

# Serial Murder in Tehran: Crime, Science, and the Formation of Modern State and Society in Interwar Iran

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There is nobody who has remained uninformed of the crimes of ʿAli Asghar Qātel Borujerdi!<sup>1</sup>

Tehran, 1934. Introducing his newest book, *Mental Diseases*, Dr. Muhammad-ʿAli Tutiyā hits a raw nerve. Iran’s capital is abuzz with news about ʿAli Asghar Borujerdi.<sup>2</sup> Earlier on that year, the man soon dubbed Asghar Qātel (the murderer) confessed to having had sexual intercourse and subsequently killed thirty-three adolescent boys. Born in 1893 in the Western Iranian town of Borujerd, at the age of eight he left with his mother and siblings for Karbalā, Iraq. Six years later, he moved on to Baghdad, and began to sexually abuse adolescents. Eventually, he began to murder them, according to his initial testimony in order to trick the police that were observing him. In 1933, after having taken twenty-five lives, he only escaped Baghdad and arrest by the skin of his teeth. Arriving in Tehran, he worked as porter and vegetable-seller, and took up residence in Bāgh-e Ferdous, a neighborhood in Tehran’s poor popular south. He carried on with his deeds, killing eight boys, most of them homeless vagrants. The first bodies, heads severed, were found on 31 December 1933. Borujerdi was arrested once and released for lack of evidence, but in early March of 1934, the police detained him again, and this time he confessed. He was tried, convicted, and, after an unsuccessful appeal, was hung in front of an immense crowd in Tehran’s Sepah Square on 26 June.<sup>3</sup>

Borujerdi’s murders ignited public fury, and prompted an outpouring of a large number of texts: reports in daily newspapers, articles in literary, scientific, and police journals, medical texts, and reprints of the trial’s minutes. Together these texts crystallize a serious concern, specific to the Iranian modern

<sup>1</sup> Muhammad-ʿAli Tutiyā, *Amrāz-e ruhi* (Tehran 1934), 2.

<sup>2</sup> “Qasāvat va shaqāvat-e ʿAli Asghar” *Ettelāʿāt* (10 Mar. 1934), 1; “Hokm-e divān-e ʿāli-ye janāʿi” *Ettelāʿāt* (3 June 1934); “Ejrā-ye hokm-e eʿdām-e ʿAli Asghar” *Ettelāʿāt* (26 June 1934).

<sup>3</sup> For biographical details, see “Mohākemeh-ye ʿAli Asghar dar mahkameh-ye janāʿi,” *Ettelāʿāt* (4 June 1934); “Jenāyatkāri-ye bi-nazir” *Nāmeḥ-ye shahrbāni* 1:2 (1935):37–47; “Qatl-e 33 nafar be-dast-e yek janāyatkāri!” *Ettelāʿāt* (special edition) (8 Mar. 1934).

middle class, with the challenges they faced in forming a ‘modern society.’ Emerging from the late 1910s on with the rise of an interventionist state, the modernists were prominent in the administration, and they guided the ambitions of the autocratic monarch Rezā Shāh Pahlavi’s (ruled 1921–1941) to form a modern Iranian society.<sup>4</sup> The present case is remarkable because it accentuates a number of traits fundamental to this modernization project. It illustrates how, in the interwar period, social reform and the related interpretations of human behavior drew on bio-medical scientific knowledge. Conversely, it exposes a fear that lurked beneath people’s optimism regarding the feasibility of large-scale social reform. Most importantly to us here, it highlights how the formation of modern Iranian society was not simply an ‘internal’ affair, but part of a much wider, global story.

In the nineteenth century, a set of internal and external factors had stymied any sustained educational, scientific, or infrastructural development in Iran.<sup>5</sup> Certainly, a Dār ol-Fonun (polytechnique) was established in 1851, but only a few hundred students studied there throughout the following decades, illustrating that Iran lagged far behind neighboring British India and the Ottoman Empire. Only in the wake of World War I, with the end of the Anglo-Russian Great Game and the formation of a strong state and of a modern middle class, did the country become more deeply integrated into global networks of scientific knowledge, related social reformist models, and underpinning cultural sensibilities. At roughly the same time, modernist interest shifted away from politico-administrative reforms, deplored as having contributed to the failure of the Constitutional Revolution (1905–1911), toward social and cultural reforms. These reforms were believed to rest on the practical application of modern scientific knowledge. And yet, faith in the scientific, rational manageability of a modern society was coupled with anxieties about social pathologies. In the modernists’ eyes, Borujerdi embodied an alarming lack of education and ‘will-power,’ and illustrated the latent violence of the lower classes. Accordingly, his execution seemed indispensable, and its ultimate purpose was social rather than

<sup>4</sup> For European criminology, see Robert Nye, *Crime, Madness, and Politics in Modern France. The Medical Concept of National Decline* (Princeton 1984); Ruth Harris, *Murders and Madness. Medicine, Law, and Society at the Fin de siècle* (Oxford 1989); Pasquale Pasquino, “Crimonology: The Birth of a Special Knowledge,” in Graham Burchell, Collin Gordon, and Peter Miller, eds., *The Foucault Effect* (Chicago 1991), 235–50; Marie-Christine Leps, *Apprehending the Criminal. The Production of Deviance in 19<sup>th</sup>-Century Discourse* (Durham 1992); Mary Gibson, *Born to Crime. Cesare Lombroso and the Origins of Biological Criminology* (Westport, Conn. 2002).

<sup>5</sup> These causes comprised the Qajar Naser ad-Din Shah’s (reign 1848–1896) fear of losing power, an infrastructurally weak state, patrimonial politics rooted in an “atomized” society, and especially, paralyzing external colonial interests (the Anglo-Russian Great Game). Quote: Bert Fragner, “Von den Staatstheologen zum Theologenstaat,” *Wiener Zeitschrift der Kunde des Morgenlands* 75 (1983):85; cf. A. Reza Sheikholeslami, *The Structure of Central Authority in Qajar Iran, 1871–1896* (Atlanta 1997), 209f.; Abbas Amanat, *Pivot of the Universe. Nasir al Din Shah Qajar and the Iranian Monarchy, 1831–1896* (Berkeley 1997), 381f., 410f.; Ebrahim Towfigh, *Modernisierung und postkoloniale Herrschaft in Iran* (Frankfurt and Main 2000), 88–94.

legal. It transformed the convict into a signal to an ailing society, and served as a memorable *‘ebrat* (lesson). In parallel, the success of the police in arresting Borujerdi and the judiciary’s procedure during the trial were interpreted as signs of the rationality of the state and its effectiveness in shaping society. These ‘lessons’ highlighted the perceived role of individuals’ self-control, and stressed the weight of an infrastructurally stronger state in a modern society.<sup>6</sup> Textual references to Western police forces’ techno-scientific progress underscored real advances in investigative methods, particularly by the Tehran police. Conversely, Borujerdi’s public execution also revealed the limitations of state power, and showed how, in addition to surveillance, coercion, and deterrence were employed to form society and maintain order.

The amalgam between faith in science and fear of social pathologies reflected particularly Iranian problems, which, as this case shows, included rapid urbanization and accelerating rural-urban migration. Nonetheless, these concrete challenges, their cultural reading, and the resulting oscillation between faith and fear, were by no means exclusive to Iran. In particular, the uneasy co-existence of optimism and pessimism in Iranian modernists’ minds manifested a more generic phenomenon. In Western countries, it had peaked at the turn of the century, but continued to grip bourgeois imagination.<sup>7</sup> It was a generic trait common to Western and colonial middle classes, and characterized what could be called a metro-colonial bourgeois world. The latter had been growing since the nineteenth century, and formed a global space that was unified, and yet permeated by profound socio-political hierarchies.<sup>8</sup> In the case of semi-colonial Iran, no single colonial power had been dominant; as a result, from the late nineteenth century up to the 1920s, various state institutions had been reformed and managed by European powers, that is, the United States. Involving the police, the court system, penal law, and the prison system, Borujerdi’s case illustrates

<sup>6</sup> For the concept of infrastructural power, see Michael Mann, “The Autonomous Power of the State: Its Origins, Mechanisms and Results,” in John A. Hall, ed., *States in History* (London 1986), 109–36.

<sup>7</sup> Especially for Europe, see Marshall Berman, *All That Is Solid Melts Into Air. The Experience of Modernity* (London 1982), 102; Daniel Pick, *Faces of Degeneration. A European Disorder, c.1848–c.1918* (Cambridge 1989); Robert Nye, “Sociology and Degeneration: The Irony of Progress,” in J. Edward Chamberlin and Sander L. Gilman, eds., *Degeneration: The Dark Side of Progress* (New York 1985), 49–71; Maria Tatar, *Lustmord. Sexual Murder in Weimar Germany* (Princeton 1995).

<sup>8</sup> David Arnold (*Science, Technology, and Medicine in Colonial India* [Cambridge 2000], 13f) has warned that the construction of a global networks of scientific research as “genuinely cosmopolitan . . . does not necessarily take us much beyond the one-dimensionality of the diffusionist model.” In George Basalla’s known version, he posited a three-stage diffusion of science from an active West to a passive East, a hypothesis which—as certain new models overtly stressing shared features—failed “to recognize the ‘political character of science,’” especially in the colonial era. (for George Basalla, see, “The Spread of Western Science” *Science* 156 (1967):611–22). For the simultaneity of shared features and socio-political hierarchies, see Frederick Cooper and Ann L. Stoler, “Between Metropole and Colony: Rethinking a Research Agenda,” in F. Cooper and A. Stoler, eds., *Tensions of Empire: Colonial Cultures in a Bourgeois World* (Berkeley and London 1997).

the Iranian adaptation of Western models (French penal law), that is, professionals (Swedish policemen, German engineers, Russian architects) in state formation. Regarding faith in scientific knowledge and its application to social formation, the absence of direct colonization meant that in Iran, science was not fully controlled by Westerners. Conversely, there were no institutional venues to leave an active mark on a Western-dominated yet global, interactive metro-colonial network of science. On the one hand, Borujerdi's case thus is a superb illustration that in Iran, bio-medical sciences were drawn from, and in this sense part of, a global network, yet in their application to practical problems they were adapted to the country's particular conditions. On the other hand, the case illustrates how the discourse and practice of science in interwar Iran did not usher in new ideas that could have been exported to third countries.<sup>9</sup> Conversely, post-colonial South America or colonial India, to pick two examples, although 'weak' in the face of Europe and the United States, were active partners in networks of knowledge that 'crossed' back and forth between 'North' and 'South,' 'West' and 'East.' Such distinctions stress the wide range of different colonial abilities to 'speak back' and inject new knowledge into large metro-colonial networks, and in this sense they exemplify Cooper and Stoler's dictum of the "contingency of metropolitan-colonial connections."<sup>10</sup>

#### BIO-MEDICAL SCIENCES, CRIMINOLOGY, AND THE IRANIAN PENAL CODE

Dr. Tutiya wanted to milk Borujerdi for all his dramatic worth to introduce his book, and so he held on to the case for a bit. His sentence, "on the grounds of medical experience, we assert that 'Ali Asghar is not alone in the world,'" highlighted the broader significance of the case. At the same time, the stress on "medical experience" revealed the common denominator of the diverse facets of the debate: they all drew legitimacy from bio-medical sciences, demonstrat-

<sup>9</sup> This situation changed after 1945, when Iran became a main U.S. ally in the Middle East, and the natural sciences were eclipsed by the social sciences as keys for modernization. Interaction began to characterize the relationship, for example between U.S.-trained Iranian economists managing the state Plan Organization (PO) and U.S.-American social scientists. See Khodadad Farmanfarman, in an interview recorded by Habib Ladjevardi, 10 Nov. 1982, Cambridge, Iranian Oral History Collection, Harvard University ([www.fas.harvard.edu/~iohp/farmanfarman.html](http://www.fas.harvard.edu/~iohp/farmanfarman.html)).

