



INTERNATIONAL POLICE EXECUTIVE SYMPOSIUM
GENEVA CENTRE FOR THE DEMOCRATIC CONTROL
OF ARMED FORCES
COGINTA - FOR POLICE REFORMS
AND COMMUNITY SAFETY

WORKING PAPER No 33

**A Clash of Modern Professionalism and Oriental Despotism:
The Case of Iran, 1878-1979**

Hamid R. Kusha

MAY 2011

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ABSTRACT

Police modernization history in Iran dates back to the late 19th and early 20th century administrative reforms of the Qajar dynasty reaching their most comprehensive form under the Pahlavids. With the historical overthrow of the monarchy in Iran 1979, police are being Islamized. This paper argues that although Iranian police are modernized in-form, they have remained despotic due to an historical clash between the forces of Western professionalism and Oriental despotism in Iranian conception of state and policing philosophy. The paper concludes that the incompatibility between form and content in policing will resolve through democratization of the state and, by extension, of the policing philosophy and structure in Iran.

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A Clash of Modern Professionalism and Oriental Despotism: The Case of Iran, 1878-1979

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Introduction

Iran is a major Middle Eastern country with twenty five centuries of continuous existence. Historians have divided Iran's long history into two pre-and-post Islamic periods. During the pre-Islamic period (B.C. 708-642 A.D.), five imperial dynasties ruled the country with varying degrees of sophistication in law enforcement structure and philosophy. These were the Medes (708-550 B.C), the Achaemenids (550-330 B.C), the Seleucids (312-247 B.C), the Arsacids (also known as the Parthians) (247 B.C-224 A.D), and the Sasanids (224-642 A.D). In the post-Islamic period that commenced with Iran's invasion by Muslim Arabs in 642 A.D., close to thirty major and minor dynasties ruled the country, the last one being the Pahlavi Dynasty (r. 1925-1979) that was overthrown in 1979, replaced by the Islamic Republic that the Ayatollah Ruhollah Khomeini built (r. 1979-1989). Although the genesis of Iran's socioeconomic and legal modernization took shape in the late 19th and early 20th centuries as the country was being ruled by a number of relatively enlightened Qajar monarchs (e.g., Nasser ad-Din Shah 1848-1896; Mozaffar ad-Din Shah 1896-1907; and Ahmad Shah 1809-1924), it was under the rule of the two Pahlavi monarchs, Reza Shah (r.1925-1941), and Mohammad Reza Shah (r.1941-1979), that comprehensive plans for modern policing were undertaken throughout the country (Kusha 2006, 2000; Keddie 1999; Alibabaie 1999; Yarshater 1992; Bakhash 1978, 1981, 1992). However, as discussed in this paper, the Pahlavi monarchs, like their Qajar predecessors, were unable to inculcate the core principle of Western professionalism in Iranian policing because the centuries-old philosophy of law and order in Iran was antithetical to the new policing philosophy enunciated by the European reformers as, for example, Sir Robert Peel. In addition, monarchs in Iran ruled on the basis of the centuries-old despotic principles that conceived of the police as organized-force at the service of the reigning monarchs rather than at the service of their

subjects (Arjomand 1984; Keddie 1999; Aamanat 1997). Therefore, with the overthrow of the despotic Pahlavi monarchy in 1979, it was hoped that republicanism would bring a more democratic policing philosophy to Iran, a philosophy that would be harmonious with the initial democratization ideals of the 1979 revolution.

However, as discussed in this article, that ideal has not eventuated during the past three decades because the Islamic republic, as defined by its theocratic constitution (that replaced Iran's 1906 modern constitution), is not an ordinary republican form of governance as understood in modern political vernacular. Islamic republic is lofty 'divine governance' whose stated objective is creation of a 'model society,' based on Islamic criteria that among others, cover policing. The reconstruction of this utopian society and policing philosophy is not just hyperbola, but a strategic aim of the Islamic state expressed in post-revolutionary police literature and police training manuals. Therefore, from 1979 to present there has emerged an Islamic policing philosophy whose motto is: *Jaameh-e Mas'ul* (Responsible Society) and *Polis-e Paasokhgoo* (Accountable Police). At the first glance, this motto sounds novel considering the fact that prior to the rise of the Islamic republic, the thrust of Iranian policing discourse was that although police functioned as an organized deterrent force against criminogenic social elements—in order to protect society against crime and perversion—police, like other organs of the state, served the wishes and commands of the monarch in accordance with the Persian Theory of Kingship, the hegemonic political theory upon which the Persian monarchs had ruled from the time of the Achaemenids. The theory maintained that monarchs ruled on the basis of divine authority thus it was incumbent upon the state and its organs (e.g. police) to submit to the reigning monarch's wishes and commands; it was through this total submission that both the realm (*moluk*) and the nation (*mellat*) would be secured, taxes would be collected on time and the malcontents would be vanquished. Reflecting this rationale, under the Pahlavi monarchy the motto of the state and its organs, including police was: *Cheh Farman-e Yazdan* (Whether the Command of God); *Cheh Farman-e Shah* (Whether the Command of the King). This motto in essence put the reigning monarch(s) authority at par with that of the Almighty; as discussed shortly, Iranian National Police functioned in the capacity of both the

ideological as well as the Praetorian Guard of the monarchy. Modern police in Iran (be it under the Qajar or Pahlavi) were utilized for both ordinary law enforcement operations as well as for suppressing political dissent (Kusha 2006; Alibabaie 1999).

With the overthrow of the monarchy in 1979, there was much public anticipation and hope for a new policing philosophy that would be harmonious with the democratic ideals of the Islamic revolution. In fact, the dignitaries of the Islamic republic are on record that during the past three decades (1979-2009), policing philosophy has dramatically changed in Iran due to the success of the Islamizing mandates of the revolution. Accordingly, Islamization of society and economy as well as legal relations has transformed police from their Praetorian Guard functionality to one that responds to the service and security needs of the Iranian society.

DATA

The policing data and documents utilized in this paper are mostly historical and interpretive therefore the paper is comparative in nature rather than testing hypothesis. It is noteworthy that unlike modern democratic societies in which policing data are by and large accessible thus open to positivistic validation mechanisms; such is not necessarily the case with policing data in Iran. Iranian policing data have historically been part of the modern state's national security concerns making access to such data conditional, subjected to criteria that are mostly ideological and/or political in nature (e.g., being a supporter of the state, or having contacts for getting clearance from the Ministries of Interior as well as the Ministry of Intelligence and Security). Under the Pahlavi monarchy the official arrest data on police operations pertained to traditional law enforcement activities exclusive of clandestine surveillance-based arrests carried out against political dissidents. Under the Islamic Republic, the police carry out both regular as well as 'revolutionary' law enforcement activities. An example of 'revolutionary' policing is the Moral Guidance Operations (aka Monkarat) carried out by both regular as well as paramilitary militia (*Basij*) forces throughout the country. The term Monkarat (s. *monkar*) is from Islam's sacred text, the Koran, which

stipulates that in an Islamic society both the governed and the governor are responsible to implore (*nahy*) one another from engaging in immoral and/or unjust acts that corrupt the fiduciary responsibilities of the two parties toward one another. Therefore, Islamic policing philosophy is ideally geared to creating a model police force that is capable of acting as the moral voice of the state in ordinary as well as Monkerat operations. In other words, police are moral agents of the state enforcing Islamic moral principles in present Iran. The main problem is that the reciprocity criteria of the Monkarat in policing does not seem to apply to the police rank and file despite the Koran's insistence that those who corrupt God's laws (e.g., the law and justice criteria in Islam) are devoid of legitimacy in enforcing laws, be it moral guidance or otherwise. In other words, following the Monkarat rationale of the Islamic police which can be analogized to the American Proactive Policing, the Monkarat Proactive Policing that is being idealized in the Islamic policing literature as, for example, on the police portal (MHCIP 2010). Accordingly, Islamic policing principles should allow the average citizen in Iran to question, with impunity, the reason, rationale, and legitimacy of the manner in which such preventive strategies are being enforced by the police and/or the Basij under the collar of the state. In addition, these operations are being carried out under the banner of Islam, the Koran, and modeled after a utopian Islamic Policing philosophy that we are told is being constructed in post-revolutionary Iran to follow the footsteps of the Prophet Muhammad as he ruled over the first Islamic state that he built in the Holy city of Medina, circa 622-632 CE. However, as reported by the news outlets, the Islamic policing operations (be it of regular or Moral Guidance) are carried out in a manner that has come to the attention of the international watch organizations that have been concerned with the issue of human rights violations in Iran from the time of the deposed Shah, Mohammad Reza Pahlavi, to present. For example, the Amnesty International (AI) in its 2009 report titled, "Iran: Human Rights in the Spotlight of the 30th Anniversary of the Islamic Revolution," reminded the reader that: "Previous governments appointed by the former Shah, Mohammad Reza Pahlavi were widely regarded as corrupt and responsible for egregious human rights violations." (p.1). Next, noting the liberating ideals of the Islamic Revolution and the promises made by the Ayatollah Khomeini, the report stated that, "A host of vaguely-worded laws and practices relating to national and public security,

slander, defamation of state officials, insults to Islam and other aspects of freedom of expression, association and belief are used to prosecute those who dissent, including those seeking to promote and protect human rights” (p. 3). In so far as the role of the Islamic Police is concerned, the report noted that,

