 1998; Omelicheva 2016; Sheikh and Ahmed 2020). This Element focuses attention on theoretical traditions from the sociology of religion and the sociology of law to address developments in the realm of the phenomenon of religion and spirituality in one such country, Iran. Undoubtedly, such regimes must often grapple with competition from newer religious and spiritual ideas

¹ We adhered herein to the conventions of the *International Journal of Middle East Studies* (IJMES) for transliterations.

² Addressing the question of “why do Muslim-majority countries exhibit high levels of authoritarianism and low levels of socio-economic development in comparison to world averages?” Kuru (2019) criticizes explanations that point to Islam as the cause of this disparity. He argues that Muslims had influential thinkers and merchants in their early history when religious orthodoxy and military rule were prevalent in Europe. However, in the eleventh century, an alliance between orthodox ‘*ulamā*’ and military states began to emerge. This alliance gradually hindered intellectual and economic creativity by marginalizing members of the intellectual and bourgeois classes in the Muslim world. Kuru’s study links its historical explanation to contemporary politics by showing that, to this day, the ‘*ulamā*’-state alliance still prevents creativity and competition in Muslim countries. See Grim and Finke (2011), especially chapter 6, “What about Muslim-Majority Countries?” for a discussion of Saudi Arabia and Iran and the quite authoritarian implementation of versions of Shari’a law. See also Fox (2016, 2020) for more details about how authoritarian societies, including Islamic ones, control religion.

³ This process is authoritarian in essence since it tends to concentrate and vest religious authority in the hands of the government.

and movements. Of course, not all Muslim governments are authoritarian and restrict religious freedom. Philpott (2019) divides the Muslim world's states into three categories: religiously free states (e.g., Senegal and Sierra Leone), secular repressive states (e.g., Uzbekistan and Egypt), and religiously repressive states (e.g., Iran and Saudi Arabia). Sarkissian (2015) also specifically identifies three classifications of regimes practicing religious repression: states that repress all religious groups, countries that repress all religious groups but one, and nations that selectively repress some religious groups.

Iran is a theocratic polity characterized by Shi'ite clerical governance with the assumed superiority and hegemony of Shari'a⁴ and state enforcement of an Iranian version of Islam.⁵ It furnishes an instructive example of how such authoritarian governments manage religion, including traditional minority faiths as well as new religious movements (NRMs) and spiritual currents.⁶ Indeed, present-day Iran is a prototypical case of an authoritarian regime based on a specific interpretation of Islam that seems designed mainly to guarantee the continuation of the government that evolved out of the 1979 Iranian Revolution. This mirrors the "political activism" approach within Shi'a Islam, developed in

⁴ There is no single meaning of the term "Shari'a," but powerful emotional and political connotations are now associated with its use – and abuse. Shari'a has been transformed from a path, to God's perfect law, to an invocation of identity against the Other (Gunn and Sabil 2023).

⁵ An-Na'im (2009) argues that the future of Shari'a, the normative system of Islam, lies among believers and their communities, not in the enforcement of its principles by the coercive power of the state. By its nature and purposes, Shari'a, he contends, can be freely observed only by believers, and its principles lose their religious authority and value when enforced by the state. He calls this theory "the religious neutrality of the state," whereby state institutions neither favor nor disfavor any religious doctrine or principle. The object of this neutrality, however, is precisely the freedom of Muslims in their communities to live by their own belief in Islam while other citizens live by their own beliefs. For An-Na'im, the institutional separation of Islam and the state is of the essence for Shari'a to have its proper positive role in the lives of Muslims and Islamic societies.

⁶ In order to discuss the groups commonly referred to as cults while avoiding that term, scholars have employed several alternatives, the most common of which is "new religious movements," which has gained a strong foothold in the sociology of religion (Olson 2006: 98; see also Richardson 1993a and Dillon and Richardson 1994 for critiques of the term *cult*). Eileen Barker offers a nonevaluative and objective definition of an NRM: "The term ... is used to cover a disparate collection of organisations, most of which have emerged in their present form since the 1950s, and most of which offer some kind of answer to questions of a fundamental religious, spiritual or philosophical nature" (1989: 9). Herein we use a variety of terms with the same meaning as NRM. We also use *cult* in some places herein only because of its appearance in Iranian official documents. An NRM may be one of a wide range of movements ranging from those with loose affiliations based on novel approaches to spirituality or religion to communitarian enterprises that demand a considerable amount of group conformity and a social identity that separates their adherents from mainstream society. However innovative they may be, NRMs always utilize elements of earlier religious traditions as building blocks to construct their new theologies, practices, and organizations. Contemporary NRMs have attracted mainly younger adherents who seek alternatives to traditional religious views and organizations extant in their societies.