<sup>10</sup> Cooper and Stoler, "Between Metropole and Colony," 1. In India, malaria research took a quantum leap. A method of fingerprinting, to take a second example, was developed by Edward Henry in active participation with two Indian research assistants; see Arnold, *Science*; Simon A. Cole, *Suspect Identities: A History of Fingerprinting and Criminal Identification* (Cambridge 2001), 81–83; Chandak Sengoopta, *Imprint of the Raj: How Fingerprinting Was Born in Colonial India* (London 2003). Julia Rodriguez argues that the Argentinian Juan Vucetich's 1896 invention of a practical method of fingerprinting was "a distinctively transatlantic scientific event"; see her "South Atlantic Crossings: Fingerprints, Science, and the State in Turn-of-the-Century Argentine," *American Historical Review* 109, 2 (2004):388. Brazilian physicians developed an approach to tropical medicine that soon entered into the same metro-colonial system of exchange; see Nancy L. Stepan, *Beginning of Brazilian Science. Oswaldo Cruz, Medical Research, and Policy, 1890–1920* (New York 1976); and Julyan G. Pearl, *Race, Place, and Medicine: The Idea of the Tropics in 19th-Century Brazilian Medicine* (Durham 1999).

ing how bio-medical knowledge was used to understand and tackle social problems and to recast Iranians into a united, fit, modern society.<sup>11</sup>

One facet of the debate was manifest in Tutiya's book, where he used Borujerdi to introduce the concept of sadism. Indeed, his entire book deals with sexual-mental 'diseases' compulsions. Called by their French names—*sadisme, fetichisme, masochisme, onanisme, exhibitionisme*<sup>12</sup>—they were seen to result from diseased willpower. Sadism exemplified one type: an 'excess of movement'—that is, activity. Contemporary Iranian psychological texts adopted the general notion of diseased willpower from French psychology, and, more specifically, from Ribot, who in his *Maladies de la volonté* (1882) had remarked that diseased willpower can be marked by a lack as well as an excess of activity. The psychologist 'Ali Akbar Siyāsi warned that such a person "exercises no control whatsoever over [him]self." Explaining Borujerdi's crimes, Tutiya held, ". . . sadism . . . must be understood as a type of mental and cerebral madness. In medical terminology, a compulsive movement is released by a natural force . . . [which] is a type of . . . *nervous actions and reflex movement*. . . . People who are afflicted by a personal compulsion fall into the path of aberration to satisfy their libidinous sensations, and lose control over themselves."<sup>13</sup>

Tutiya was not alone in explaining Borujerdi's acts as an extreme case of sadism, and in defining the latter as a manifestation of diseased willpower. As we will see, Borujerdi's defense counsel referred to sadism, too. 'Ali Dashti, a well-known modernist intellectual, stated that sadism had perverted Borujerdi's behavior. In the late 1930s, the physician Qā'emī echoed this view, and pointed out connections between sexual perversions and diseases of will. However, he defined them not only as causes but rather as outcomes, and cited the French physician Fournier to the effect that all sexual perverts are soft-brained and incapable of making decisions. In addition, a number of medical texts expounded the link between 'sexual perversions' and diseases of willpower. For example, the physician Sheybān, partly relying on the Frenchman Marole, used homicide, kleptomania, pyromania, vandalism, suicide, and excessive sexual acts to illustrate the "unrepressable impulsions" of "excess of activity." He also insisted that homosexuality, exhibitionism, fetishism, sadism, masochism, and

<sup>11</sup> The quote is from Tutiya, *Amrāz-e ruhi*, 3. For the central role of bio-medical scientific knowledge and related practices in the formation of modern Iranian society, see Cyrus Schayegh, "Science, Medicine, and Class in the Formation of Semi-Colonial Iran, 1900s—1940s," Ph.D. dissertation, Columbia University, 2004. For the historical roots of this twentieth-century process, see Firoozeh Kashani-Sabet, "Hallmarks of Humanism: Hygiene and Love of Homeland in Qajar Iran," *American Historical Review* 105, 4 (2000):1171–203; L. Kotobi, "L'émergence d'une politique de santé publique en Perse Qadjare (XIX–XX siècles)," *Studia Iranica* 24 (1995):261–84; Amir A. Afkhami, "Defending the Guarded Domain: Epidemics and the Emergence of an International Sanitary Policy in Iran," *Comparative Studies of South Asia, Africa and the Middle East* 19, 1 (1999):123–36; Willem Floor, *Public Health in Qajar Iran* (Washington, D.C. 2004), 168–231.

<sup>12</sup> Tutiya, *Amrāz-e ruhi*, 10.

<sup>13</sup> Quotes are from: 'Ali Akbar Siyāsi, *Elm al-nafs yā ravānshenāsi az lahāz-e tarbiyat*, (Tehran 1938–1939), 415; Tutiya, *Amrāz-e ruhi*, 7, 8, and 10. For Ribot, see J. H. Smith, "Abulia: Sexuality and Diseases of the Will in the Late Nineteenth Century," *Genders* 6 (1989):109.

vampirism all constituted “moral madness and thus inadvertently illustrated the interface between science and concerns about the correct moral order of an emerging national society.<sup>14</sup> Such arguments and related practices added up to a medical normalization of ‘sexual perversions.’ As Qā’emi’s asserted, “today, [scientists] try to treat sexual perverts, who are victims of degenerated instinct[s] or mental vices, like sick or deranged persons.”<sup>15</sup>

Sadism and the underlying paradigm of diseased willpower thus provided a background medical explanation for Borujerdi’s behavior; that is, it helped to diagnose his state of mind. Physicians harboring this view directly intervened in the journalistic debate. Dr. Ahmad Shirāzi, educated in Beirut, sent a letter of opinion to the daily *Ettelā’āt*. He minced no words about his view that the criminal is insane. They lacked willpower and were, in effect, “like a small [minor] child” who does not understand or control his actions. He ended his letter on a sarcastic note, advising those who did not accept the need to hospitalize Borujerdi to close all mental hospitals and simply kill the inmates . . .”<sup>16</sup>

The journalistic debate, too, was concerned with willpower, but principally turned around two further questions. What is the primary cause of Borujerdi’s diseased state of mind—heredity or milieu? And how does this disease manifest itself physiologically, or in a moral, clinically unobservable way? All sides of the debates were informed by bio-medical theories, the specialist expertise of which was accepted with great respect even by those who questioned specific theses.<sup>17</sup>

Regarding the second question, a number of articles advanced the physiological approach. One writer argued that Borujerdi’s brain would be subject to analysis in a laboratory after his probable execution. He had heard that a foreign hospital had asked to obtain the brain for a pathological analysis. In the same month, M. A. Irānpur stated,

[A]lthough these rapacious deeds deserve every kind of retaliation, when crime becomes void of any purpose, and when the criminal individual, due to mental complications and derangement of the senses has become clueless about the results of his deeds and actions, he is like a weak child. . . . Willpower is denied him. . . . Especially in some nervous diseases, it is not only a lack of deeds of will that shows, but the miserable person is also affected by an unusual pressure which results in complications in his brain cells. . . . Is it possible, after a period of seclusion and arrest, or by treatments of the brain and moral education, to restore [to such persons] their willpower, and to bring them back to their former disposition?<sup>18</sup>

<sup>14</sup> ‘Ali Dashti: “Jonun va jenāyat,” *Mehr* 2, 2 (1934):103; Abu al-Qāsem Qā’emi, *Fasādhā-ye tanāsoli* (Dissertation No. 142, Faculty of Medicine, Tehran University, 1937–1939, 41. Concerning Borujerdi, see *ibid.*, 92f; Gholāmrezā Sheybān, *Bimārihā-ye erādeh* (Dissertation No. 252, Faculty of Medicine, Tehran University, 1936–1938), 31–39, 65f.

<sup>15</sup> Qā’emi, *Fasādhā-ye tanāsoli*, 29.

<sup>16</sup> Dr. Ahmad Shirāzi, “‘Ali Asghar Qātel,” *Ettelā’āt* (19 Mar. 1934).

<sup>17</sup> See, for example, ‘H.,’ [only author’s first initial is given] “‘Ali Asghar abadan jonun nadāshteh va nadārad,” *Ettelā’āt* (21 Mar. 1934).

<sup>18</sup> “Pishnehād-e mojāzāt,” *Ettelā’āt* (12 Mar. 1934), 1; M. H. Irānpur, “‘Ali Asghar dar tafuiliyat khun-e ādam khordeh!” *Ettelā’āt* (19 Mar. 1934).