“Hundreds, if not thousands, of people are arrested in Iran each year on suspicion of offences related to security or freedom of expression under the vaguely worded provisions referred to above. Many arrests in Iran are carried out by plain-clothed officials who fail to identify themselves and who do not produce an official arrest warrant or state a reason for the arrest. Those detained are first taken to undisclosed locations, most of which are believed to be under the control of the Ministry of Intelligence, before later being transferred to prison. Those suspected of political offences are routinely denied access to family members and their lawyers, under Article 128 of the Code of Criminal Procedure which permits a judge to deny access to lawyers during the investigation phase (which can last for months) ‘where the case has a confidential aspect or the presence of somebody other than the defendant, may at the discretion of judge, cause corruption, as well as in the case of offences against the national security” (p. 4).

Simply put, the above AI report seems to be admonishing the Islamic police in Iran since the Islamized version of policing under the Islamic Republic is not much different than its predecessor under the secular National Police of the Pahlavi monarchy. It seems as if both versions has been built on the premise that consider law enforcement is an act that does not necessitate the informed consent of the governed because it is an act whose legitimacy is self-contained regardless of how laws are enforced. The Islamic police rank and file, like its predecessor, seems immune to contestation regardless of the nature of the policing act. The thrust of this paper is that despite a change from Persian monarchy to Islamic republicanism the policing philosophy has remained steadfastly loyal to the main tenants of what is known as Oriental Despotism in the development and modernization literature. It is for this reason that despite organizational changes in the state apparatus in post-revolutionary Iran, installing the core principles of modern professionalism in Iranian policing has proven a daunting task. The main argument of this paper is that it is not through change in-form alone, but through concomitant changes in-content (comprehensive democratization processes) that

the role and function of police will shift from one of Oriental despotic functionality to one of professionalism in serving and protecting the public at large and on the basis of citizen's informed consent, discussed shortly.

MODERN POLICING IN ADVANCED DEMOCRACIES

What we consider as 'modern policing' adhered to in advanced democracies of the world, most of which are located in the Western part of the Northern hemisphere, has its historical roots in societies that have gone through full capitalization in economy and society since the time of the Industrial Revolution, 1840s to present. Due to these developments, modernity in policing implies that police are more than law enforcers per se; police are professional public servants whose main responsibility is to help the state serve and protect the public. Serving and protecting the public under modern policing is a balancing act between law and order on the one end, and respect for the privacy and civil rights of the tax-paying citizens on the other end of the scale. Therefore, although police are authorized to investigate, gather intelligence, conduct surveillance, search, seize as well as use the construct of the so-called 'force continuum' for garnering compliance. However, Police powers are of a discretionary nature given under the collar of the state to help expediting the state's constitutionally mandated objectives. Modern police are held liable for their law enforcement activities, therefore police ranks and file must exercise caution in utilizing each and every elements of police authority for each is capable of functioning as a double-edged sword: the proper use of police authority can enhance the public's trust of the police, as against the improper use of it that can undermine it, especially if it is of a chronic nature. This may sound common sense for those who live in the advanced democracies of the world accustomed to operational dynamics of organized and discriminate professional policing modalities. In less-advanced societies of the world, most of which are located in Asia, Africa and Latin and Central Americas, the dynamics of police-community relationship is markedly different, to which reference will be made shortly. Iran is a classical example of a less-democratized authoritarian society whose modern in-form yet despotic policing in-content is the main subject of this paper. For the sake of clarity, the comparative thrust of this paper is not that Western professionalism in policing is

‘good,’ or ‘spotless,’ whereas others are ‘bad,’ or criminogenic; the thrust of this paper is that the whole structure of policing in advanced democracies is subjected to a much more rigorous and orderly organizational as well as legal (constitutional) checks and balances in comparison to those of the less democratized ones. It is upon the structural viability of such check and balances that police-citizen relations are regulated. Therefore, policing advanced democratic societies is not arbitrary, but is based on the recognition of, and respect for, the inviolability of the citizen rights by the police as articulated by law. Through adherence to these features of modern policing, a relatively healthy police-community relationship is being structured in the bulk of the advanced democracies whose organizational and cultural heritage is being passed-on from one generation of police ranks and files to the next (Schafer, 2007; Braga et al., 2006; Uchida, 2010; O’Hara 2005; Reichel 2005; Skolnick 1994, Goldstein 1987). On the contrary, police - community relationships in Iran has historically been engendered through arbitrary means and structures (Kusha 2006). This is despite the fact that police in Iran like many others in developing Asian, African, Latin America and the Middle Eastern societies are modernized in form, but seldom in content (Das & Palmiotto 2006). The end result has been one of anomic incompatibility between form and content: police seem modern in form (uniformed, relatively well-equipped and trained in use of the force-continuum), but policing strategies and operations are geared for moral control of the public at large as exemplified by the aforementioned Monkerat Preventive Patrol strategies; or suppression of social and political dissent regardless of their root causes and merits. By and large Iranian police ranks and files do not tolerate any form of challenge to their personal authorities in their day-to-day operations. In addition, compared to advanced democracies, Iranian police utilize their policing authority with impunity in depriving citizens of their constitutional rights. This is despite the fact that the Constitution of the Islamic Republic has recognized a wide range of civil and political rights provided that the exercise of such rights does not violate a set of Islamic criteria. However, as pointed out above in the AI (2009) Iran Report, these criteria are vague, or as discussed shortly, contradict the letter and the spirit of the very Islamic sources from which they have been extracted and legalized in order to be enforced by the police.

An example is the Procedural Law for Enforcing Public Chastity and [female] Coverage (*Maten-e Kamel-e Qaanun-e Gostaresh-e Raah-kaarhaay-e Ejraiy-e Efaaf wa Hejaab*). This law has a Preamble and twenty articles. The Preamble stats that, “Hijaab is the most valued and becoming social and cultural icon of the Iranian-Islamic civilization whose history dates back Islam’s entrance [in Iran]. However, it is under the Islamic culture that it reaches its most sacrosanct nature.” (MHCIP Portal, 2010). To achieve this objective, twenty three state and national organizations are being authorized with detailed procedural laws as how to enforce the law’s female coverage rules and regulations on the rationale that it is through the ‘adequacy of female coverage’ that Islam’s social mores and values can be protected in post-revolutionary Iran against the corrupting onslaught of the Western culture. Considering the historical significance of safeguarding Islam’s high ideals that, we are told were being dismantled under Western imposed modernization schemes under the Pahlavids, this law has empowered the Islamic state to police the propriety and unification of appearance for young and adult women throughout the country. In this attempt what is completely ignored by those who have drafted the law and its enforcement mechanism is the fact that attempts to change human behavior by the penal force of the state has proven criminogenic throughout the world. Examples include the American Prohibition Era (1923-1933) that led to rise and institutionalization of the Organized Crime; the Bolshevik attempt to uproot once and for religious faith in the USSR (1917-1992) that led to religious and political persecutions during the Stalinist Ear (1929-1953) in the Gulags; the Cultural Revolution (1965-1975) under Maoist China, etc. During the past three decades attempts to force women into Islamic garb in Iran has also failed to the effect that now the state has to employ the whole state apparatus into cajoling millions of young and adult women into uniformity in appearance. The end result has been one of turning the Islamic police as instruments of gender-based violence whose presence in the daily lives of women in Iran has proven quite criminogenic rather than of improving police-community relationship in post-revolutionary Iran. In addition, Iranian culture has historically been protective of any form of entanglement with females and especially in public. The involvement of police in forced Islamization of female Hijaab, as reported by the media is a rebel rousing endeavor. The Monkerat Preventive Patrol involves both moral lecturing as well as arresting women for violating the

rules of appearance in public, engagement with the opposite sex, commuting in public transportation system. Such engagements are reported of being dangerous for both male and female police officers because they engender public hostility and even violence against the arresting officer(s). Therefore, it could be argued that although police in Iran seem modern in form (uniformed, relatively well-equipped and trained in use of the force-continuum), policing strategies and operations are geared for control of the social and political dissent regardless of their root causes and merits.