the latter half of the twentieth century by the Najaf-trained *faqīhs* Muhammad Baqir al-Sadr and Ruhollah Khomeini: it is for the juristic class to seize the reins of power directly and enact positive state law themselves on the basis of the rules derived by the *faqīhs* over the centuries.⁷ Such a legal system might not be ideal in the absence of the infallible Imam, given the very real possibility of juristic errors and omissions in interpretation. However, it is argued that this should not deter trying to establish a legal system based on ideal Islamic law during Imam Mahdi's occultation.⁸

This Element describes and analyzes the years-long government-based religious discrimination (GRD) and efforts to regulate religion in Iran. Fox defines GRD as “restrictions placed by governments or their agents on the religious practices or institutions of religious minorities that are not placed on the majority religion” (2020: 10). Referring to the actions of the state that deny religious freedoms or inhibit their full realization and flourishing, Grim and Finke define governmental regulation of religion as “any laws, policies, or administrative actions that impinge on the practice, profession, or selection of religion” (2006: 13). These regulatory efforts have particularly affected the growing interest in newer religious and spiritual movements of various kinds that have developed in Iran. It is argued that seemingly benign and legal forms of regulations, requirements, and restrictions on religion are important tools by which nondemocratic leaders repress independent civic activity and thus hold on to their power. Human rights violations, specifically in regard to religious freedom, are disputed and

⁷ “[T]he denial of legitimacy to existing forms of government during the period of *ghaiba* lends itself to at least two possible interpretations – one leading to quietism in the absence of the Twelfth Imam and the other to activism” (Bahar 1992: 162). “Quietism” is the more long-standing approach. By the quietist political theory, perfect justice and peace can be established only upon the eventual reappearance of an infallible Hidden Imam, the Mahdi (pbuh), whose name is invoked by the faithful and who is called upon by them to emerge from his concealment. To the quietist, the best approach to state law is to endure it as one endures all ordeals, follow God’s law as closely as might be feasible, and await the Mahdi’s return. It is no ideal state of affairs, to be sure, but a divinely ordained one that God will choose one day to end by ordering the Hidden Imam to reappear to establish perfect justice. After all, “both [approaches] manage to retain some sense of purity and logic as concerns the relationship of state law to Islamic law, and they do this by delegitimizing state law and indeed the state itself, to the extent that the state departs from Islamic law norms” (Ala Hamoudi 2019: 303).

⁸ Plainly, in both cases, ideal justice is provided only by the implementation of Islamic law, not a law of the state that is inconsistent with Islamic law. But having said that, “[t]he . . . difference between the two approaches relates to *who* has the authority to implement religious law, and *what* is to be done when other rules happen to prevail. For the Quietist, only the Mahdi may implement the law because, among other things, only the Mahdi fully knows it. For the juristic revolutionaries, the jurists may implement it as best as they can on behalf of the state in their role as deputies in the Mahdi’s absence, pending his return” (Ala Hamoudi 2019: 303, italics in original). That being so, quietists disagree with activists over the governance of clergymen and control of social life based on religious injunctions during the age of occultation (*‘aṣr-i ghaybat*) of the infallible Imam.

politicized (see Afshari 2011: 147–50), resulting in the Iranian rule sometimes being portrayed as “Islamofascist” (Amirpur 2012).⁹ This is why the United Nations (UN) Special Rapporteur referred to the investigation of human rights in Iran as “particularly complex and complicated,” which is “one of the most controversial of all the mandates on which international monitoring has focused in particular countries” (UN Doc. 1991a: 90). Nonetheless, this controversy has gone on in “prejudiced and speculative terms, which have been accompanied by reactions of hypersensitivity” (91), ergo, it needs to be explored, taking a scientific approach. We hope to contribute to such an effort.