Borujerdi's state-appointed defense counsel declared the criminal to suffer not only from injurious mental inheritances (*mavārith-e ruhi*) and general madness (*jonun*), but also from a generally degenerate pathological constitution and, more specifically, from brain damage (*ekhtelāl-e damāgh*).<sup>19</sup> While Borujerdi (as well as Seyf al-Qalam) had tried to prove that he had been driven by perfectly sane, well-calculated, and socially valuable motives, Borujerdi's defense counsel negated not only the defendant's neuro-physiological and mental sanity, but consequently also his capacity to think and act in a rational way. The newspaper *Ettelā'āt*'s legal correspondent, on the other hand, seems to have favored the verdict that Borujerdi was perfectly sane. Moreover, he argued, the examination of Borujerdi's brain would reap not results, because science has shown that brain-volume is no indicator for intelligence or sanity.<sup>20</sup>

This focus on physiology did not germinate in a void. In Iran, medical treatises on pathology had made their first appearance in the late nineteenth century in publications under the auspices of the *Dār ol-Fonun*, the polytechnique founded in 1851.<sup>21</sup> However, as with other bio-medical sciences, their dissemination and, most importantly, their impact on social reformist thought, only gained importance beginning from the 1910s. They reflected a distinct French influence in terms of Iranians studying abroad and Western physicians and professors sent to Iran, France was the dominant Western source of modern medicine and bio-medical sciences in Iran from the 1850s to the 1950s. More specifically, pathological theories of crimogenesis in Iran grew out of a tradition of nineteenth- and twentieth-century French research in criminal and neural pathology that tried to identify the function of damaged brain centers in criminal behavior. In Europe, this research explained, "insanity as a 'bodily' illness. . . . The debate surrounding crime and madness reached a new and important turning point in the *fin de siècle*. . . . Psycho-social analyses, based largely on deterministic theories of hereditary degeneration and neuro-physiological automatism, had a profound impact on interpretations of both individual and social pathology."<sup>22</sup> However, *fin-de-siècle* French pathologists did not operate in an exclusively physiological framework. Such explanations had come under increasing attack since the 1830s by dualistic theories that sought to integrate moral and physiological disorder into a unified theory of mental and social degeneration that endangered society. Auguste Morel's *Traité des dégénérescences* (1857) was a keystone in the development of this theory. It combined heredity, the environment, and racial decline to present the alarming diagnosis of an accelerating tendency of degeneration in modern society and

<sup>19</sup> Minutes of the trial reprinted in "Defā'-e Āqā-ye Shari'atzādeh," *Ettelā'āt* (5 and 6 June 1934).

<sup>20</sup> "Ali Asghar Qātel divāneh ast yā 'āqel?" *Ettelā'āt* (18 Mar. 1934).

<sup>21</sup> Mariam Ekhtiar, "The *Dār ol-Fonun*. Educational Reform and Cultural Development in Qajar Iran," Ph.D. dissertation, New York University, 1994, annex.

<sup>22</sup> Harris, *Murders and Madness*, 24, 2f.

human beings. That theory had momentous medico-legal repercussions, “best seen by the way in which the monomaniacs of earlier decades associated with specific antisocial acts—suicide, homicide, arson, drinking, and a growing range of sexual perversions—were classed as ‘instinctive maniacs’ or ‘precocious perverts’ under the category of *folies héréditaires*. Such individuals were anti-social and exemplified a ‘double hereditary degeneration, which is both moral and physical’ . . . This perspective therefore strengthened the long-standing links between criminality and madness.”<sup>23</sup>

A quasi-Morelian, physiological-*cum*-moral-*cum*-degeneration line of argument was presented by Khāje-Nuri. Relying on ‘scientists,’ he hypothesized that *akhlāq* (morals)—and not just the brain—could be the site of disturbance. Referring to a conference by Dr. Ley he had attended in Europe, he argued that almost everybody is mad to some degree; and he opined that Borujerdi was a degenerate, and, in this sense, not responsible for his deeds. With this view, he not only echoed a Morelian-type understanding of madness, he was in line with specialized texts on psychiatry written by his contemporaries. In the interwar period and until the 1940s, a first generation of mainly French-educated Iranian physician-psychiatrists like Mirsepāsi, Rezā’i, and Chehrāzi coupled a rigorous neurological understanding of the mind with a stress on physiological rather than psycho-analytical explanations of mental diseases. They refused to adopt the outright materialist positions that had been dominant in Europe in the mid-nineteenth century.<sup>24</sup>

Khāje-Nuri also addressed the second main question that occupied observers of Borujerdi’s case: are hereditary or social-environmental factors the cause of degeneration leading to madness and crime? His argument was tilted in favor of heredity. While emphasizing that in Borujerdi’s case—as in similar instances such as the Düsseldorf Peter Kürten or the Parisian Henri Désiré Landru—looks and behavior did not tally with popular images of crazed and edgy murderers, he argued that a detailed examination of the family record and his childhood might help to uncover hereditary insanity. Khāje-Nuri did not have to wait long for a reply—two days later, the newspaper *Ettelā’āt* printed an article entitled “‘Ali Asghar was never and is not mad.’” While the author did not totally reject his colleague’s hereditary argument, he doubted its importance, and that of related theories such as that of the Italian criminologist Cesare Lombroso that stressed social-environmental explanations for Borujerdi’s acts. “Bad education and a habit of vice are very influential factors” in the making of human beings, wrote the author. He denied the defendant’s insanity, advocated the view that all his acts had been premeditated, and focused his arguments on the negative influence of a youth spent not so much with his mother, but amongst his brothers, owners of a Baghdadi coffee-shop—a place of dubi-

<sup>23</sup> Harris, *Murders and Madness*, 51, 63; cf. Nye, *Crime, Madness and Politics*, 121–26.

<sup>24</sup> See Schayegh, “Science, Medicine, and Class,” 201–6.



ous morality. After having spent time in prison, Borujerdi's attempts to marry were stymied, apparently by his brothers or mother—a further social restriction which upset him even more, and caused him to turn from bad to much worse. Already abusing boys, he now channeled his sexual energies into a “terrifying practice”: murders to which he became “used . . . step by step.” The significance of weighing the hereditary and/or social-environmental causes for Borujerdi's deeds is illustrated by the long article on the matter being printed in *Ettelā'āt* only three days after the paper broke news of the case. Habibollāh Āmuzgār, a known modernist intellectual and author of the widely advertised *Eslāhāt-e ejtemā'i* (Social reforms) (1928), asserted that Borujerdi's character was at one at the same time “natural” (*tabi'i*), “inherited” (*arsi*), and “acquired” (*kasbi*). His article was taken up a fortnight later by a letter mailed to *Ettelā'āt* from Borujerd, the Western Iranian hometown of the murderer. Its writer stressed the importance of heredity in determining human beings character, and charged that the ancestors, and in fact the father of 'Ali Asghar had been known criminals, terrorizing the region of Borujerd by waylaying and killing a number of its inhabitants. It was not surprising that the son has followed the father's ways.<sup>25</sup>

While these and other texts differ in the degree of importance they granted to biological inheritance versus social milieu, they displayed a reluctance to completely debunk either. In this sense, and in their repeated reference to ‘scientific theories,’ they reflected the dominant approach toward genetics. From the late 1910s, and especially from the early 1930s onward, Iranians debated that field. Interestingly, the modernist literature did not refer to the vivid medieval Islamic ‘nurture versus nature’ debate. For instance, Ibn Sinā (Avicenna), a prominent figure of scientific reference and an object of considerable national pride in the fields of medicine and psychology,<sup>26</sup> did not figure in interwar texts about genetics. The latter rather focused on the revolutionary changes that science had undergone in the West since the nineteenth century. Weismannian genetics started in the early 1880s with an attack on neo-Lamarckianism, posited the continuity of the germ plasma untouched by external influences after conception. This was corroborated by the rediscovery in 1900 of Mendel's statistical laws controlling heredity, and by Morgan's research on chromosomes starting in the 1900s. Weismannian genetics was known in Iran but rejected. It was rather neo-Lamarckian genetics' central concept, *l'hérédité de l'acquis*, which was expounded in practice (though seldom in name). It held that character traits could be acquired not only through inheritance but also af-

<sup>25</sup> Khājeh-Nuri, Mashhudāt-e goftani; H., 'Ali Asghar abadan jonun nadāshteh; Habibollāh Āmuzgār, “'Ali Asghar Jāni,” *Ettelā'āt* (11 Mar. 1934), 1; Houshang Āzaremi, “Pedar va jadd-e 'Ali Asghar Qātel ham ādam-kosh budand!” *Ettelā'āt* (27 Mar. 1934).

<sup>26</sup> See, for example, Musā 'Amid, “Moqaddemeh,” to his translation of Sheykh Rais Abu Ali Sinā, *Resāleh-ye nafs* (Tehran 1955), 17–27; Ali Akbar Siyāsi, *Elm al-nafs-e Ibn Sinā va tatbiq-e ān bā ravānshenāsi-ye jadid* (Tehran 1954), 186–91; Mahmud Najmābādi, “Moqaddemeh,” to his translation of Sheykh Rais Abu Ali Sinā, *Resāleh-ye Jawdyeh* (Tehran 1951), 1–2, 23–46.

ter conception. As a corollary, it advanced reforms of the environmental and social milieu as viable measures to better the lot of human beings.<sup>27</sup> As in France, so in Iran, up to the late 1940s, 'soft' neo-Lamarckianism held out against 'hard' Weismannian-Mendelian genetics. Genetic heredity and milieu were believed to influence humans equally, or to shape different parts. It was argued that heredity influenced human beings' physical structure and milieu their moral and intellectual qualities; that genetically caused deficiencies and weaknesses, also of a moral nature, could be addressed by manipulation of the social milieu, especially education; and that milieu was therefore as vital a factor as heredity.<sup>28</sup> All told, this neo-Lamarckian approach to genetics facilitated the conviction that reforms of the social and natural milieu did improve the genetic set-up of a person, and that such changes could be passed on to future generations. Only in the late 1940s did a professor of biology teaching at Tehran University submit neo-Lamarckian genetics to a first, explicit critique, but even he retained hope that in the future neo-Lamarckian principles could be vindicated.<sup>29</sup> In parallel to this understanding of genetics, Iranian eugenics was, by-and-large, based on French 'positive eugenics.' The latter was roughly equivalent to the *puériculture* that had been popularized since 1895 by the neo-Lamarckian gynecologist Prof. Adolph Pinard. His calls for social measures vividly contrasted with the anti-welfare rhetoric of negative eugenicists, many of whom denied that social milieu and environment had any influence on human character and behavior.<sup>30</sup> As in France, so too in Iran, modernists, led by physicians, opined that hygiene and other interventions in the social, human, and environmental milieu were relevant for the protection of future generations.

Related to the 'milieu vs. heredity' debate was Cesare Lombroso's criminology, especially his concept of the 'natural-born' criminal. The Italian's *L'uomo delinquente* was published in Europe in 1876, the year he was appointed chair of legal medicine in Turin, Italy, and set off a heated debate that persisted into

<sup>27</sup> On Europe, see Denise Buican, *Histoire de la génétique et de l'évolutionnisme en France* (Paris 1984). On the Iranian reception of Weismannian genetics up to the 1930s, see Prof. Braunschussen, "Mohit-e ejtemā'i va hush," *Tā'lim va tarbiyat* 7, 1 (1937–1938):11–15.