On the contrary, advanced democracies have gradually recognized the importance of enforcing variegated checks and balance in relation to the use of police authority under the collar of the state, a modern legal construct that by holding police liable for their actions, allows redressing of wrongs committed by the police against citizens; by extension it also hold the state responsible for the unauthorized, illegal, or criminal acts of the police. A classical example is the 'New Police' that Sir Robert Peel created in 1828 in the persona of the London Metropolitan Police; most scholars agree, the modern policing principles set forth by Peel were the precursors of what we consider as the modality of the Western professionalism in policing. Peel not only modernized police in form, but also in content. He achieved this feat by making the new police a highly trained organized force under the strict government control which in essence made the successive British governments (thus the state) legally responsible for their proper utilization of the police. The new police were no-longer supposed to act as booted thugs and hooligans, but as organized-force that represented law and order on the one hand. On the other hand, the new police agents, known as the Bobbies (alluding to their Peelian heritage) were an entrenched part of the community whose presence was welcomed as a protector rather than as the oppressor of the community. The Peelian modality of congruency between form and content in policing has historically become the hall mark of modern professionalism in policing.

From a Peelian modality perspective, the propriety in police conduct unless subjected to institutionalized norms, and procedures enforced at the departmental and state levels, is left to arbitrary criteria. Constitutional as well as organizational rules and procedures may abound on-paper, but unregulated police conduct is a

reflection of the fact that police are not adequately controlled by the government, or that the propriety of police conduct is ignored by the state for ulterior motives. In either case, the congruency between form and content in policing suffers. Following the Peelian modality, the rules of propriety in policing have gradually been institutionalized within the policing academies and training manuals from 1828 to present. In addition, police-community relationship has engendered a police-citizen dynamics whereby citizens do not necessarily conceive of the police as instruments of indiscriminate and unjust coercion per se, but as arbiters in their capacity as the server and protector of the public. Therefore, once in police custody, everyone is expected to be presumed innocent regardless of extraneous parameters (e.g., SES-socioeconomic-as well as race, gender, religion or ethnicity). It is not up to the police to determine the guilt or innocence of the suspect in custody, but to ascertain that the legally proscribed custodial safeguards are adhered to by the arresting officer(s). Modern police are deemed obligated to protecting both the victim as well as the alleged victimizers as the police, under the collar of the state, enforce laws.

This balancing function of modern policing is maintained by the inculcation of the codes of professionalism in police sub-culture that include: (a) the code of honor and integrity; (b) the code of bravery; (c) the code of dedication to the cause of justice; (d) the code of serving and protecting the community; and (e) the code of equity, social justice and impartiality in enforcement. This, of course, is an *Ideal* picture in relation to Western professional policing; it does not mean that police in advanced democracies don't violate citizens' rights; they do, but not with impunity. For example, the Anglo-American police literature is replete with both academic and investigative commissions' findings in relation to the abuse of police authority. Examples include the Wickersham, 1931; the Seabury, 1932; the Knapp, 1973; the Christopher, 1991; the Mellon, 1994; the Commission of Police Integrity in Chicago, 1997. However, it is also an established fact that the level and intensity of such abuses differ in terms of their degree of seriousness (Dunham & Alpert 2010; Goldstein 1975; Sherman, 1974) The same literature has also shown that that police in advanced democracies have been subjected to a wide range of reform and innovation in both enforcement as well as in police-use

of modern technology (Maureen 1992), or community relationships (Stojkovic et al 2010).

Incongruence between Form and Content

The Peelian modality in policing is created on the basis of gradual adaptation police conduct to the ideals of modern social and legal norms proffers that ‘all are equal’ before the proverbial eye of the law. Police conduct in authoritarian societies—of which Iran is a classical example—is more convoluted. Although equity is given lip service to in Iranian policing modality, in reality ‘all’ are not equal before the proverbial eye of the law. One reason has got to do with the fact that Iran, like many authoritarian societies around the world, has gone through different stages of capitalization of the society and economy in the past century. However, despite the fact that the country does have a comprehensive constitution that subjects policing to checks and balances—be in mundane daily traffic enforcement or in the more sensitive issues of custodial arrest, search and seizure, including the use of force-continuum, this subjugation has remained on paper. As a result of the incongruence between modernity in form and modernity in content, police in Iran, like other authoritarian police in Asia, Africa and Latin and Central American societies, have been involved in continuous and egregious violation of citizens’ rights, a fact that is consistently being borne out by comparative research in policing (Das & Palmiotto, 2006; Kusha 2006; Barak 2000; Ebbe 2000) as well as internationally recognized human rights groups and watches. Thus, one could argue that it is not enough to have on-paper checks and balances in policing. Neither is it enough to opt for modern police uniforms, training manuals and operations strategies hoping that through academic training congruency between form and content in police professionalism is garnered. Police academies are important for foundation of professionalism modalities, however, it is wishful thinking to believe that theoretical academic modeling, by and of itself, is capable of garnering congruency between form and content: what is sorely needed is the recognition by the police (rank and file) as well as the community at large that police are public servants rather instruments of oppression and legalized terror at the service of regime-politics. The problem with non-democratic attempts to professionalize police in many authoritarian societies around the world, including Iran, has stemmed from the fact the structure of the state and its political theory

has remained non-democratic/authoritarian and/or totalitarian. It is for this reason that ‘on-paper’ professionalism modalities in Asia, Africa, Latin and Central Americas share commonalities in their policing culture, typologies and instrumental functionalities at the service of regime-politics.

In sum, it is plausible to propose that the transition of the modern policing from its traditional law enforcer functionality to one of ‘serve and protect’ professionalism is due to the larger democratization processes that have taken place in modern market economies during the past century. Extending this rationale to the case of police modernization in Iran, this paper raises an important yet unexplored problem in Iranian policing: the issue of historical incongruence between Western professionalism and Oriental Despotism in policing. This dichotomy in Iranian policing has its socioeconomic as well as philosophical bases that this paper articulates. The theoretical thrust of the paper is that police in Iran are modern in form yet despotic in content. This is an anomie result that the paper proposes is due to the cultural and organizational impacts of Iran’s long established theory of the state, the Persian Theory of Kingship (*Resaaleh-e Shahriyari*), on all aspects of law and justice including policing. The historical clash between Western professionalism and Oriental Despotism in policing explored in this paper is not an exclusive to Iranian policing, but has its parallelism in other major Middle Eastern societies that have gone through similar modernization and developmental schemes in late 19th and early 20th centuries. Examples include Egypt (Tolfson 1999),

ORIENTAL DESPOTISM IN POLICING

Oriental Despotism can be conceived as a paradigmatic approach to the rise and entrenchment of the culture of autocracy in “Hydraulic societies” that Karl Wittfogel (1982) theorized were originally formed in the arid zones of Asia, Africa, Latin and Central America and the Middle East; it was in this extensive zone that ancient civilizations gradually were formed as, for example, in China, Japan, Korea, India, Iran, Mesopotamia, Egypt; there were others in Central and Latin America as, for example, the Aztec-Mayan civilizations. The defining material characteristic of the Hydraulic societies was the chronic inadequacy of water resources that necessitated the heavy and systemic involvement of the

organizing power of the state in the construction, maintenance, and safeguarding of complex and costly irrigation networks, dams, aqueducts as well as defense related posts, roads and communication facilities. In addition, ancient Hydraulic societies were vulnerable to the so-called barbarian invasion that if not prevented could and did wreak havoc and irreparable existential damage to the permanency of settled life—as the invaders would destroy the irrigation networks to subdue local resistance. It has been for this functional role of the state—as a builder and protector of the very material base of the Hydraulic societies—that despotism in both political philosophy as well as interpersonal relationship evolved through ions; Iran has been an important constituent from Antiquity until recent times.