Section 1 of this Element explores key provisions within the Iranian Constitution that are germane to the treatment of minority faiths and other religious and spiritual movements within Iran, hence demonstrating the internally contradictory nature of the Constitution and also the clear primacy of Islam in the document. Section 2 describes how non-Muslim religious groups have been defined and treated within the Islamic government of Iran. Section 3 is devoted to the discussion of major cultural shifts that have occurred (and are continuing) in Iran among the general public in how they approach religious and spiritual issues. The influence of Western ideas about newer religious and spiritual phenomena is analyzed, as is the rise of unapproved derivatives of Islam that have grown in popularity. These developments have led to considerable disquiet among Iranian clerics and political authorities. In Section 4, we present in considerable detail efforts over the years to generate new legislation for the government to exercise social control over NRMs in Iran. This controversial attempt finally came to fruition in 2021 with the adoption of a major change in the Iranian criminal statute – the additional Article 500 *bis* – that can facilitate social control of minority faiths and NRMs of all types. In Section 5, we close our Element with a discussion of specific applications of sociologically oriented theoretical perspectives to what has happened in Iran and, by implication, what may be occurring in other authoritarian Islamic regimes. Before presenting details of the situation in Iran, we offer some useful background information that includes a brief commentary on the right to freedom of religion or belief (FoRB).

Religious Freedom

“Religious freedom” or “freedom of religion or belief” is a relatively new and socially constructed term brought about in a context of historical and societal conditions that made the conceptual development of the term an apparently

⁹ Identifying the essence or core tenets of “fascism” and considering whether or not a generic label of it may be extended to other similar regimes is an area of semantic, theoretical, and ideological disagreement. Today, fascism has become a general, pejorative term for any system or exercise of power contested for apparently dictatorial qualities.

pragmatic solution to major events (Richardson 2006). These include (1) unending warfare in seventeenth-century Europe – the Thirty Years’ War, ending in 1648 and leading to the Treaty of Westphalia; (2) the inability of one religious group to dominate the newly formed United States, leading to the First Amendment of the US Constitution with its religious freedom and anti-establishment clauses; (3) the tragedy of World War II, which led to the establishment of the Council of Europe (COE) and the European Convention on Human Rights and Fundamental Freedoms (ECHR) with its famous Article 9 guaranteeing freedom of thought, conscience, and religion; and (4) the breakup of the Soviet Union leading to the flood of nations wanting to affiliate with the COE, contributing to the enforcement of Article 9 guaranteeing freedom of thought, conscience, and religion by the European Court of Human Rights (ECtHR) for the first time in 1993 (Richardson 1995; Evans 2001). These four historical occurrences are watershed events in the social construction of religious freedom.

Religious freedom is comprised of two elements of “belief” (*forum internum*) and “manifestation” (*forum externum*) (Gunner 2023). The *forum internum* dimension (i.e., freedom to have or to adopt a religion or belief of one’s choice) is “absolutely protected” (UN Doc. 2014: 7) under Article 4(2) of the International Covenant on Civil and Political Rights (ICCPR) and states cannot derogate from this aspect of the right of FoRB even when the life of the nation is at stake. The *forum externum* dimension (i.e., freedom to manifest one’s religion or belief in worship, observance, practice, and teaching), however, does not enjoy such powerful support and is not unqualifiedly immune from possible limitations (Van der Vyver 2005; Gunn 2011; Ahdar and Leigh 2013; Ghanea and Pinto 2020; Raza 2020). True religious freedom is fulfilled with the union of its dual elements, which would be meaningless in the absence of (i.e., nonadherence to) either. Therefore, states should be expected to observe both elements if claims are made that FoRB exists in a society.

Much ink has been spilled in the name of and in defense of the right to religious freedom, and many have waxed eloquently about its virtues, even if guarantees found in constitutions are sometimes honored in the breach (Fox and Flores 2009; Finke and Mataic 2019; Mataic and Finke 2019; Fox 2023). Nonetheless, 162 countries out of 183 (88.5 percent) in the Religion and State data set engage in religious discrimination by placing at least one of the thirty-six types of limitations on at least one religious minority, repressing religious freedom-related rights in some way (Fox 2018: 160). Religious discrimination and persecution are far more serious in authoritarian and totalitarian regimes and correspondingly religious freedom is often experiencing crisis in those settings.