<sup>28</sup> See, for example, Esmā'il Mar'at, "Taqlid," *Majaleh-ye osul-e tā'limāt* 1, 1 (1918–1919):11; "Ensān bein-e tā'sīr-e mohit va tā'sīr-e varāsāt," *Ettelā'āt* (31 Aug. 1935); Dr. Mīrkhāni, "Lozum-e afrād-e sālem barā-ye taksīr-e jam'iyāt," No. 2, *Ettelā'āt* (21 Dec. 1937); Dr. 'Alī-Muhammad Modarresi, "Hefz al-sehheh-ye damāghi-ye atfāl," *Tā'lim va tarbiyat* 6, 9 (1936–1937):670f; Rezā-zādeh Shefaq, "Tarbiyat-e khānevādegi," *Tā'lim va tarbiyat* 4, 6 (1934–1935), 321f.

<sup>29</sup> 'E. Khabiri, *Biuluzhi-ye verāsāt* (Tehran 1946–1947), esp. 9f, 22, 292.

<sup>30</sup> On Pinard, see Anne Carol, *Histoire de l'eugénisme en France* (Paris 1995), 45–51; William H. Schneider, *Quality and Quantity: The Quest for Biological Regeneration in Twentieth-Century France* (Cambridge 1991), ch. 3. For Iranian texts, see Hassan Khan Hakim-ad-Dowleh, *Grossesse, accouchement, et puériculture en Perse* (Paris 1908) (Thèse de doctorat, Faculté de médecine, Université de Paris), esp. 25, 55f, 96; Dr. Mīrkhāni, "Lozum-e afrād-e sālem," No. 1, *Ettelā'āt* (20 Dec. 1937); M.-H. Vahidi, "Ravesh-e 'amali-sākhtan-e parvaresh-e kudakān dar Irān," Dissertation No. 230, Faculty of Medicine, Tehran University, 1940–1942, 3–5, A.-H. Bahremān, "Vasā'el-e afsāyesh-e nofus dar Irān," Dissertation No. 30, Faculty of Medicine, Tehran University, 1937–1938, 42, 45.

the 1890s. Shifting the focus from criminal act to person, Lombroso argued for a “preponderant role of hereditary factors in criminal behavior, the existence of identifiable and morphological characteristics in criminals, and the conviction that various pathological influences—atavism, epilepsy, moral imbecility—controlled the appearance of ‘criminal’ physiological manifestations.” Soon, burgeoning criminology, particularly in France, with its stress on neo-Lamarckian belief in the *hérédité de l’acquis*, and in consequence the social/milieu-related reformability of biological traits began to rally European opposition. French criminology was an eclectic science that combined “sociological and biological determinism.” It eventually succeeded in opposing Lombroso’s deterministic assault on the concept of free will. While it contented less radical psychiatrists, physicians, and other “reformers of the classical codes, it “proved minimally acceptable to the free will philosophers and jurists.”<sup>31</sup>

While in Iran, Lombroso was already known before Borujerdi’s arrest, that case proved to be an irresistible testing ground for the Italian’s concept of ‘natural-born’ criminals. The first article to refer to Lombroso was published a mere two days after Borujerdi’s detention. The editorial committee, or perhaps the head editor himself, Ma’sudi, argued “‘Ali Asghar Borujerdi, murderer of thirty-three people, is a natural-born criminal (*jāni-ye fetri*). All his mental states and qualities are in congruence with the mental states and qualities of natural criminals.” The writer lionized Lombroso’s concept, provided the title of his landmark book *Ensān-e jāni*, and claimed that Borujerdi’s case had “yet again fortified his theory amongst social scientists.” However, the writer’s own use of ‘natural-born criminal’ was, more than anything else, a nod to the explosive feelings of readers. It gave voice to the rampant fury of the public, and provided a first explanatory framework for the grisly murders. “Natural-born criminals . . . are like stones from the point of view of sentiments, they barely feel pain, and, for that reason, are not impressed by the pain of others. ‘Ali Asghar said: . . . with two additional hits into the stomach [of a boy], I knocked him unconscious, and [began] to cut off his head with a knife. As I was cutting his head off, he became conscious again and implored me [to save his life] and cried.” The state prosecutor, in his letter of accusation presented two months after Borujerdi’s arrest, also made use of the term natural-born criminal (*jāni bel-fetreh*). But he referred to it in an *impressionistic* sense that, while associated with extreme crimes, was void of legal corollaries.<sup>32</sup>

In contrast, Borujerdi’s chief defense counsel, Mirzā Ahmad Khān Shari’-ātzādeh, employed ‘*jāni bel-fetreh*’ as a key legal concept. His application was systematic rather than anecdotal—it was based on criminological theory, drew on bio-medical ‘evidence,’ and, as we will see shortly, impinged on the key

<sup>31</sup> Nye, *Crime, Madness, and Politics*, 100, 98, 101.

<sup>32</sup> “Dast-e mojāzāt qavi ast. ‘Ali Asghar Borujerdi jāni-e fetri ast,” *Ettelā’āt* (10 Mar. 1934); “Ed’anāmeḥ-ye moda’i ol-’omum-e bedāyat,” *Ettelā’āt* (27 May 1934), 4; cf. “Mojāzāt-e mojaramin, be-monāsebat-e e’dām-e ‘Abbas-‘Ali Qātel,” *Ettelā’āt* (8 Aug. 1931).

questions of responsibility and culpability. Shari'atzādeh highlighted the deterministic role of biological heredity in the traits and behaviors of 'naturally born criminals.' Moreover, he argued for Borujerdi's physical degeneration (i.e., his degenerate pathological state), physiognomy, and advanced and compound mental insanity. With regard to physiognomy, Shari'atzādeh referred to Gall as well as to Lombroso and Ferri. He claimed that their views of the correspondence between external appearance and character had been conclusively proven. (He was wrong: Gall's late eighteenth-century phrenology had been securely debunked by the mid-nineteenth century, and by the 1890s the theories of Lombroso and his disciple Ferri all but dominated European criminology.) Regarding insanity, Shari'atzādeh went through a whole list of its particular aspects. Prominently amongst them figured "*sadisme*," a "dangerous psychic disease" explained through references to psychologists such as Mallet, Freud, and Pasinichev.

For Shari'atzādeh, criminology was the key to understanding the logic of the relationship between heredity, insanity, disease, physiognomy, and innate criminal nature and behavior. However, rather than adopting the French school and scholars such as Gabriel Tarde, he took his cue from the Italian school formed by Lombroso and his successors like Ferri and Garofalo. The entire logic of his defense was built on the Italians' theory, the European dominance of which he overstated, apparently to strengthen his case. Shari'atzādeh did his best to sell his line of defense: "The present defendant is not only sick from a moral and mental point of view and with regard to the disorganized state of the acts and tasks of his main organs. Rather, he has been created as a natural criminal. . . . According to scientists and especially the famous Lombroso, criminals have been divided into six categories." One of these was "*jenāyatkārān-e fetri—criminels-nés*," to which he argued Borujerdi belonged.<sup>33</sup>

Let me briefly digress from Borujerdi's case to note that in his use of Lombroso and a host of bio-medical theories Shari'atzādeh was in good company. These theories were taught at Tehran's Law School in the late 1920s, and later writings also discussed them. A case in point is several articles published in *Nāmeḥ-ye shahrḥāni*. In 1937, this journal, run by the police forces, organized a writing competition entitled "Reasons and ways to reduce crimes." The respondents emphasized the importance of modern social and natural sciences in modern understandings of crime. Crucially, all stressed both biological as well as social-environmental causes for crime, that is, in the formation of the criminal. They thus paralleled the balanced reading of Borujerdi's case and again drove home that in Iran, heredity, though considered important, was not deemed the only factor that shaped human beings. These texts argued further that ge-

<sup>33</sup> "Dafā'-e Āqā-ye Shariyatzādeh," *Ettelā'āt* (5 June 1934), 2, 4. An example of Shari'atzādeh's exaggerated appraisal of Lombrosian criminology is his claim that the Congresses of Criminology organized in Rome (presumably he referred to the one organized in 1885) and in Paris (1889) had fully accepted the Italian's physiognomic theories.

netic structures could be altered by external factors after the moment of conception. This ‘soft’ neo-Lamarckian reading of genetics permeated references to Lombroso and the ‘natural-born’ criminal, and reshaped a concept that had initially been taken as ‘hard’ proof for the immutable, deterministic impact of heredity.

One, Shafā, set out by positing the existence of two basic types of criminals, the natural-born and the occasional. “Studies in the field of genetics undertaken by natural scientists,” he continued, “. . . have corroborated that in all cases, the first egg which is created by the combination of two male and female cells, carries in itself the entirety of the good or bad traits present in the two cells. . . . [Thus], in general, natural-born criminals have a father or mother who had previously (i.e., before conception) entered the stage of crime.” How, then, he continued, could we explain the baffling fact that some ‘natural-born’ criminals have peaceful offspring? Here neo-Lamarckian genetics entered the discussion through the concept of ‘suggestion’ (*talqin*). It denotes “the impact of good or bad thoughts that a pregnant woman has during pregnancy. . . . Little by little, these thoughts influence not only the woman herself, but affect also the existing cellular structure in her womb.” *Talqin* was most likely patterned on a neo-Lamarckian genetic concept: *l’hérédité utérine*. It was part and parcel of *puériculture*, a ‘soft,’ ‘positive’ version of eugenics popularized by the famous French gynecologist Pinard beginning in 1895, and introduced to Iran as early as 1908. Pinard distinguished between “*puériculture* before conception, during pregnancy, [and] after birth.” The first two consisted of “two types of heredity that jointly shape the newly-born: *l’«herédite conceptionnelle»* . . . transmitted by the parents, and *l’«herédite utérine»* . . . transmitted from the mother to the embryo, . . . [a] second form which [Pinard] estimated to be as important as the first one.”<sup>34</sup>

To return to Shar’iatzādeh’s defense of Borujerdi: what legal consequence did his use of the concept of the ‘natural-born’ criminal have? How did it affect the question of responsibility and culpability? The legal part of the defense ended with the following passages:

Honored judges! First, I have, in your presence, proven that ‘Ali Asghar Borūjerdi is a degenerate individual, that is, that he is not like a normal human being with regard to his state of mind, physiognomy, and anatomy. Secondly, I have demonstrated that, from the point of view of criminology, this man is a natural-born criminal [*jāni-ye fetri*]. . . . Although the acceptance of scientific thought and principles concerning natural-born criminals is not explicitly mentioned in our laws, in my opinion, paragraph 40 of the General Penal Code contains the acceptance of these principles and standards, and is implicitly ruled by the spirit of this same scientific theory. . . . Paragraph 40 [states that] “a