The Cultural Autocracy in Policing

The thrust of the Wittfogel typology is that despotism in the Hydraulic societies was a natural outcome of the material conditions surrounding societies in the arid zones of the Old World. Therefore, be it the Egyptian Pharos, the Persian Shahanshahs, the Japanese Shoguns, the Korean Wang(s), the Indian Rajahs, or the Muslim Caliphs and Sultans, all ruled for centuries as despots with impunity legitimated by norms and values that collectively have comprised the foundational base of the culture of autocracy. The recrudescence of despotism in state and its organs (e.g., policing) is a direct outcome of the culture of autocracy that has both individual as well as institutional bases to its formation, appropriation and re-appropriation be it within the family, the education, and the religious or political institutions. In other words, autocratic policing philosophy and typology of the Hydraulic societies is not solely due to the nature of the police work that calls for autocratic means and strategies, but also is due to a larger culture whose norms and values amenable to autocracy are produced and re-produced from generation to generation despite the fact that the Hydraulic societies are no longer at the mercy of the harsh climactic conditions as in the past thanks to the emancipating power of modern technology.

It is noteworthy that deference to power-holders as promoted by the culture of autocracy does not mean, nor is it this paper's contention, that it is the root cause of malevolence in policing in Iran, or in other societies named above. In fact, respect for police authority is quite functional in garnering compliance much easier be it Hydraulic or non-Hydraulic societies, provided that that the

police are not conceived as the chronically oppressive long-arm of the state bent on suppressing any form of dissent, regardless of its merits, under the guise of law and order. However, as discussed shortly, the history of police modernization in Iran attests to the fact that from late 19th century to present, police have functioned as one among a number of other instruments of oppression (e.g., the army, the Gendarmerie, the Army Intelligence Bureau, the justice system) of the state, be it under the monarchy (be it the Qajar, or the Pahlavi) or under the Islamic Republic that replaced monarchy in 1979. For example, under the Pahlavi monarchy the functioning rationale of the state and its organs, including police, was to serve the wishes of the person of the monarch because the state propagated the idea that he was the erstwhile Shadow of the Almighty in accordance with the Persian Theory of Kingship. Thus, under the monarchy, the motto of the state and its organs (e.g., the police) was: “God, King, and Motherland” (*Khodaa, Shah, Mihan*) and in that order. Under the Islamic Republic, the functioning rationale of the Islamic state this of the police is to serve the core ideals of the Islamic Revolution under the spiritual and moral guidance of the Supreme Religious Leader in accordance with Article V of the Constitution of the Islamic Republic, to be discussed shortly. Therefore, regardless of a formal change from monarchy to republicanism, the whole apparatus of the state, including police, has remained the same from the stand point of their serving one central figure, the person of the monarch in the past and the person of the Supreme Religious Leader now. However, compared to the Pahlavi monarchy whose development and modernization strategy was one of dependent-capitalization of the Iranian society and economy, the Islamic Republic’s motto is one of Islamizing Iranian society and economy, making the Islamic Republic way more ruthless in its utilization of the police and its ‘revolutionary’ Para-military and militia at the service of the Supreme Religious Leader (aka the Waliy-e Faqih). This structure has led to the intensification of the role of the police as an ideological instrument of Islamizing “everything” in Iran as mandated by the Article IV of the Constitution of the Islamic Republic. This state of affairs will not change for the better unless comprehensive democratization processes were to be undertaken by the state, a prospect that is in stark contradistinction with the Islamizing mandate of the police in present Iran.

A CLASH OF TWO POLICING PHILOSOPHIES IN IRAN

Police modernization in Iran can be resembled to a clash between two policing philosophies that are antithetical to one another despite the fact that four police modernization periods have been identified in Iran as follows: the Nasser period of 1878-1896; the Constitutional period of 1906-1924; the First Pahlavi period of 1925-1941; the Second Pahlavi period of 1941-1979. Prior to the rise of the Islamic Republic, Iran was a constitutional monarchy. Iran's law enforcement philosophy had had a symbiotic relationship with Iran's centuries-old theory of governance, the Persian Theory of Kingship which in turn had formed in the past. Above, we discussed Iran's traditional policing structures and philosophies in pre and post Islamic periods. Due to this historical longevity, modern Iran's traditional state thus the structured polity (e.g., the relationship between the state and its subjects) were both antithetical to modern state and polity. Iran's traditional theory of governance is known by its Persian epithet, the *Resaaleh-e Shariyari*. The theory proposed that kingship (*Shariyari*) was a divinely ordained right to governance bestowed upon individuals who were endowed with the *farr-e Izadi*, (a divine guiding light) which accompanied them as long as they reigned on the principles of just-rule. The theory, since the time of the Achaemenids (550-330 B.C.), had obligated the Persian kings with a set of reciprocal governing rights and responsibilities that if performed diligently, would make the kings' reign legitimate and beneficial to their subjects. In return for the subjects' unequivocal loyalty to the reigning king(s), the king(s) pledged: to establish peace and tranquility in the realm; to safeguard the frontiers against external threats; and to apply swift justice against malcontents (criminal or those who attempted to disrupt the sociopolitical status quo that ideally functioned for the highest amount of common good). Thus, historically speaking, law and order in Iran meant the enforcement and/or preservation of the reigning monarch's wishes and commands. In addition, law enforcement had had a long history of gestation extending as far back as the time of the Median Empire. This longevity gave to Iranian policing a culture that resonated deeply with Iran's deeply authoritarian culture in social and legal relationships to which reference will be made shortly.

Historical Roots of Oriental Despotism in Iran

Starting from the time of the Medes around the seventh century B.C., and especially during the Achaemenids, the Persian emperors and local kings employed various ‘means of legitimate coercion,’ to borrow the term from German sociologist Max Weber, to impose order in the realm and bring criminal culprits to justice. These ranged from law enforcement activities of the standing armies who pursued criminal gangs that raided villages and towns and then fled, to policing activities of the military garrisons stationed in strategic locations of a sophisticated and well maintained highway network that linked main cities of the Achaemenids Empire that covered close to 2.5 million square miles at the zenith of its power under the emperor Darius I, the Great (521-486 BC). There were also local militias groups who helped the army and local garrisons in performing their order-imposing duties throughout the realm. One of these was the *Arkpat* that acted in the capacity of the so called the ‘Ears and the Eyes of the Monarch.’ Etymologically, *Arkpat* means the commander of military garrison whose main duty was to police cities and highways that fell under his jurisdiction in accordance with a meticulous division of the empire into different administrative units. Being different than regular military commander, the *Arkpat* had the authority to imprison thieves and highway robbers before their case were heard by trial judges known as *Dat*. Capital cases were brought before the local kings or the person of emperor himself, the *Shahan-shah* (the King of the kings). It goes without saying that he could pardon, commute or dismiss the case without any repercussions. In doing so, the emperor could and did utilize his agents, the so-called the *ears and eyes of the Monarch*. These were the highly trusted confidants of the emperor appointed by him whose main responsibility was to travel throughout the empire, conduct surveillance on local authorities, and report to the Emperor of the manner in which the *Arkpat* performed their order imposing and law enforcement duties. The actual identity of the “ears” and “eyes” were kept secret only known by few individuals very close to the emperor.

Later, when Iran was invaded by Alexander, the Great, around 330 B.C., the organizational structure of the *Polis* was adapted from Greek system of local administration. The Hellenized version of *Polis* was now responsible for the management of the city including policing and other security related matters. An

official named *Epistat*, appointed by the monarch, oversaw the manner in which the *Polis* performed its duties. It is very likely that the term police in Western languages have its source in the Greek notion of *Polis*. The *Shahrik* and the *Dayhik* were two additional administrative and governing bodies whose development goes to the time of the Sassanid Empire. The *Shahrik* was responsible for law enforcement and security matters pertaining to cities whereas the *Dayhik* performed these duties in villages. It is logical to assume that these order-imposing institutions borrowed legal and administrative concepts and technical knowhow from their predecessors as for instance from the Hellenistic institution of *Polis* mentioned above. The established wisdom is that the efficacy of these institutions rested on the strength and efficacy of the central government, the economic prosperity of the realm and a general state of justice that linked the average free taxpaying citizens with the local and imperial governing structures in pre-Islamic Iran.