Jonathan Fox (2015, 2016) has proposed that religious freedom should be considered in terms of normative principles of liberty and equality and related to the concepts of political secularism and state–religion governance. Political secularism can be defined as “an ideology or set of beliefs that advocates that religion ought to be separate from all or some aspects of politics and/or public life” (Fox 2017: 103). It is clear in our study that political secularism does not exist in Iran and that, indeed, clerical and political leaders in Iran have exerted considerable effort over the decades since the Revolution to make sure that a specific version of Islam permeates every aspect of Iranian culture and life. This has led to considerable difficulties for all religious groups and spiritual movements that vary from the officially approved version of Islam.

1 Religion and Religious Freedom in Iran’s Post-Revolutionary Constitution

Francis Fukuyama asserts that the Constitution of the Islamic Republic of Iran, adopted after the 1979 Revolution (and last amended in 1989), is “a curious hybrid of authoritarian, theocratic and democratic elements” (quoted in Jahanbegloo 2011: 129). The Iranian Constitution exhibits “Pro-Center Dogmatic Authoritarianism and Pro-Persian Cosmopolitanism” as the two foundations of Iran’s political system (Asim 2023). It contains provisions that call for religious freedom, such as this statement in Article 23: “The investigation of the beliefs of a person is forbidden, and no one may be molested or prosecuted for holding a belief.” There are also two more provisions stating that the Constitution recognizes some religions other than Islam and the Iranian state is obliged to deal with non-Muslims fairly:

Article 13: Zoroastrians, Jews, and Christians among Iranians are the only recognized religious minorities who, within the limits of the law, are free to perform their religious rites and ceremonies and act in accordance with their own canon in matters of personal law and religious education.¹⁰

Article 14: In accordance with the noble verse, “Allah does not forbid you to deal justly and kindly with those who fought not against you on account of religion nor drove you out of your homes” [Q al-Mumtaḥana 60:8], the government of the Islamic Republic of Iran and the Muslims are required to treat non-Muslims with good moral manners and Islamic justice and equity,

¹⁰ “Although the majority of [the] Iranian population follows the Twelver sect of Shi’a Islam, the Iranian Constitution also recognizes [the] Hanafi, Shafi’i, Maliki, and Hanbali sects of Sunni Islam and the Zaidi sect of Shi’a Islam as the only officially acceptable branches of Islam within the territorial jurisdiction of Iran [see Article 12 of the Constitution]. Other than the respective sects, the Constitution neither recognizes nor gives constitutional privilege to Isma’ili Shi’a, Baha’i, Yarsani (Ahl-e Haqq), and Darvish (Sufi) communities. The case is the same for followers of Mandaism, Hinduism, and Sikhism” (Asim 2023: 18–19).

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and observe their human rights. This article applies to those who do not plot and act against Islam and the Islamic Republic of Iran.

The term “Islamic justice and equity” in Article 14 means that Islamic law shapes the rights of non-Muslims. Far from granting non-Muslims protections for the rights to which they are entitled under international law, the Constitution reinforces the principle that their human rights are subject to Iran’s version of Islamic criteria. Other lines in Article 14 reveal that the drafters presumed that non-Muslims are inclined to act against Islam and are disposed to be disloyal to Iran’s Islamic Republic. Given the bias in the Iranian constitutional system, such things would seem only natural. Having promised Islamic justice to non-Muslims, the limited human rights that non-Muslims supposedly enjoy are to be forfeited when conspiracies against the state are assumed – a vague standard affording a broad range of justifications for curbing their rights. Mayer writes in the analysis of Article 14:

Significantly, this article provides special grounds for depriving non-Muslims of human rights in addition to the curbs that are provided in Article 26, which enables the government to curb the activities of groups, including “minority religious associations,” if they are “contrary to the principles of Islam or the Islamic Republic.” Together, Articles 14 and 26 set up the basis for depriving minorities of rights and freedoms for being against the principles of Islam and the Islamic Republic. (2018: 143–4)

Moreover, Articles 13, 14, and 23 are preempted or contradicted by the substantial Preamble to the Constitution (see Ramazani 1980: 184–7) and other provisions (e.g., Article 1) that make it plain that Iran is an *Islamic* country with quite limited religious freedom for minority religious communities. The existence of such contradictions and the foundational tensions they reflect call for an urgent and candid discussion of the problem. The Iranian principle and practice of a democratic republic is secondary and subordinate to Islamic criteria. Notwithstanding the Constitution’s ostensible recognition of universal human rights, the overarching and ultimate hallmark and benchmark of rights under the Constitution is captured and constrained by the phrase “Islamic criteria” and is subject to clerical interpretation. Article 4 of the Constitution prescribes:

All civil, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the Constitution and other laws and regulations, and the *fuqahā*’ of the Guardian Council are judges in this matter.