<sup>34</sup> Quotes: Shojā al-Din Shafā, “Ta’lil va taqlil-e jarā’em,” *Nāmeḥ-ye shahrāni* 2, 9 (1937):12; and Carol, *Histoire de l’eugénisme*, 47f. For reference to various sciences, see Sharif Darakhshi, “Elal-e voqu’-e jarā’em,” *Nāmeḥ-ye shahrāni* 2, 8 (1937):7. For the mixture of biological and social factors, see Shafā, “Ta’lil,” 11f; Darakhshi, “Elal,” 8f; Abbās Āriānpur-Kāshāni, “Ta’lil va taqlil-e jarā’em,” *Nāmeḥ-ye shahrāni* 2, 10 (1937):8f.

person who was insane at the moment of committing a crime, or who suffers from a cerebral disorder, is not considered guilty, and will not be punished, but needs to be transferred to a mental hospital if his insanity persists.”<sup>35</sup>

Shari‘atzādeh’s problem was not criminological but legal—how to prove that Iranian law covers in fact, though not name, the concept of the ‘natural-born’ criminal. And quite a problem it was. The 1926 Iranian Penal Code was modeled on the 1810 French Penal Code’s concern with typologies of crimes rather than anthropologies of criminals. This code had been issued sixty-six years prior to *L’uomo delinquente* and a range of late nineteenth-century criminological, bio-medical, and psychiatric reinterpretations of the classical legalistic utilitarian concept of free will, and its cousin, full legal responsibility. The interest of a number of Iranian modernists in late nineteenth-century European criminology thus was at odds with a penal code based on early nineteenth-century European law. Still more interesting, Lombroso’s theory was lionized in the state College for Law and Political Science course on criminal law. That class was taught around 1930 by none other than Dāvar, who had been appointed Minister of Justice in February 1927, in the wake of the code’s promulgation. He opened his outline of Lombroso’s five-fold typology of criminals with words of praise: “The history . . . of the scientific revolution [of law] is the history of the distribution of this book [*L’uomo delinquente*].” The text appears to have found its way beyond the university’s walls—an *Ettelā‘āt* article’s definition of the ‘natural-born criminal’ resembled Dāvar’s to a point suggesting that the columnist had copied the sentence from the course textbook, which had been sold to the public.

In court, Shari‘atzādeh sought two ways to tackle his legal challenge: to introduce the concept of ‘natural-born’ criminal, and thus be able to plea ‘lack of responsibility’ and ‘not guilty’ (The latter was in the penultimate, legal part of his defense in which, as will be seen, he ultimately qualified his argument.) He first cited paragraph 108 of the Italian Penal Code, with its definition of ‘natural-born’ criminals, as evidence of the modernity and credibility of his model. He highlighted the “revolution of thought” it had engendered and the influence it was supposedly having in other European countries, and he implicitly rejected the existing Iranian code. Openly anticipating the court’s probable rejection of an argument based on another country’s penal code, he then tried to reinterpret paragraph 40 of the Iranian Penal Code to encompass the concept, explicitly operating within the code’s limits.<sup>36</sup>

Shari‘atzādeh’s legal arguments were not successful, and the court was

<sup>35</sup> “Defā‘-e Āqā-ye Shari‘atzādeh,” *Ettelā‘āt* (6 June 1934), 2.

<sup>36</sup> For the French model of the Iranian Penal Code, see P. Saney, “Criminology,” in Ehsan Yarshater, ed., *Encyclopaedia Iranica* VI (Costa Mesa 1993), 399; and “Iran,” in E. H. Johnson, ed., *International Developments in Criminology II* (Westport, Conn. 1983), 363. For Dāvar, see Dāvar, *Dorus-e klās-e qazā‘i. Qānun-e jazā‘* (Tehran n.d.). For the newspaper passage that virtually copied Dāvar, see “Dast-e mojāzāt qavi ast.”

adamant in its opinion: the defendant was neither insane nor, in the legal sense, a ‘natural-born’ criminal, and was hence fully responsible and liable to the punishment set by paragraph 170 for murder—namely, execution. In addition to the articles by Khāje-Nuri and Shirāzi quoted earlier, all other articles published in *Ettelāʿāt* held the same opinion that the court eventually upheld: Borujerdi was guilty. Most claimed that Borujerdi was responsible, while others argued that even if he lacked responsibility he was still a criminal, a guilty man and subject to capital punishment.<sup>37</sup>

#### DEFENDING SOCIETY, REFORMING INDIVIDUALS

At this juncture, another, central element comes into view. Execution was not justified, in the last instance, on primarily legal grounds. Witness the words of public prosecutor, Siyāsi: “Never in my life I have seen a person [Borujerdi] who perpetrated such homicides and carnage. It is clear that such crimes have a bad influence on the thoughts and minds of the people. Basically, if his deeds remain unpunished, it is possible that everybody will perpetrate murders out of personal whim, and will be sure that they will not be punished.”<sup>38</sup>

The specter of social disorder was hanging in the air. In an immediate sense, there was fear of popular unrest. Reza Shah in person was concerned about the case, and brought considerable pressure to bear on Tehran police chief Ayaram. At least one newspaper report suggested that in Baghdad, subsequent to Borujerdi’s last murder, police had to rush to prevent the outbreak of Sunni-Shīʿi communal violence. In Tehran, too, reaction to the murder case was fierce. It was the talk of town for months. (In fact, Borujerdi entered Iranian lore as Asghar Qātel, a near-mythical figure conjured up by generations of parents to scare their children.) Masses of people turned out whenever there was a chance of glimpsing the murderer. In March, the police station where Borujerdi was initially held was beleaguered by throngs of people, and agents were attacked at least once. At the June execution, police secured Meydān-e Sepah with mounted and footed agents who surveyed a mass of potentially restive spectators flooding the square and adjacent streets, buildings, trees, and even the roofs of busses.<sup>39</sup>

In the long term, there was alarm about what Borujerdi meant for ‘the peoples’ health,’ worry that nothing but an execution would register, and reflection about how the case might be used to impress on people the need to change their ways. Fear about social pathologies gripped the hearts of modernist Iranians. It was felt that only one thing would remove the tension: this case had to be used

<sup>37</sup> Shirāzi, “‘Ali Asghar Qātel”; Hebbatollāh Nuri, “Asghar agar divāneh bāshad ham mojarram ast” *Ettelāʿāt* (22 May 1934); Ahmad Asdaqā, “‘Agar Asghar Qātel bigāneh bāshad?” *Ettelāʿāt* (28 Mar. 1934). For the sentence, see “Hokm-e divān-e ‘āli-ye janā’i,” *Ettelāʿāt* (3 June 1934).

<sup>38</sup> Minutes of the trial, reprinted in “Mohākemeh-ye ‘Ali Asghar,” 4.

<sup>39</sup> Morteza Seifi Fami Tafrashi, *Polis-e Khafiyeh-ye Iran, 1299–1320* (Tehran 1989), 150; see also sources quoted in note 1.

as an *‘ebrat*, a constructive lesson.<sup>40</sup> The doggedness with which this objective was pursued highlights a further, key dimension of this case. For surrounding its bio-medical, criminological, and legal aspects, stretched another field—the realm of the social. This was its ultimate reference point, because the social realm appeared to reflect, in a form that was potentially widespread and thus hardly controllable—the exceptional violence of a single murderer. The case embodied a supreme challenge of the Iranian modern middle class: how to understand society, and specifically its lower classes. How could society be reformed, molded, it into an organic entity able to rise to the level of the ‘civilized nations’? “Each time that his [Borujerdi’s] name is pronounced, the common people—the very same huge mass in the midst of which this predacious creature has openly lived—deprive him by their curses, determine ways of punishment for him, and sentence him in their own courts to suffer the hardest punishments one can imagine.”<sup>41</sup>

Guilt functioned by association. That Borujerdi had lived undetected among the lower classes reflected on that classes’ own sinister nature. Their propositions for punishment were further proof of their violent disposition. The bestiality of an individual accentuated the brutality of his social milieu. Modernists’ concern about the lower classes was exacerbated by the circumstance that Tehran was growing, bloated by the push of rural-urban migration and the pull of industrialization in ways that led to the uncontrollable growth of slums in the south of the capital:

The years after Reza Shah’s accession to the throne are characterized by very definite increases in urban population. . . . Industrial development . . . was concentrated mainly in Tehran, Isfahan, and the Caspian lowlands. . . . In Tehran . . . the development of new industrial enterprises was concentrated mainly in the south and southwest of the city. . . . Together with construction of new and expansion of old residential quarters for workers, this particular part of the city very definitely developed a special image as an underprivileged and socioeconomically problematic section of Tehran under Reza Shah. . . . The . . . bad housing and overcrowding . . . had a negative impact on health and social living conditions for the lower classes and the slum residents.<sup>42</sup>

Under such conditions, the punishment of the individual was not meant only to protect society or exact vengeance on its behalf. It was meant to send a stern warning to those from whose bosom the criminal had sprung. In this sense, Borujerdi’s execution was a lesson in the negative sense. Beyond being the conclusion of a regular trial, his hanging was the climax of a discourse of deter-

<sup>40</sup> “Ākharin qatl-e ‘Ali Asghar dar Baghdād,” *Ettelā‘āt* (12 Mar. 1934); “Tamāshā-ye Asghar Borujerdi dar mahkameh,” *Ettelā‘āt* (6 June 1934); “E‘dām-e ‘Ali Asghar Qātel,” *Ettelā‘āt* (19 June 1934).

<sup>41</sup> “Pishnehād-e mojāzāt.”