In post-Islamic period, law enforcement was organized on the basis of an admixture of Islamic as well as Middle Eastern (e.g., Sassanid-Byzantine, Turkic-Mongol) policing philosophies, structures and operation principles. The most prominent among these were: the *Shorte*: local police; the *Shabgard*: night watches and vigils; the *Saahib al-barid*: postal authority who also conducted surveillance; the *Gazmeh*: a Turk-Mongol institution of mobile quasi-legal vigilantes at the service of local authorities; the *Saaheb-e diwaan*: a Turk-Mongol institution that oversaw financial as well as legal security of the realm; the *Yarghu*: a Turk-Mongol institution created to hear allegations of wrong doings of those in the position of authority; the *Diwaan beygi* acted as the order-imposing council of the chieftains responsible for hearing public grievances; the *Darugheh*: a Turkish institution that represents the main law enforcement authority in the capital city. Historical records of the time indicate that the efficacy of these order-imposing institutions also depended on factors such as the strength of the central government, the personal character of the monarch, and the overall economic prosperity and the security of the frontiers. Iran's traditional culture (Kusha 2000) has been authoritarian as legitimated through its long gestation and internalization of the tripartite ethos of (a) respect for authority, (b) aversion to law-infracting

behavior, and (c) concern for the honor of the family. Putatively, these ideals have made order-imposing a relatively easy task for the official organs of state.

Iran's First Modern Police Charter, 1878-1906

By the time of the ascendancy of the Nasser ad-din Shah to the Qajar throne in 1848, Iran's traditional policing philosophy and variegated structures had proven beneficial to a long list of dynasties that had ruled the country; the theory had helped the governing elite under successive dynasties to preserve the prevailing status quo by enforcing the reigning king's wishes and commands, including those of the Qajar kings in stark contradistinction with the mandates of modern policing philosophy that had been devised and made operational by the Sir Robert Peel in the creation of the London Metropolitan Police in 1828. It is noteworthy that the Qajar monarch was cognizant of the fact that 19th century Europe was way ahead of the rest of the world, including Qajar Iran. Nasser ad-Din Shah was a relatively enlightened monarch credited with a number of reform measures in state bureaucracy, transportation, customs, and policing. He travelled three times to Europe (1873, 1878, and 1889). He also appointed able administrators such as Mirza Taqi Khan Amir Kabir (1848-1851), Mirza Agha Khan Nuri (1851-1858) as well as Mirza Hossein Khan Moshir ad-Dowlah (1873, 1875) to the post of the Prime Minister in order to expedite his reform measures. The Qajar shah is also reported of having had consulted with the European monarch and emperors during his state visits enquiring about various European modernization schemes, and experts that the Iranian government could hire for that purpose. One such expert in modern policing was an Italian police professional, Count de Montfort, who had served the Austrian police in Wien with dignity and exemplary professionalism. He is reported of having been offered and accepted, a contract of employment during Nasser ad-Din Shah's visit to Austria in 1878. The purpose of the contract was to relocate to Iran in order to reform Iran's traditional Nazmiyeh police.

Upon arrival in Tehran, Iran's Capital, in 1878, the Count and his advisors studied the actual structure and lay-out of the city and gave a report to the shah, proposing how a modern police organization could reduce Tehran's crime problem. The Count also studied Iran's traditional law-enforcement structure and philosophy as

he wrote a comprehensive modern police charter titled the *Nezam Naameh* that was put into commission after being reviewed and signed by the shah. Based on the principles of modern bureaucracy, and modeled after the Prussian-Austrian system of policing, the Count's *Nezam Naameh* reorganized the *Nazmiyeh* Police into professional units. The new police was also put under the jurisdictional authority of the Governor of Tehran, rather than that of the Minister of War as in the past. This change was important as it allowed the Governor of Tehran, rather than the Minister of War, to have jurisdiction over the police making it more responsive to the law enforcement requisites of Tehran, Iran's largest and most important city (Alibabaie 1999). The significance of the Count's *Nezam Naameh* stemmed from the fact that it constituted Iran's first modern police charter to hold police rank and file accountable to the procedural requisites of a coherently written Western-style police professional principles. It later became the organizational charter of the Ministry of the *Nazmiyeh* (*Wezarat-e Nazmiyeh*) elevating the *Nazmiyeh* Police to a national stature whose modern policing mandates were to be enforced throughout the country. This feature of the Count's *Nezam Naameh* argues Alibabaie (1999) was not welcomed by a cadre of Qajar governing elite in Tehran as well as in the provinces because the new police charter was deemed antithetical to Iran's centuries-old policing philosophy that had for centuries articulated a 'King's Peace' type of law enforcement structure throughout the realm. The primary objective of the new *Nazmiyeh* police was systemic uprooting of urban crime in Tehran as the city was facing growth-related social ailments. The main crime problem was opium- related offenses, gambling, prostitution as well as residential burglary, next to predatory street crimes committed by a horde of local thugs and criminal gangs who shared their loots with the law enforcement agents as a form of graft and pay back. By diligently enforcing the policing principles of the *Nezam Naameh*, the Count tried to put a decisive end to this long-established corruptive and criminogenic practice in policing. This was another reason for the dislike of the *Nezam Naameh* by those officials who not only tolerated but in fact benefitted, handsomely, from such graft and corruption in the *Nazmiyeh*.

Modern training and uniformed police

Attempts were also made to uniform police agents; modernize police training and recruitment standards (Shuster 1912; Floor 1971; Alibabaie 1999; Kusha 2006). For example, the Nezam Naameh established new policing principles that obligated the Nazmiyeh rank and file to report their law enforcement activities in their precincts. The Nazmiyeh agents were to report on-time for their shifts, meticulously carry out their night watch and patrol duties. Police interrogators were no longer allowed to maltreat those in police custody. Stolen goods recovered by the police were to be warehoused and logged in police inventory sheets subjected to periodical inspections for adjudicative and/or claimant purposes. Nazmiyeh detectives were also trained in modern policing principles in relation to criminal investigation and interrogation procedures that were drastically different than the traditional investigation norms utilized in the past. Unlike traditional methods which allowed both physical and mental torture of the suspect for getting forced confession to guilt, the new police was to get confession through modern methods such as forensic dactylographic identification of Tehran's known thieves, residential-burglars, and thugs who formed drug, gambling and prostitution rings in Tehran and other large cities throughout the country.

Traditional Persian State and Policing

Count de Montfort's Nezam Naameh aimed to replicate a set of modern policing principles in Iran that were alien to Iran's traditional state and polity. These principles, if institutionalized, could work against the "Just Order" (*Nezam-e 'Aadel*), that the Persian monarchs had built in the past passing its heritage to the next dynasty all the way to the Qajars. Therefore, the Nazmiyeh was more than law enforcement philosophy per se, but one that had historically acted as the guardian of an established balance of power between the Persian kings and their subjects. Any tempering with the traditional policing philosophy could gradually undermine that balance to the detriment of the monarchy. Police could be modernized in form, but not in their philosophical content. Put it differently, the Qajar governing elite did not object to a well-trained, uniformed and efficient police force at the service of the status quo provided that policing philosophy was

not corrupted by “alien” ideas. In the late 19th and early 20th century Qajar Iran, the source of these “alien” ideas was Europe (aka *Farang* in colloquial Persian).

The Persian theory of kingship in its late 19th and early 20th century format had gone through changes; nonetheless it manifestly represented the socioeconomic and political interests of the Qajar feudal lords and their cohorts. Qajar Iran’s land division rationale, tillage, and tax farming measures were based on the *Iqta‘a* principles that provided the Asiatic equivalence of the European feudalism. Although there were structural as well as ideological differences between the two, both operated on a hierarchical division of power and its utilization based on the amount of land that one controlled. At the apex of the Qajar *Iqta‘a* system was the king who theoretically owned the *molk-e Iranzamin* (the whole country of Iran) thus was authorized to appoint whomever he wished to various offices of the government, from the Grand Vizier to (*Sadr-e A‘azaam*) the Chief of the Standing Army (*Sardar-e Sepah*), or the Governor General (*Waali* and in Pahlavi times, *Ostandaar*).

Under the tutelage of the king, there was a complex bureaucratic governing structure known as the *Nezam-e Diwaani*; it was comprised of highly educated professional scribes, accountants, tax and revenue assessors who served the Qajar Crown and its interests throughout the country. By the time of the Nasser ad-Din Shah, the system had long since established a corroding and criminogenic practice of cash-bidding for appointment to high governmental posts especially to the post of the provincial governor (Brown 1893; Shuster 1912) The more prosperous a province, the more financially lucrative the post of the governor of such provinces thus the costlier the bidding processes; the amount of cash garnered by the bidding procedure was a lucrative source of income for the Qajar monarchs.