Indeed, by positioning this article prior to other articles, the framers of the Constitution symbolically emphasized that a specific religion forms the basis for government action in Iran. In this regard, Gouda and Gutmann (2021) examine the

effects of constitutions prescribing Shari‘a as a source of legislation on discrimination against religious minorities. Their empirical analysis shows that religious minorities in countries where the status and supremacy of Shari‘a is entrenched constitutionally are likely to face more discrimination than they do elsewhere:¹¹

First, the level of Islamization of a country’s constitution is significantly associated with minority discrimination. Second, after considering the possible entrenchment of Islamic legal principles in the constitution, the effect of any other measure of Islam’s influence on the level of religious minority discrimination no longer is significant. In other words, the widespread prevalence of religious minority discrimination in Muslim societies seems to be a consequence of the design of formal institutions (i.e., especially the constitution) rather than caused directly by widespread adherence to Islam. That finding aligns with the more general idea that constitutions matter. (2021: 258)

The study by Gouda and Gutmann has demonstrated once more the grave menace of institutionalizing supreme values, be they communist or Islamic. Constitutions that propagate absolute truths and expect all members of society to adhere to those principles are inherently incompatible with the protection of minority rights. However, declaring that the state has an official religion can mean many things, ranging from a symbolic connection with no practical implications to a state governed by a specific religious law. While the official religion clauses and practical commitment are correlated, it is only *actual* levels of state support for religion consistently, significantly, and strongly that predict GRD (Fox 2023). Thus, government backing of religion, as reflected in laws, governmental practices, and court rulings, is the key measure of a state’s relationship with religion that influences GRD.

Islamic constitutions can be quite problematic for minority religious groups when they are interpreted directly by courts as criminalizing certain actions by such groups, but also when they furnish the legal foundation for legislation curtailing the rights and freedoms of minorities. Sharply contrasted with high degrees of autonomy are situations where the courts serve only at the pleasure of rulers, with their functionaries appointed by such entities. One only needs to contemplate a country such as Iran to grasp this point. Judges in Iran understand that they have little autonomy and that if they choose to exercise independent judgment, their jobs may be jeopardized (UN Doc. 2022: 16). Judges under such a system realize that they are to assist in implementing the ideology and maintaining the omnipotence of the Establishment. “[O]nly a male candidate who has faith and is deemed just and in possession of ‘a practical commitment

¹¹ However, they find no evidence suggesting that Islam encourages discrimination against minorities when it is not entrenched in the constitution.

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to Islamic principles and loyalty to the system of the Islamic Republic’ may be considered as a judge or a prosecutor” (Banakar and Ziaee 2018: 723). Along the same line, a major form of potential risk against religious freedom appears when Islamic constitutions empower the courts of law to find persons guilty solely on the basis of Islamic rules, whereas there is no legal basis for the criminality of the attributed accusation (lack of the *élément légal*). An example from the Iranian Constitution is:

Article 167: A judge shall be required to try to find out the verdict of every lawsuit in codified laws; if he fails to find out, he shall render a judgment on the matter under consideration based on *authentic Islamic sources* or *authoritative fatāwā*. He may not refrain from dealing with the case and rendering a judgment on the pretext of silence, inadequacy, or brevity of or contradiction in codified laws. (*italics added*)

Even though no explicit statutory provision criminalizes abandonment of Islam or conversion from it, converts regularly receive death penalty threats under the classical jurisprudential charge of “apostasy,” invoking Article 167 of the Constitution.¹² For instance, branch 11 of the Appeal and Criminal Court of Gilan province, in decision No. 8909971314400980, dated 22 September 2010, found an Iranian citizen who converted to Christianity at the age of nineteen guilty as *murtadd-i fiṭrī*.¹³ The court condemned him to execution, citing Article 167 and fatwas of several Shi’a *faqīhs*, notably Ayatollah Khomeini and the Supreme Leader Ayatollah Khamenei. However, this judgment was subsequently overturned by decision No. 212, dated 12 June 2011, of branch 27 of the Supreme Court of Iran because it was determined that inquiries into his life and beliefs were defective:

While the convict Mr. Youcef Nadarkhani has been confessor [*mu’tarif*] to heartily and practically leaving the holy religion of Islam, and believing in Christianity, and preaching in this direction, and some persons’ leaving Islam and entering Christianity as the result of his preachings, and adopting the pastoral role of the church, and insisting on Christianity, and not believing in the finality and prophethood of the Prophet Muhammad (pbuh), and denying the imamate of the Twelve Infallible Imams [*A’immih*] (pbut), and not believing in the truthfulness [*haqqānīyat*] of the collection of qur’anic verses . . . , but in relation to the actualization [*tahaqquq*] of apostasy, the verification of his Muslimhood after attaining puberty and the expression [*izhār*] of Islam and practical behavior in line

¹² For debates and controversies about “apostasy” in Shi’a *fiqh*, see Kadivar (2021).

¹³ “An apostate, defined as a Muslim who leaves Islam for unbelief or another religion, is considered either a *fiṭrī* or a *millī* apostate. The first one signifies that he had one Muslim parent at the time of his conception, expressed his belief in Islam after attaining maturity or reaching puberty (*bulūgh*), and renounced Islam later on. The second one signifies one whose parents were unbelievers at the time of his conception, had expressed his own unbelief (*kufī*) after having attained maturity, but at some point became Muslim and, later on, returned to unbelief” (Kadivar 2021: 26).

with the Islamic teachings is necessary [for the court], and, in this regard, any investigation of local informants, acquaintances, relatives, and Muslims who have previously associated with him has not been conducted; thus, the investigations are incomplete. It is obvious that based on the *fatāwī* of eminent *fuqahā*, including Imam Khomeini in the book *Tahrīr al-Wasīla* . . . , the investigation into the expression of Islam is required: in case of proof of failure to express Islam [after pubescence and converting to Christianity], he should be asked to repent [*istitāba*], and in case of proof of expressing Islam [after pubescence and converting to Christianity], or with the nonoccurrence and absence [*intifā*] of that and [the convict's] non-repentance, the death sentence be issued [for the latter two cases].

Iranian legal scholars have frequently criticized the controversial and awkward Article 167 since it transgresses the consensual principle of “legality,” that is to say the legal maxim of *nullum crimen, nulla poena sine lege*.¹⁴ Of greater concern is the association of apostasy with crimes against the state. Schirazi’s interpretation of the scope of apostasy laws in contemporary Iran is that “apostates . . . are threatened with the harshest of punishments, namely the death penalty, a threat which may be carried out suddenly at any moment that suits the interests of the hierocracy” (1997: 139). Herein the punishment can be seen not only as a criminal justice deterrent instrument but also as subject to being manipulated by the government in order to enforce conformity.

In Article 13, the key phrases are “within the limits of the law” and the limitation “in matters of personal law and religious education.” The Constitution and various laws make clear that nothing should impede the Islamic nature of the Islamic Republic of Iran, as defined by the clerics who oversee and control the government. Of course, even those two exceptions have been severely limited for the three *approved* faiths listed in Article 13. Other NRMs are more drastically controlled or even defined as illegal (e.g., Mysticism of the Ring¹⁵ and the Ahmad al-Hassan al-

¹⁴ See Tellenbach (2013) for detailed discussions surrounding Article 167.

¹⁵ For example, in decision No. 26/19/94, dated 29 August 2015, branch 26 of the Islamic Revolutionary Court of Tehran sentenced a citizen to a one-year prison term for “insult to Islamic sanctities by membership and coaching in the ring of the false mysticism of cosmic consciousness and promoting and teaching the cult’s thoughts and taking tuition fees in exchange for it” and to seventy-four lashes for “disturbance of public order by participating in unlawful assemblies in support of the convict Mohammad-Ali Taheri in front of Evin prison,” as well as to pay 6 million rials in favor of the state for “acquiring illegitimate property.” The court order also asserted that “she has attended illegal classes of the Ring Mysticism in Tehran actively and indeed is considered to be the representative of Tabriz in the cult. She has encouraged and aroused others to participate in the classes. She has been responsible for organizing and directing the Ring organization [*tashkīlāt-i Halgheh*] in Tabriz and is regarded as a main element of the cult.” After an appeal against the judgment of the court of first instance, branch 36 of the Appeals Court of Tehran not only upheld the conviction but also declared the appellant’s staying in Tabriz forbidden for two years as a complementary punishment “given her record and activity as an instructor [in the said group]” (decision No. 9509970223600272, dated 21 September 2016).