<sup>42</sup> Erhard Ehlers and Willem Floor, “Urban Change in Iran, 1920–1941,” *Iranian Studies* 26, 3–4 (1993): 262, 268, 271, 274. Tehran’s population grew from 210,000 in 1930 to 540,087 in 1941; see *ibid.*, 262, Table 4. On accelerated industrialization, see Willem Floor, *Industrialization in Iran, 1900–1941* (Durham 1984), 20–33.



rence that had started on the day of his arrest. Its central message was simple: as clever as criminals think they are, the police will always outwit them. They will be arrested, tried, receive their just punishment. Crime does not pay.<sup>43</sup> Borujerdi's execution also taught a positive lesson. To begin with, it offered irrefutable proof of the state's ability to impose law, assume responsibility for a task over which only a few decades before it had often displayed little more than fleeting control. Moreover, it was an utterly necessary step in defending society, in the eyes of the modernists and the state the only possible way to do so. In the public prosecutor's words, Borujerdi's very "existence [is] harmful to society."<sup>44</sup>

It was this concern for society's interest, welfare, and protection—rather than simply legal arguments—which was the ultimately decisive factor forming the state's and the modernists' approach to the question of culpability and execution. Ironically, it was Borujerdi's defense counsel who conclusively corroborated this point. Shari'atzādeh's final plea is the ultimate index of the overriding social rather than strictly legal importance of this case. This surprising turn is portended in the main body of his defense. He exclaimed that "the importance of this trial does not lie in the defense of 'Ali Asghar Borujerdi. The main reason of [its] significance lies rather in [the fact that] the quality of [its] proceeding and its legal outcome will influence and . . . morally affect the thoughts of contemporary Iranian society which is, from a variety of scientific, political, and moral viewpoints, gradually developing." The final passage is particularly surprising. Having asserted Borujerdi's lack of responsibility, Shari'atzādeh returns to his initial claim. He is torn between his role as counsel and his being a member of the society against which his client has committed his crimes. He makes an emotional appeal, invokes the ghosts of the killed children, and the tears of the parents. And then, shifting from the emotional back to the rational, he swaps his unpleasant duty as a serial murder's state-appointed defense counsel for the more satisfying role of society's defender, and brings his speech to a ringing conclusion: ". . . [the victims] expect that you [the court] will finally carry out your duty to protect the higher interests of society and country, of which you manifest the will and which you represent."

Shari'atzādeh was in good company with his turn from a criminological-legal plea of 'not guilty' to his socially concerned, implicit call for execution. 'Ali Dashti, a known modernist intellectual, argued that despite his apparently normal behavior, Borujerdi is insane and not responsible for his acts. "If we look at the case from the viewpoint of the law, we cannot think that 'Ali Asghar can be sentenced guilty for the murder of children and [sentenced to] execution." But this was not his last word on the subject. "I am not only not opposed to the

<sup>43</sup> "Dast-e mojāzāt qavi ast"; "Mohākemeh-ye 'Ali Asghar," 4; "Tamāshā-ye Asghar Borujerdi," 4; "E'dām-e 'Ali Asghar Qātel."

<sup>44</sup> "Ed'ānāmeḥ-ye modā'i ol-'omum bedāyat rājeḥ beh 'Ali Asghar Qātel," *Ettelā'āt* (27 May 1934), 4; cf. "Ākharin qatl-e 'Ali Asghar"; Asdaqā, "Agar Asghar Qātel bigāneh bāshad?"

execution of such individuals, but think that just as people kill snakes and scorpions, there is not doubt that they have to kill this type of harmful [human] existence, too. . . . The dry and rigid law cannot become the sole guardian of social order and well-being.” Again, as in the minds of the prosecutor, judge, defense counsel, journalists and intellectuals, when push comes to shove, society’s interests were seen to override the rights of individuals. The supremacy of the social motive is tangible even in the case of those who used legal reasons to advocate an execution in the first place. The public prosecutor Siyāsi, for instance, after having aired his worries about the “bad influence [of] such crimes on the thoughts and minds of the people,” stated that he would not waver a second calling for a punishment more severe than execution if the law would have allowed it.<sup>45</sup>

If Borujerdi’s execution was supposed to be a lesson, so was his life. It was presented as a moral tale, a terrible warning, especially to parents, about what could become of their children if they did not educate them properly. Endeavors have been made, argued one text, “so that we will educate our own children and offspring well, will assign them to teaching and send them to school in time, will control that they do not associate with malicious persons, and will not let them acquire vile habits. . . . We must be warned, accept our own good and bad actions as the result of our own beings, and educate our own children in such a good way that they will be useful and beneficial beings for the country, the nation, and themselves.”<sup>46</sup>

This was a main lesson drawn from Borujerdi’s case: educate children well so as to produce a productive future generation. He had grown up as a half-orphan and, in Baghdad, lived with one of his brothers, owner of a coffee shop—not the proper atmosphere for an adolescent. It was for this lack of parental especially motherly supervision that the future criminal grew up as a ‘wild,’ ‘headstrong’ person, a ‘predatory’ being, an ‘animal,’ implicitly likened to an ‘ape,’ to an ‘opium addict’ who, rather than benefiting human society, contributes to its corruption. Lack of motherly supervision was also seen to have facilitated his unbridled sexual desires, a situation aggravated by his bachelorhood that heightened his ‘descent’ into homosexual pedophilia and violence.<sup>47</sup>

As with the scientific readings of Borujerdi’s character, here too a concern with education was embedded in an already existing debate. The first modern type of educational treatises had been written in the late nineteenth century. Prominent texts included *Talebov’s Ketāb-e Ahmad* and *Mirza Agha Khan Kermani’s Sad khatābeh* (One hundred discourses). The latter epitomized the shift of the Islamic educational discourse from medieval to modern times. In me-

<sup>45</sup> “Dafā‘-e Āqā-ye Shariyatzādeh,” *Ettelā‘āt* (6 June 1934), 2; Dashti, “Jonun va jenāyat,” 104, 107; “Mohākemeh-ye ‘Ali Asghar,” 4.

<sup>46</sup> “Tamāshā-ye Asghar Borūjerdi.”

<sup>47</sup> “Ākharin qatl-e ‘Ali Asghar.” For condemnations of traditional coffee shops (*qahveh-khāneh*), see H., “‘Ali Asghar abadan jonun nadāshteh; and Āmuzgār, “‘Ali Asghar Jāni,” 4.

dieval treatises such as *al-Ghazali's Kitāb riyadāt al-nafs*, “all the instructions . . . are directed to the father. . . . The mother [is] an emotional being who lacks understanding of the real needs of the child.” Kermani’s book, on the other hand, puts the educational onus on the mother. By the early twentieth century and the constitutional period, this approach had gained further currency, reflected in a growing number of books and the first women’s magazines. Motherhood thus was reconfigured. “[A] mother’s nurturing and educating roles become more important and began to overshadow her function as a womb.”<sup>48</sup>

These gendered concerns, well reflected in the insistence in the Borujerdi case on the terribly negative effect of lacking motherly supervision, were accompanied by a move to make children’s education scientific. This was included among the tasks of the ‘educated mother-housewife,’ the manager of a cluster of activities requiring information about various fields of scientific knowledge, which, in actual fact, were taught at modern girls’ schools. In addition to accounting, hygiene, and nutrition, the field of education included in ‘the science of housekeeping’ (*‘elm-e khānedāri*) the modern science of psychology. Psychology was a key scientific base for the modernist professionalization of school education, and it was believed vital for correct parental education, too.<sup>49</sup> Parents bore a great, lasting responsibility not only toward their children’s physical well being, but also their psychological health and strength. Parents were cautioned that insufficient attention could cause grave psychological and mental disturbances in their children. A particularly stringent affirmation of this view was expounded in Tutiya’s *Amrāz-e ruhi*, where, again citing the example of Borujerdi, he admonished parents to “invest more efforts in the education of their children” lest they turn into criminals.<sup>50</sup>

This focus on the importance of education, not simply for the individual’s but the nation’s life, illustrates the vital role individuals were thought to play

<sup>48</sup> Quotes are from: Avner Gil’adi, *Children of Islam. Concepts of Childhood in Medieval Muslim Society* (Houndsmill 1992), 139; and Afsaneh Najmabadi, “Crafting an Educated Housewife,” in Lila Abu-Lughod, ed., *Remaking Women. Feminism and Modernity in the Middle East* (Princeton 1998), 103. On women’s magazines, see Jasamin K. Rostam-Kolayi, “The Women’s Press, Modern Education, and the State in Early Twentieth-Century Iran,” Ph.D. dissertation, University of California at Los Angeles, 2000.

<sup>49</sup> On school programs, see “Barnāmeḥ-ye tahsilāt-e dawreh-ye motevasset-e dokhtarān,” including *inter alia* “behdāšt” (hygiene), “khānehdāri” (housekeeping), and “varzesh” (sport) for the three-year period of the first cycle of instruction, and, in addition, *inter alia* also “bāchehdāri” (child care), “ravānshenāsi” (psychology), “perestāri” (nursing), and “tabākhi” (cooking) for the two-year period of the second cycle. The programs are reprinted in *Dawlat-e shāhenshāhi-ye Irān. Vezārat-e farhang* (Tehran 1948–1949), 309–51, but were already in place in the 1930s. For the importance of psychology for parental education, see Schayegh, “Science, Medicine, and Class,” 438–53.

<sup>50</sup> Tutiya, *Amrāz-e ruhi*, 4. For children’s psychology, see “Tarbiyat-e atfāl,” *Ettelā’āt* (15 Jan. 1930); “Amrāz-e ruhi. Histeri—marz-e hamleh,” *Ettelā’āt* (6 Aug. 1934); “Parvaresh-e khānevādegi,” *Ettelā’āt* (16 Nov. 1938); “Behdāšt-e ruh va ahamiyat-e ān,” *Ettelā’āt* (3 May 1938).

in society's reform. During the late Constitutional period (1905–1911) and throughout World War I and the 1910s calls for a strong state that grew louder in the wake of foreign intervention and disintegrating central state control. Scholars normally focused on the latter. Conversely, I stress a discourse-cum-practices of individual self-control that, while rooted in the late nineteenth century, was launched with full force from the late 1910s onward by the emerging modern middle class. It resembled the Foucauldian “anatomy-politics of the human body” devised by nineteenth-century European bourgeois society, and it developed parallel to the discourse and reality of state formation. While the latter was vital for the legal and administrative organization of reforms, its capacities were limited. Most crucially, it could not regulate individuals' private lives. In other words, to genuinely change society as a whole, individual self-control, discipline, and knowledge was required.<sup>51</sup>

THE ‘RATIONAL STATE’ OR ‘*RAISON D’ETAT*’?  
LAW, POLICE, AND PUBLIC EXECUTION

“Each person expressed his own opinion about his punishment. . . . One said: ‘If I would be the state, I would heat a long nail in a fire and drive it through the length of his back in the middle of Sepah Square.’ Another said: ‘No! His body should be cut, in one day, into thirty-three pieces in Sepah Square, and each one of the thirty-three pieces should be sent to one of the (provincial) towns of Iran, so that it will serve as a lesson to others.’”<sup>52</sup>

Popular propositions of punishment, as gruesome as they were, did not appear out of the blue. They harked back to a historical legacy, and echoed the “classical punishment” which until the 1890s had been administered by Iranian state officials in *urf* (customary) courts. From the seventeenth century onwards, the latter had co-existed with *sharʿ* (religious) court. While *sharʿ* courts tended to deal with personal status law, *urf* were mostly concerned with criminal matters, including offences against the state. Its trials were rapid and practical, and “often concluded on the spot by the exaction of fines or by giving the bastinadoe.” Serious crimes were punished by “classical punishment.” Until the 1870s, convicts were “‘crucified, blown from guns, buried alive, impaled, shod like horses, torn asunder, converted into human torches and flayed while living.’ After that period, ‘the worst criminals are strangled, or decapitated, or have their throat cut.’” Particularly in cases of offences against the state, “the infliction of pain . . . was characterized by ceremonial processions, ritualized ways of speaking, and public execution . . . [and] compensated for an offense.” In 1852,

<sup>51</sup> Michel Foucault, *Histoire de la sexualité I* (Paris 1976), 183. For individual responsibility, see Hossein Alavi, “Sehat-e tudeh,” *Ettelāʿāt* (5 Apr. 1936); Tutiyā, “Marām-e mā,” *Sehhat-namā-ye Irān* 1, 1 (1933):3. For calls for a strong state, see Ervand Abrahamian, *Iran Between Two Revolutions* (Princeton 1982), 121ff.