Although in theory the provincial governors were appointees of the Qajar Crown, serving at the pleasure of the reigning monarch, the practice of cash-bidding had long since created de facto, if not de jure, sense of entitlement to the provinces. Barring exceptions, the Qajar governors considered the provinces as their personal fiefdoms (*molk-e talq*); in essence the governors ruled with the same feudal servitude principles that the Qajar monarchs enjoyed. Because the Qajar governors ruled with impunity only answerable to the king in enforcing his wishes and commands, they jealously guarded their discretionary power and enforcement

means. The Count's *Nezam Naameh* aimed to reform police on the basis of modern bureaucratic principles with checks and balances that were alien to the Persian Theory of Kingship thus to its law enforcement mandates. Although traditional as well as new policing mandates served and protected the political status quo, there were strategic differences between the two at a time that the Qajar political establishment was going through a deepening legitimacy crisis that led to Iran's first revolution that is known as the Constitutional Revolution (1906-1911). As discussed shortly, police played an important political role in subduing the revolutionary forces thus opening the road to the criminalization of dissent throughout the past century. For this reason, modern policing profession in Iran has not evolved as a neutral server and protector of the public as in the Western advanced free-market economies.

Traditional serve and protect mandates

Iran's traditional law enforcement philosophy and structure was not arbitrary per se; laws were enforced aimed to serve and protect "The Order" (*Nezam*) that the Qajar kings had established by 'meticulously' observing the principles of the "Just-Rule" (*Edalat*) of the Persian theory of kingship. For the Qajar governing elite and their political cohorts, the Qajar Order had 'embraced' within its just and protective arms the People of Iran who had unequivocally submitted to the legitimate authority of the reigning monarch(s), the *sin qua non* prerequisite of living under law. Thus the established feudal-agrarian order was 'legitimate' and 'beneficial' to both the Prince and the Pauper. In addition, state functionaries (from the provincial governors all the way down to police chiefs and local law enforcement officials, *Kalantar*), were not authorized to utilize police against people without cause; Iranians, regardless of their social status, were considered as the *Ru'aya* of the king, a term that does not have an exact English equivalence, but has historically signified the town and rural populace with a set of rights and responsibilities within the *Iqta'a* system. The governors were obligated to protect the king's *Ru'aya* against crime, social perversion as well as against any abuse in the utilization of the arable land, seed, water, labor, and foliage in their jurisdictions; violation of these traditional agrarian rights and responsibilities could entice grievances that the governors had to handle by a combination of political tact and threat of force.

The principles of ‘Just Rule’ under the Persian theory of kingship also obligated the governors to periodically hold public audience (*baar-e ‘aam*) to listen to the Ru’aya and their concerns over the conduct of the government agents as, for example, tax collectors, or law enforcement. In addition, the theory obligated the governors to investigate and apply swift justice to state functionaries who were found guilty of abusing their office. The contemporary Qajar literature gives a distinct impression as if by the late 19th century the Qajar governors resorted to whatever means that they found expedient in ‘suppressing’ as against ‘resolving’ the root-causes of social and political grievances for the benefit of the presumed “Just Order,” regardless of the nature of the grievances. The pre-reform Nazmiyeh Police played an important suppressive role in these deeply socioeconomically engendered crises that were gradually becoming anti-establishment in nature (Amaanat 1997; Floor 2004; Abrahamiaian 1982; Arjomand 1984; Keddie 1966, 1971, 1981).

The new police was also suspect in the eyes of the Qajar governing elite for two reasons: First, they soon realized that the reformed Nazmiyeh Police was to be marching to the beats of new law enforcement drums alien to the *modus operandi* of the traditional Nazmiyeh police. Second, these changes were taking place under a non-Muslim police commissioner who could gradually intervene in Muslim affairs to undermine the growing power of the Shiite clerics in running these affairs. To alleviate some of these fears, the Count pledged that the new police would not interfere in civil issues that were traditionally handled by the Shiite divines (*Ayaat-e A‘azaam*) as, for example, marriage, divorce, funeral and religious processions. The Count also pledged that police agents would not enter the Mosques or the Shiite Seminaries and Mausoleums in the pursuit of those who sought asylum; in such situations, the cases would be handled by the religious authority in charge of the Mausoleum, known as the *khoddaam*. Despite these assurances, the contemporary Qajar literature gives the impression that from the stand point of what we may characterize as “traditionalist” state functionaries, the Count’s *Nezam Naameh* was subversive of the “Just” Order that was built by Muslim men of right genealogy, faculties, knowledge and expertise appointed to the governing posts throughout the country. The Qajar literature makes reference to incompetent and corrupt law enforcement functionaries here and there, but is

adamant that the pillars of the dynasty were firmly built on the traditional Perso-Islamic principles of Justice and good governance.

An Agrarian Social and Economic System in Crisis

By the time of the ascendance of Nasser ad-Din Shah to the Qajar throne in 1848, it was becoming more difficult to convince the public and a large segment of the progressive, as against the traditionalist, Qajar Intelligentsia that the prevailing status quo was on the right track especially in relation to the state functionaries' chronic abuse of their vested authority. This abuse was most prevalent in the tax-levy and collection methods. Depending on the personality of the appointed governor, and the initial costs incurred for the procurement of the post of the governor, the tax levy and collection methods could turn into a daunting law and order issue even the cause célèbre of bloody revolts especially in agriculturally poor provinces. In such exigencies the governors were allowed to use force to quell tax revolts and punish the social malcontents who resorted to rioting rather than appealing to the governor's sense of justice. Thus ideally speaking, organized-force (e.g., the police) at the disposal of the state played an important role in keeping the status quo intact at a time that the Qajar political system was going through a deepening legitimacy crisis, whether in Tehran, or in the provincial capitals. This state of affairs could not tolerate a drastic change in traditional law enforcement philosophy as mandated by the *Nezam Naameh* once it became the foundational charter of Ministry of *Nazmiyeh*. It was one thing for the new police to carry out the Count's Western-style policing mandates in Tehran, but once elevated to a Ministerial level, the modern policing mandates took a national urgency to their implementation that could drastically deprive the Qajar governing elite from one of their instruments of impunity to rule

Studies on the late 19th and early 20th century Iran is indicative of the fact by the time of the Nasser ad-Din Shah, there had emerged an entrenched political machine (akin to its American counterpart of it, circa 1840s-1920s) that ran the affairs of the Qajar Crown in Tehran and, by extension, in the provinces. The main function of this political machine was preserving the political status quo by balancing the interests of various social classes and strata; in reality, it served the interests of the traditionalist governing elite, the provincial feudal lords, and the

Shiite clergy; this trio, barring exceptions, were the trilateral bases of the Qajar political machine thus beneficiaries of a retrogressively defunct Asiatic agrarian social and political system that was doomed to extinction in lieu of the emerging forces and relations of production of modern entrepreneurial capitalism in Europe and North America. By the time of Nasser ad-Din Shah, modern entrepreneurial capitalism had already reached the status of a world dynamic force transcending national boundaries and cultures. The late 19th and early 20th century Qajar Iran was one among a multitude of defunct Middle Eastern structures being subjected to the modernizing impacts of the entrepreneurial capitalism (Afary 1994; Keddie 1999, Yarshater 1992).

Success in Modern Police Professionalism

Success in modern police professionalism, it is plausible to suggest, is dependent on the degree of democratization of the state and the manner in which the state has regulated its governance mandates with those who live under its jurisdiction. The European history of police modernization is indicative of the fact since French Revolution (1787), monarchies were gradually forced to respond to the emerging social, political and legal realities of entrepreneurial capitalism by allowing the construct of impunity to rule be subjected to the construct of the rule of law. The kings and queens gradually realized that they were no longer semi-divine entities representing the will of Almighty on earth, but were regal symbols of national unity thus could not rule with impunity as in the past. The emerging political philosophy in Western Europe (and later in North America) conceptualized of the organized power of the state as one that was constitutional in nature. Because modern state operated on the basis of constitutionally mandated law and regulations, so did modern police. Modern professionalism in police gradually emerged as a distinct value separating police from their 'peace and order' imposing functionality to one of serving the public.