<sup>52</sup> Irānpur, “‘Ali Asghar dar tafuliyat”; cf. “Pishnehād-e mojāzāt”; Dashti, “Jonun va jenāyat,” 103.

for instance, candles were inserted into the flesh of Mullāh Fathullāh who had made an attempt on the life of Nāser al-Din Shāh (reign 1848–1896). He then was shot by “the steward of the royal household, as the shah’s representative . . . ‘in the very place that he had injured the shah,’” to then be stoned to death and “‘either cut to pieces or blown from a mortar.’” The idea of cutting Borujerdi into thirty-three pieces, the number of his victims, echoed this logic of an-eye-for-an-eye.<sup>53</sup>

Toward the end of the nineteenth century, a small reformist intelligentsia, some working in the state bureaucracy, began to advocate modifications of such penalties. In 1896, for instance, Nāser al-Din Shāh’s murderer was simply executed by hanging. The intelligentsia’s interest in penal reform emerged from its interest in legal reforms. The latter, seriously yet futilely started in the mid-nineteenth century, and half-heartedly backed by Nāser al-Din Shāh, was part and parcel of the intelligentsia’s persuasion that politico-administrative reform was key to converting Iran from a weak yet absolutist polity ineptly run by the Qajar dynasty (1798–1925) into a modern, accountable, efficient state. Such opinions heralded far-reaching changes in legal theory and practice that effectively initiated in the Constitutional Revolutionary period, and were concluded in the late 1920s. In the penal field, rituals were banned, and criminals and spectators of punishment separated: “machines and institutions intervened between society and the criminal.” With Rezā Shāh (reign 1921–1941) and the rise of a strong, interventionist government, the state began to realize its exclusive jurisdiction in penal and legal matters. Previously, “proper prisons did not exist nor was anything like a prison sentence . . . known.” The conditions of the gaols were often harrowing. Only in the 1920s did “the Police Department tak(e) steps to erect modern and hygienic prisons for the capital.” The Qasr, first planned in 1923, was built in 1928 and 1929 by the Russian architect Markov after Iran had chosen from a series of blueprints which were adapted for use in Iran. This was on the occasion of Iran’s first invitation to the International Conference of Prison Authorities in 1925. “It is constructed on modern lines, with a female wing, bathrooms, laundry, and instruction rooms.” By the 1930s the state had created a penal system “composed of short-term prisons, court prisons, penitentiaries, and labor camps.” Although complaints were heard, at least some of these institutions seemed to have been improvements over the old facilities.<sup>54</sup>

<sup>53</sup> Hadi Enayat, “Law and the Modern State in Iran, 1906–1941,” unpub. MS, 2004, ch. 1. Quotes: Dariush M. Rejali, *Torture and Modernity. Self, State and Society in Modern Iran* (Boulder 1994), 146; Vanessa Martin, *Islam and Modernity. The Iranian Revolution of 1906* (London 1989), 115; Willem Floor, “Change and Development in the Judicial System of Qajar Iran,” in E. Bosworth, ed., *Qajar Iran* (Edinburgh 1983), 115, quoting G. Curzon, *Persia and the Persian Question I* (London 1892), 456f; Rejali, *Torture*, 139, cf. 33ff. For the 1852 case, see Rejali, *Torture*, 12, citing M.L.W. Sheil, *Glimpses of Life and Manners in Persia* (London 1856).

<sup>54</sup> Quotes: Rejali, *Torture*, 34f, 55; Floor, *Change and Development*, 116; British Foreign Office (FO) document E584/38/34, No. 16: “Enclosure in No. 1: Intelligence Summary No. 26 for

Much like early nineteenth-century European penologists' criticism of the Ancient Regime's punishment practices, the modern Iranian state and the modern middle class manning it condemned the arbitrary brutality of classical punishment. They sought to install a systematic, long-term, reform-oriented approach to criminals; rationality and efficiency became buzzwords. Against this backdrop, 'the masses' gory propositions for punishment became a remnant and reminder of a by-gone era, illustrating their deeply 'irrational' nature: "The common people . . . never discussed or studied their own thoughts and statements from a *rational standpoint*. For instance, they did not think about how it is possible to cut [Borujerdi] into thirty-three pieces, what legal grounds the performing court officials [would] have. . . . Under no circumstance . . . can the concessions of a democratic government's justice be rescinded. In clearer words: our judicial regulations which are congruent with the laws of the most civilized countries in the world do not discriminate in the punishment of criminals."<sup>55</sup>

Not surprisingly, the rationality of the law found its most ardent defenders at court. Borujerdi's defense counsel argued, ". . . the honorable judges as well as the defense counsel . . . cannot [be] under the influence of primitive feelings, because [they] cannot [allow themselves] to be led by nervous agitation arising from primary feelings. . . . The law results from and is obtained by calculation, logical reasoning, and proofs."<sup>56</sup> Shari'atzādeh's words show that rationality did not only concern methods of punishment. More importantly, it related to the trial per se, and stood for the impartial upholding of procedures governing it. This part of the legal process appeared alien to the people who could not understand why they could not get even a glance at a criminal while he was being interrogated at the police station nor at court. Borujerdi's case itself is an interesting benchmark of that 'procedural rationality.' It passed the test insofar as all stages of a regular trial were observed. Yet its speedy procedure, especially of the public trial, suggested that the case had been *de facto* decided at an earlier stage, revealing the socio-politically conditioned limits of the legal system. The state was feeling the increasingly iron fist of an autocratic ruler, whose most influential Minister of Justice, Dāvar, had from 1927 to 1932 initiated a decidedly statist, power-centered approach to law, *raison d'Etat*. Worries about popular unrest and a will to use the case as a 'lesson' seem to have been the top concerns. The state accelerated the case as much possible, setting the stage for the public execution.

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the period ending December 24, 1927," 2, reprinted in R. M. Burrell, ed., *Iran. Political Diaries 1881–1965* (London 1997), vol. 8, 71; FO E5060/104/34, No. 488: "Enclosure in No. 1: Intelligence Summary No. 19 for the period ending Sept. 21, 1929," 2, in Burrell, *Iran*, 8, 395. For futile nineteenth-century attempts at legal reforms and the shah's inefficiency, see Floor, *Change and Development*, 120–25. For prison life in the 1920s and 1930s, see E. Abrahamian, *Tortured Confessions* (Berkeley 1999), ch. 1. For the *Qasr*; see Viktor Daniel et al., *Me'māri-ye Nikolai Markov* (Tehran 2003), 90–93.

<sup>55</sup> "Pishnehād-e moǰāzāt" (my italics); cf. Irānpur, "‘Ali Asghar dar tafuiliyat."

<sup>56</sup> "Defā‘-e Āqā-ye Shari'atzādeh," *Ettelā‘āt* (5 June 1934).

Borujerdi's was arrested for a first time in early 1934, yet soon released for lack of evidence. After his second arrest on 8 March 1934, he was interrogated by the police, who drew up a report. On 27 March he was transferred to the Public Prosecutor's Office of the Court of First Instance (Pärkeh-ye bedāyat), which was charged with initiating legal proceedings. Around 22 April, when the examining magistrate had made his ruling and the first public prosecutor had published his charge, the file was handed over to Public Prosecutor's Office of the Court of Appeal (Pärkeh-ye estināf). On 4 May, the latter, apparently having rejected the appeal, sent the charge and the file to the Higher Criminal Court (Divān-e 'āli-ye janā'i), and asked it to proceed with due speed. When, on 8 May, Borujerdi stated that he lacked a proper lawyer, the court appointed two state defense counsels (*vakil-e madāfe'*), Mirzā Ahmad Khān Shari'ātzādeh and Mirzā Mehdi Khān Malaki. They were given ten days to deposit a complaint regarding the formal procedure of the case at court, which they did around 18 May. On 20 May, the court convened for a preparatory session. The public trial began on 2 June, and ended one day later. Shari'ātzādeh read his defense, the prosecutor pronounced his charge, the judge questioned Borujerdi, and then issued his sentence. Around 9 June an appeal was submitted to the second branch of the Court of Cassation (Divān-e 'āli-ye tamiz), which evaluated the procedural validity of the trial rather than evidence used. It rejected the appeal around 15 June and a week later, following the Pärkeh-ye estināf's report on this negative ruling, the Ministry of Justice signed the order to execute the sentence, which took place on 26 June 1934.<sup>57</sup> All told, Borujerdi's trial suggests that thirty years after the Constitutional Revolution and the onset of legal reforms, and eight years after the official passing of the Penal Code, the principle of rational legal procedures had become established enough to at least formally withstand intense pressure. Borujerdi's trial underlined the state's newly found grit to enact its position as the country's exclusive judiciary:

"President of the Court: 'Ali Asghar: You said that you killed them because they had bad morals and were using corruption, and that their existence was harmful for the country (*mamlekat*)."

"He (*Seyyed Mohammad 'Ali Seyf Al-Qalam Qātel*) says: 'I reflected/calculated (*hesāb kardam*) and saw that each prostitute causes 300 men to contract syphilis. If nothing will happen, the future generation (*nasl*) will be destroyed. I said: it is a good deed to turn . . . into a national martyr (*fedā-ye qoumi*); the thing was that I wanted to eliminate as many whores and pimps as possible in Shiraz.' (This was also the philosophy of Ali Asghar Borujerdi)."<sup>58</sup>

Rather than simply leaving his defense to his lawyer, Borujerdi advanced his own explanation when questioned in court about the reasons for his crimes. His

<sup>57</sup> I would like to thank Hadi Enayat for his helpful explanation of the Iranian criminal court system.

<sup>58</sup> "Mohākemeh-ye 'Ali Asghar"; "Seyyed Mohammad 'Ali yā Seyf-al-Qalam qātel-e deh nafar," *Ettelā'āt* (12 Mar. 1935).

rationalization—the defense of Iran—was not unique. Two years later, for instance, Mohammad ʿAli Seyf Al-Qalam insisted that he had been driven to kill ten presumed prostitutes and pimps by an urge to save Iran from the clutches of moral corruption. Protesting that they had served society, both he and Borujerdi used key words like ‘country’ (*mamlekat*), ‘the future generation’ (*nasl-e āyandeh*), and ‘national martyr’ (*fedā-ye qoumi*). The latter is particularly telling, since it employs a religiously charged term, but adapts its meaning by putting it to the use of the ‘nation’: a secular community which depends on its future offspring. This terminology and the corresponding line of defense dovetailed with, and quite probably were informed by, the state’s and the modern middle class’ concern with morality, which formed part of a wider discourse of social reform. The defendants quite probably hoped to find lenience at court by aligning with the reformists against ‘problematic’ groups like prostitutes or vagrants. In this sense, these defendants bring to mind European serial murderers of the later nineteenth century who, “in killing the failures and unruly renegades from the system, and doing so with such obvious pleasure, acted as enforcers of the new moral order.”<sup>59</sup> As important as were the defendants’ arguments, however, were the court’s sharp rejection of them. The state was under no circumstance ready to share its newfound legal and penal prerogatives, and its dismissal of justice administered by an individual echoed its rejection of popular propositions for punishment.

Borujerdi’s case sheds light not only on the court, but also on the Iranian police. The latter’s efficiency and ultimate victory over even the wildest criminals was a theme on which the papers waxed poetically following the murderer’s arrest. Such claims were obviously exaggerated and meant to prevent criticisms of the police and deter similar crimes. And yet, the investigation of this case illustrates how far the police had come. In the late nineteenth century tentative “nominal rather than structural” reforms of police were undertaken in Tehran. While a *nazmiyeh* was founded in 1877, “the organization of the police in Qājār Persia was essentially a continuation of Safavid patterns.” The police had “political rather than civic objects” and “were not guides and guards for the public, but for the small oppressive elite only.” After the failure of measures proposed during the revolution, real reforms began in the 1910s. When in 1911 Swedish officers organized a gendarmerie, one officer, Westdahl, undertook “the first real structural reform” of the police, which he headed until 1923. By the mid-1920s, in the words of the American financial advisor Millspaugh, there was a police force “in all the larger cities, the police of Tehrān comparing favorably with police organizations in other countries.”<sup>60</sup>

<sup>59</sup> John Stratton, “Social Killing and the Transformation of the Social,” *Theory, Culture, and Society* 13, 1 (1996):83, citing Elliott Leyton, *Hunting Humans. The Rise of the Modern Multiple Murderer* (Toronto 1989), 276.

<sup>60</sup> Willem Floor, “The Police in Qājār Persia,” *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 123 (1973):306, 293, 310, 315, 314; the order of the second quote is slightly changed, the last one quotes Arthur C. Millspaugh, *The American Task in Persia* (New York 1925), 72.



Certain elements of the new police methods are illustrated by Borujerdi's case. Plain-clothes detectives were deployed throughout Tehran, legal physicians investigated the bodies of Borujerdi's victims and surveyed his execution, police photographers took photos from the scenes of crime, and some pictures were subsequently exhibited in the Criminal Museum of the Prison Service. Borujerdi's Iraqi court files were solicited and obtained in an exemplary case of information-sharing. Beyond this specific case, police journals and the regular papers lionized the modern scientific methods and technology used by Western police forces. In the early 1920s, the journal *Vafā* raved about a new American drug, Skopolamin, which provoked persons under interrogation to tell the truth. *Ettelā'āt* reported on police use of drugs, hypnotism, and the lie detector, and published articles praising the wonders of modern legal medicine. In an article translated from the English, the police journal *Nāmeḥ-ye shahrānī* stressed the need of modern police forces for cutting-edge radio equipment, cars, and laboratories, and provided an introduction to the system of fingerprinting. Also at this time, from the early 1920s onward, there was a rising interest in and translation of European and American criminal and police novels—Sherlock Holmes, Arsène Lupin, Nat Pinkerton.<sup>61</sup>

In sum, the police were gearing up, and recent increases of their power were seen as part of a larger trend, led especially by Western police forces. In its own publications, the police force depicted itself as “one of the most important agents in the moral and intellectual reform of society.”<sup>62</sup> Further, it was a vital instrument of control, especially of the lower urban classes. The fascination with drugs and machines points to a certain fantasy of control, an expectation that techno-science would allow police to check ‘elements’ disrupting society. Reality was more banal than such fantasies and yet the power of the police force—that is, the state of which it was part—was in fact expanding from the early 1920s. Borujerdi's case thus casts a light on two elements—the perceptions and practices of legal and police authorities—that constituted a larger process: the formation of a modern administrative state that, using its new, modern infrastructural and techno-scientific power, was able to penetrate and influence society. As the previous section of this article underscored the importance modernists placed on individual self-control, this section underscores the structural and cognitive role played by the state in the emergence of modern Iranian society.

<sup>61</sup> Ejrā-ye hokm; “Akshā-ye Asghar Qātel,” *Nāmeḥ-ye shahrānī* 1, 1 (1935):2; cf. Tafrashi, *Polis-e Khafiyeh-ye Iran*, 150–52, including on the Iraqi files. Texts on scientific and technological means include: “Estentāq dar bihushi,” *Vafā* 1, 9–10 (1923–1924):315f; “Tebb-e jaded,” *Ertelā'āt* (17 Nov. 1935); “Kashf-e jarā'em,” *Ettelā'āt* (18 Feb. 1937); “Sāzmān- polis,” *Nāmeḥ-ye shahrānī* 5, 10 (1940):22. For police and criminal novels, see Mohammad-Hadi Mohammadi and Zohreh Ghaeni, *Tārikh-e adabiyāt-e kudakān-e Irān*, Vol. 6 (Tehran 2003), 528f, 533; cf. the Ottoman case, where stories about the same three characters were “translated and read by a wide audience during the Second Constitutional Period (1908–1918),” Ferdan Ergut, “Policing the Poor in the Late Ottoman Empire,” *Middle Eastern Studies* 38, 2 (2002):153.

<sup>62</sup> “Taraqqi va takāmol,” *Nāmeḥ-ye shahrānī* 1, 1 (1935), 1.

While Borujerdi's case brings to light the increased power and, in some sense, rationalization of the state, it also throws into relief its limits. The very state that strove to be modern, rational in the way in which it treated even criminals like Borujerdi, nonetheless executed him outside the prison walls. He was hanged in one of largest squares of the capital before thousands of spectators, a place that in former times had been the site of ostentatious traditional rituals of punishment meant to impress and dissuade. The very public nature of the execution revealed the limits of the state's power and its need to take recourse in other strategies: defense, deterrence, and education. In the final analysis, these formed as much of the *raison d'Etat* as did strategies of rational legal control and police work. The balance between the state's capacities and its limits, and what can be seen as a 'traditional' conclusion to a 'modern' trial, adds historical flesh to the frame of Timothy McDaniel's thesis regarding the dilemmas of 'modern autocracy.' In the view of one American sociologist, "autocracy is modern dictatorship which is very traditional." Unlike Willhelminian Germany or Imperial Japan, states such as those of Tsarist Russia or Pahlavi Iran sought to modernize their societies not by forming strategic alliances with capitalist social elites, but by relying exclusively on their civil and military administration. While this paper has illustrated the importance of those administrative structures, and outlined the fantasies and realities of underlying legal rationality and techno-science, it also supports McDaniel's thesis of the limits of the interventionist powers, particularly those of a "modern autocratic" state: "the two Pahlavi shahs would not modernize through society, but largely over and against it. Since they had almost no social base . . . they could impose programs of sweeping change. . . . Nonetheless, . . . they faced the dilemma of enacting policies in a largely amorphous society. . . . Thus, their very autonomy limited their power to change society."<sup>63</sup>

Besides being an eerily remarkable story in its own right, Borujerdi's case provides an exceptional vantage point for examining how, in interwar Iran, the formation and perception of a modern society was not simply a contingent event, but part and parcel of a much larger, global story. Focusing on the modern criminal court and the police, their adaptation of modern and at times explicitly Western legal norms and investigative methods, I have used that story to delineate the state's newly found infrastructural power. I have underlined the limitations of that power, illustrating the parallel existence of both strategies of control and those of deterrence and education. Most importantly, I have sought to show that the Iranian modernists, rather than being blinded by 'the West' or 'modernity,'<sup>64</sup> entertained their own complex perception of modern society.

<sup>63</sup> Timothy McDaniel, *Autocracy, Modernization, and Revolution in Russia and Iran* (Princeton 1991), 47.

<sup>64</sup> Ali Mirsepassi, *Intellectual Discourse and the Politics of Modernization. Negotiating Modernity in Iran* (Cambridge 2000), 13, 61; Jean-Pierre Digard et al., *L'Iran au XX<sup>e</sup> siècle* (Paris 1996), 345; Homa Katouzian, *The Political Economy of Modern Iran. Despotism and Pseudo-Modernism, 1926–1979* (London 1981), 103; Ali Banani, *The Modernization of Iran, 1921–1941* (Stanford 1961), 147, 151f.

Borujerdi's case is second-to-none for illuminating the volatile co-existence of fear of social pathologies and faith in the possibility of progress and reforms. This blend calls to mind modern middle class European and colonial sensibilities; its elements—scientific knowledge, social reforms, and cultural concerns—drew upon, yet adapted, Western models, developed in a global, metro-colonial frame. In this sense, Borujerdi's case can be understood as a small piece of a vast mosaic: the story how 'Eastern' and 'Western' middle classes joined together to create a hierarchical, yet ultimately shared metro-colonial bourgeois modernity.<sup>65</sup>

<sup>65</sup> For the metro-colonial character of modern reformist discourses, see, for example, Ann L. Stoler, *Race and the Education of Desire. Foucault's History of Sexuality and the Colonial Order of Things* (Durham and London 1995); and Pascal Grosse, *Kolonialismus, Eugenik, und bürgerliche Gesellschaft in Deutschland: 1850–1918* (Frankfurt and Main 2000).