Modernization in the late 19th and early 20th century Europe and North America was both in form and in content symbiotic with the democratization of the state and polity in the emerging market economies. Modern police gradually started serving and protecting an enterprising (entrepreneurial) capitalist system and those who promoted capitalist relations of production. Modern police were no

longer Praetorian Guards at the service of the European monarchs and cohorts as in the past, but at the service of the new emerging ‘Order,’ the Entrepreneurial Capitalism. As this Order has been of a dynamic and expansionist nature from its inception to present, the two constructs of ‘modernization’ and ‘development’ have historically been symbiotic with capitalism and capitalization processes. This does not mean that everything is good and dandy under capitalism in so far as this paper is concerned. However, capitalism is the prevailing dynamic force whose socioeconomic impacts are socially and culturally transcendental. Modernization of police in market economies has deeply been impacted by the capitalization processes, including Middle Eastern societies of which Iran is an important constituent.

The Geopolitics of Police Modernization in Iran

One impediment to police modernization in-content, as against in-form, was a set of intertwined external geopolitical forces that played a significant role in the overall modernization and development of the Qajar Iran in late 19th and early 20th century; although these forces were external, their operational dynamics and impacts on police modernization had a lot to do with Iran’ geopolitical significance in a region that has provided the bulk of the world’s carbon-based energy supplies in the past century. For example, in 1908 Knox Darcy, a British subject, discovered natural oil reservoirs in Masjed Soleyman in Iran’ Khuzestan Province that borders the Persian Gulf. This discovery in conjunction with the British geopolitical rivalry with Czarist Russia, Iran’s giant neighbor to the North, prompted the British Admiralty to declare a strategic shift from coal to oil-powered engines, upgrading the thrust power of the British fleets in the Persian Gulf. Concomitantly, the British undertook the creation of the Southern Persian Rifles that on the surface acted in the capacity of law enforcement, but in reality it was a highly-trained force counterbalancing the Kazak Brigade that served Czarist Russia’s imperialist designs and interests in Northern Iran (Babai). In fact, in 1907, the two major powers had clandestinely divided the country into two zones of interests with their respective law enforcement organizations on the pretext that the Iranian government(s) was incapable of securing the national routes throughout the country. Although the outbreak of the Great War in 1914 stopped the actual partition of Iran between the two, the rivalry between Britain and

Russia made police modernization deeply political in nature. For example, Nasser ad-Din Shah is reported of having had consulted with the Russian Czar for reforming the Nazmiyeh Police. Alarmed over the adage to the influence of the Russians, the British intervened and asked the Austrian emperor to suggest the service of the Count Montfort for that purpose (Yarshater 1992; Lenczowski 1992). Modernization of the Nazmiyeh Police and later Iran's National Police was therefore not primed for purely administrative-organizational issues. Modernity in policing was related to the strategic role the police were to perform against internal factors that opposed the transformation of Iran from a defunct Asiatic social formation to a modernizing capitalist albeit peripheral one with an externally imposed division of labor to serve the interests of the larger capitalist world economy. In a nuts shell, police were among the slew of traditional forces and structures that had to be modernized as Iran was to become a functioning stable state within the emerging world capitalist forces and relations of production.

The Double-Edged Role of the Shiite Clergy

There were also internal impediments to police modernization as for example, Iran's influential Shiite clergy; historically speaking, the Shiite clergy has proven time and again capable of expediting or negating social reform by giving its seal of approval for, or against, such endeavors. This ability of the clerics is due to the fact that the clergy rank and file, besides their Islamic learning (e.g., the Koran and the Hadith), are also trained in the arts religious oratory in delivering sermons in mosques and Friday public prayers. This religious function of the clergy is unique as it has traditionally enabled influential clerics to reach mass audiences throughout the country giving Shiite Islam's perspective on important social issues as for example, whether modernization is compatible with Shiite Islam. The provincial governors and the clergy perceived the police as an organized-force whose main function was to safeguard the prevailing status quo from the stand point of both Shiite Islam and Iran's traditional law enforcement philosophy. Neither group had any problem with a police force that was efficacious in keeping the peace of the established order, but was adamantly against a force that wanted to hold every one accountable to propriety in conduct as defined by law, be it modern or the Sharia.

However, based on the historical evidence, one could argue that by the time of the appointment of the Count de Montfort to the post of the Chief of the Nazmiyeh Police, the Qajar political machine was at a cross road. On the one hand it had already built for itself the reputation of all things that make the state and its functionaries, including law enforcement, oppressive and criminogenic especially towards the weaklings of society. On the other hand, there were modernizing monarchs, the likes of the Nasser ad-Din Shah as well as Qajar Intelligentsia that were desirous of a European-style modernization and development. The question remained as to whether modernization was antithetical to Islam at that juncture. The question was partially settled in 1906 whence Iran's first Constitutional Charter, *Farman-e Mashrutiyat*, was drafted during the reign of another modernizing Qajar, Mozaffar ad-Din Shah (r. 1898-1907).

Modern Citizenship versus the Ru'aya

Unlike citizenship status conferred on free and tax-paying men and women in emerging modern nation states of the 19th century, the concept of modern citizen was not accepted in Qajar Iran (thus in the King's Peace policing philosophy) until the Constitutional Revolution (1906-1911). Prior to this date Iranians, regardless of their social status were the Ru'aya of the Qajar shahs, as mentioned above. They had a set of traditional rights and responsibilities in accordance with the Persian Theory of Kingship, but such rights were not secured as a matter of a constitutionally mandated law (as was the case in Western Europe or North America), but as a matter of tradition (*'urf wa 'adaat*). In the same manner that just kings had recognized these rights and responsibilities, the unjust ones including police circumvented them with impunity. The classical problem was one formulated by Ann K.S. Lambton in her famous "*quis custodiet ipsos custodiet*" (who shall guard the guardians) question.

In modern constitutional systems it is the province of law to guard the guardians; the police are duty bound to apply law to the Prince or the pauper alike, but not a police system that is operating on the basis of the King's Peace philosophy. The Ru'aya of the Qajar kings were not equal to the king because it was the king who was the law giver; it was the commands of the king that protected the public. Naturally, the law giver was not at par with his subjects, nor those who enforced

the king's law (e.g., state functionaries, including police). Therefore, from the stand point of the traditional law enforcement philosophy, police in Qajar Iran did not represent law, nor did they enforce anything other than the commands of the sovereign that had been codified into the King's Peace mandates. This philosophy was different than policing philosophy that was emerging in modern market economies, a philosophy that considered police as law enforcers rather than peace enforcers. There were strategic differences between the two: the peace maintained in agrarian society was qualitatively different than its counterpart in the thriving entrepreneurial capitalist societies of the late 19th and early 20th centuries.

The Construct of Social and Political Peace in Modern Capitalism

Modern capitalism has historically built its construct of Peace on the basis of a thriving economic system that provides jobs and services in what Immanuel Wallenstein (1974) has characterized as the World Capitalist System. Accordingly, the hierarchically dominant capitalist economies in the center exploit the semi-and peripheral satellite economies in as they create the world capitalist system with its global capitalist division of labor. Social systems enter into this scheme and are assigned a certain role as the provider of raw material and cheap labor for the dominant economies. Thus the construct of peace in the world capitalist system is of a market economy nature amenable to capitalism and its ideals. The Count's police charter aimed to gradually extricate the Nazmiyeh Police from its traditional King's Peace thus Praetorian Guard functionality to one of Western professionalized urban policing with regulated conduct and law enforcement responsibilities. However, as previously mentioned, the Count's police reforms were antithetical to the manner in which traditionalist provincial governors ran the affairs of the Ru'aya in their jurisdictions. The Shiite clergy was also resentful of the fact that a non-Muslim was given authority to regulate policing in a major Islamic country such as Iran. After fourteen years of trial and error, the Count de Montfort was forced to resign his post in 1890.

With the departure of the Count, the Nazmiyeh Police reverted back to its old malaise under thirteen Director General(s) who followed each other's short and ineffective tenures until the beginning of Iran's Constitutional Revolution of 1906-1911.

POLICE MODERNIZATION, THE CONSTITUTIONAL ERA, 1906-1911

From the mid-19th century onwards, and influenced by the European Enlightenment, there had emerged the genesis of a Qajar Enlightenment movement spearheaded by the writings and political activism of a cadre of Western educated elite and intelligentsia who deeply despised the abject backwardness of the country as they compared and contrasted it with the European supremacy and cultural efflorescence in all fields. By and large, they blamed Iran's abject backwardness (including policing) on the prevalence of despotism that permeated all layers of social, political and legal relationships and institutions in Qajar Iran. For example, Iran's traditional law enforcement methods were critiqued for having had remained almost impervious to the wonders of modern science and technology that had prompted Europe's supremacy in all fields, including in the science of policing and security. The same criticism was applied to education, religion, family and its dynamics. This segment of the intelligentsia was by and large supportive of any Nezam Naameh-type of organized-force, be it the state, or its agents, provided that the rule of law applied to all, be it the prince or the pauper.

Nasser ad-Din Shah was assassinated in 1896 by a political dissident, as the shah was entering the M'asumah Mausoleum in the Rey township west of Tehran. The assassin, Mirza Reza Kermani (a disciple of a revolutionary Iranian intellectual, Jamal ad-Din Asadabadi who preached Islamic modernization) was later arrested and subjected to traditional interrogation methods. He confessed his guilt and was subsequently hanged in public. The assassinated shah was given the epithet of the martyred shah (*Shah-e Shahid*) and was buried in the same Mausoleum conferring a highly honorable status on one of the most celebrated Qajar kings whose true legacy in Iran's modernization and development has yet to be determined without prejudice. His successor, Mozaffar ad-Din Shah (r. 1896-1907) enunciated the *Farman-e Mashrutiyat* (The Decree of Constitutionalism) in 1906 which subjected the despotic power of the Qajar Crown to the restriction of Iran's first modern constitution, *Qaanun-e Mashruteh*. It authorized the creation of Iran's modern parliament, the *Majles-e Showray-e Melli* based on electoral processes. The new shah's reign ended with his sudden death in (1907). His successor, Mohammad Ali Shah (r. 1907-1909) was a ruthless tyrant who deeply despised

the emerging constitutional form of governance and its parliament; there were powerful Shiite clerics as, for example, the Grand Ayatollah Fazlollah Nuri who rejected constitutional governance antithetical to Islam characterizing it as a diabolical Western plot against Shiite Islam and it's 'Just Sultan,' Mohammad Ali Shah. Instead of attempts to create a constitutional monarchy, Nuri proposed a Shari'a-based monarchy. This proposal led to the rise of two opposing camps. One camp belong to the supporters of the *Mashruteh* (the constitution) and the other to supporters of the *Mashr'ueh* (the Shari 'a-based governance). Each camp had their prominent Shiite clerics as well as secular intellectual supporters and foot soldiers. The Nazmiyeh Police as an organized-force played an important political role in this period.

POLICE MODERNIZATION, THE PAHLAVI ERA, 1925-1975

With the conclusion of the Great War (1914-1919) Iran, like other Middle Eastern countries, went through structural changes, be it in socioeconomic or legal bases of relationship. The founder of the new dynasty, Reza Khan Sawadkoohi (aka Reza Khan Mirpanj) was a soldier by training with a charismatic personality well suited to the post-WWI social psychology that sought political stability next to social and economic reconstruction. Although the Great War was quite bloody and disruptive, it aimed at the redistribution of the world markets (including the Greater Middle East) among the great powers in Europe. However, the Bolshevik Revolution of 1917 in Czarist Russia made Communism a formidable international foe for the post-WWI and emerging world capitalist order. Reza Khan was the ideal strong man that the British policy makers in the 10 Downing Street in London had their eye on for post-Qajar Iran. It was reasoned that Iran needed a strong man at the top because if left to its own devices, the country could easily be engulfed by a Bolshevik-inspired revolution. Internally, Reza Khan had already been portrayed by the Anglophile Iranian press and political circles as a progressive yet iron-willed modernizer who could steer Iran's reconstruction efforts. In reality, Reza Khan had successfully expropriated the remnants of the Qajar political machine, and with the acquiescence of the British managed to engineer the abdication of the last Qajar monarch, Ahmad Shah in 1921. He was first elected to the most powerful post of the Minister of War that

facilitated his ascendancy as he commanded the only viable force in Iran, the Kazak Brigade composed of 1,200 highly trained professional soldiers.

In 1921, the Kazak Brigade under the command of Reza Khan marched to Tehran and established himself as the strong man of Iran, an event that led to the foundation of the Pahlavi Dynasty in 1925. Next, and building on the police modernization efforts of the Constitutional Revolution as well as those of the Count's Nezam Naameh, Reza Shah established the National Police and Municipality (*Polis wa Shahrebani Koll-e Keshwar*). Head-quartered in Tehran, the National Police was charged with urban policing and a municipality-based law enforcement mandate under the Ministry of Interior. Its main function was to serve and protect the citizens against crime, to regulate traffic, to investigate crime scenes and to enforce laws in the urban areas (Alibabaie 1999; Kusha 2000, 2006). Despite its modern serve and protect mandate, the National Police gradually resorted to the centuries old King's Peace philosophy in law enforcement, but this time as an instrument of the king's modernization efforts. For example, Reza Shah is generally credited with various gender-equalizing measures in education, employment and civil law. These rights helped the emancipation of women from the bondage of backwardness enabling women to play an active role in Iran's modernization and development programs. However, to initiate these measures Reza Shah had to neutralize Iran's powerful Shiite clergy who considered gender-equalizing measures of the shah antithetical to women's status under the Shari 'ah Law. One of the most contested was the traditional Islamic garb, the *hijaab* (veil) that Reza Shah decreed its forced-removal in both state bureaucracies, ceremonies as well as the newly modern girl-schools. The National Police played a controversial role in the forced unveiling of women in Iran winning for the police a reputation that did not endear the police to Iran's highly religiously conservative lower and middle class strata.

These reforms led to deeply seated religious and social resentment and even political reaction against the Pahlavi modernization schemes. Under the Directorate, General Mukhtari, the Municipal Police gained a notorious reputation for its oppressive and outright illegal internal intelligence gathering against the so-called subversive Iranian citizens and especially for police manhandling of the political dissidents. In 1941 the Allied forces invaded Iran and forced the shah to

resign on behalf of his eldest son and heir apparent, Mohammad Reza who subsequently assumed the title of the shah. The deposed shah was subsequently sent into exile in the Island of Morris, a protectorate of the British where he died in exile. Later his body was brought back to Iran buried in Shahr Rey Township with much fanfare as New Iran's Great Architect. After the 1979 Revolution, a mob ransacked his place of burial and burnt it to ground.

Under Muhammad Reza Shah (r.1941-1979), the Iranian National Police was also responsible for internal security throughout the country. The police carried its internal security responsibilities in direct collaboration with a number of intelligence gathering organizations that the Shah's regime had created in consultation with the American Federal Bureau of Investigation (FBI) and the American military advisers in Iran. In the rural areas, it was the National Gendarmerie that was later created in 1944 charged with law enforcement functions and responsibilities. In case of large operations against drug smugglers and interdiction operations, the National Police and Gendarmerie would collaborate with the army units. The most prominent among these was the Army Intelligence Unit and the National Information and Security Organization.

Known by its acronym as the SAVAK, it was created through The Establishment of Security Organization Act (Kusha 2006) which was approved by the Iranian Parliament in 1957. Composed of five articles, this act gave a wide range of intelligence gathering and arrest and investigation powers to the SAVAK. To enhance the power of its directorate, it was given the administrative rank of the Assistant to the Prime Minister to be appointed directly by a decree of the Shah. Gradually the SAVAK won a notorious reputation of a secret police organization involved in clandestine and illegal arrest, imprisonment, torture and execution of hundreds of Iranian political dissidents from mid 1960s until the overthrow of the monarchy in 1979. In fact, the hatred for SAVAK was one of the main impetuses to the revolutionary upheavals of the 1978-1979 that led to the demise of the Pahlavi monarchy and the rise of the Islamic Republic.

CONCLUSIONS

Modern policing philosophy has not made much progress in Iran despite close to a century of attempts to structure a policing philosophy and typology akin to Western professionalism principles as articulated by the likes of Sir Robert Peel. This inability, as discussed in this paper, has its deeply entrenched roots in Iran's historical longevity as well as in the social and cultural factors that have impeded the institutionalization of a more democratic set of relationships between the state and its organs (including police) with tax-paying citizens. Islamization of police in post-revolutionary Iran has not resolved the problematic of police despotism because Islamic republic in Iran is republican in façade. In reality it is a religious theocracy whose relationship with the average citizen is based on a set of religiously inspired rather than democratically inspired principles of governance. Modernization in both form and content is the historical outcome of the larger democratization of the social and legal relationships that regulate the structure of power and its utilization by the state and its main law enforcement organ, the police.

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