Jafar Panahi's Necessity of Film Piracy in Iran

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Introduction

This paper will take a close look at the role of film piracy in Iranian director Jafar Panahi's career. A brief biography of Panahi and his work will set up a framework of the unsatisfactory film culture that exists today. The paper will then argue that film piracy is a historically necessary tool in circumventing the government and expanding accessibility for film, while addressing some counter arguments. Finally, the paper will explore the impact that Panahi exerted through the use of film piracy.

Jafar Panahi

Jafar Panahi's start as a Iranian filmmaker began modestly. He was born in 1960 and grew up in a middle class family that had an affinity for the cinema.[1] His sisters frequently took him to watch films in local theaters, while his father, a film lover, strangely urged his son not to watch films. This unintentional reverse psychology ultimately made Panahi become fascinated with movies he was not permitted to view.

He initiated his career as a director when he was conscripted as a cameraman in the Iran Iraq War in the 1980s.[2] Panahi then enrolled in the College of Cinema and TV in Tehran, where he was nurtured to become one of the most accomplished filmmakers not only in Iran but also the world. He was fortunate to work with some of his professors as an assistant director, and

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[1] Mapes, Marty. "Jafar Panahi: An Independent Filmmaker." Pure Film. Accessed February 18, 2016. http://www.menggang.com/movie/iran/panahi/e-panahi-a.html.
[2] Deasy, Kristen. "Son Of Imprisoned Iranian Filmmaker Jafar Panahi Says His Father Still Sees Beauty." RadioFreeEurope/RadioLiberty. December 22, 2010. Accessed February 18, 2016. http://www.rferl.org/content/jafar_panahi_iran_filmmaker_/2256215.html.

even worked under legendary filmmaker Abbas Kiarostami as an assistant.[3] Consequently,

Panahi attained a high level of mastery regarding the technical aspects of filmmaking. Although

there was generally a positive consensus on his cinematic skills, the content he produced was

often controversial.

From the beginning, Panahi seemed to push the boundaries of what was acceptable to

film. In his first short documentary film, in a series which was made for the Islamic Republic of

Iran's Broadcasting Channel 2, he secretly filmed an illegal mourning tradition in which the

deceased are mourned via head slashing. Unsurprisingly, The Ministry of Culture and Islamic

Guidance (MCIG) banned the short film, *The Wounded Heads* (1988), on the basis that it was too

graphic and brutal for public viewing.[4] Although it is fairly common practice for national

organizations to rate and deem what is appropriate for public consumption, the MCIG extended

its control far beyond that of most national film organizations.

The overwhelming and restrictive regulatory power of the MCIG can be easily shown by

its actions regarding Panahi's, *The Circle,* a film about the harsh reality and struggle for women

in Iran. The MCIG took a, longer than normal, full year to provide the permits required to begin

filming.[5] Once it was completed, the film won numerous international awards such as the Golden

Lion. Despite the critical acclaim, the MCIG banned the film because it had, according to Iran's

Cinema Deputy, "such a completely dark and humiliating perspective".[6] To add insult to injury

for Panahi's artistic work, the film was taken out of consideration from Iran's Fajr International

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[3] Rist, Peter. "In Real Time: An Interview with Jafar Panahi." – Offscreen. November 2009. Accessed February 18, 2016. http://offscreen.com/view/interview_panahi.

[4] Behar, Henri. "Film Scouts Interviews." Film Scouts Interviews. Accessed February 18, 2016. http://www.filmscouts.com/scripts/interview.cfm?File=2768.

[5] Pirnazar, Jaleh. "Saeed Zeydabadi-Nejad, The Politics of Iranian Cinema: Film and Society in the Islamic Republic." *International Journal of Middle East Studies Int. J. Middle East Stud.* 43, no. 01 (2011): 153.

[6] *Ibid*

Film Festival because it was deemed too "offensive to Muslim women".[7]

This was the beginning in which Panahi used piracy to spread his voice without distortion or destruction from the Iranian Government. He pirated numerous copies of the *The Circle* and distributed them throughout Iran.[8] Years later, Panahi's reliance on film piracy further increased when he began to work on a film documenting the Iranian Green Revolution. The movement aimed to remove Mahmoud Ahmadinejad, who was accused of winning re-election through fraud, from office. Many people backed the movement, as the ensuing protests were the largest since the transformative Iranian Revolution of 1979. Nevertheless, the government of Iran, which has had a long history of silencing dissent, sentenced Panahi to a six year prison sentence for crimes against the state in December of 2010.[9] Although he was removed from prison after widespread international outcry, Panahi was placed under a six year house arrest. To make matters worse, Panahi was given a twenty year ban in directing films, writing screenplays, or giving any sort of interview to any media. Consequently, he pirated his next two films *This is Not a Film*, and *Taxi* in order to avoid the MCIG and spread his unaltered artistic vision to both international and domestic audiences.

Circumventing Government Regulation

Film piracy is necessary in Iran because it acts as a tool to provide absolute creative control for filmmakers like Panahi. Artists need this creative freedom to experiment with new ideas, evoke emotions, and express themselves. Unfortunately for the filmmakers, the MCIG

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[7] Dönmez-Colin, Gönül. Cinemas of the other: a personal journey with filmmakers from the Middle East and Central Asia. Intellect Books, Bristol, UK, 2006. ISBN 1-84150-143-3, pp. 91

[8] Pirnazar, Jaleh. "Saeed Zeydabadi-Nejad, The Politics of Iranian Cinema: Film and Society in the Islamic p.151.

[9] "Iranian Film-maker Jafar Panahi Gets Six-year Sentence - BBC News." BBC News. Accessed February 18, 2016. http://www.bbc.com/news/world-middle-east-12045248.

have cracked down on two of substantial aspects of creative freedom. The first being ideological

critique, involving socio-economic status and religion. The second being political critique,

comprising the government and leaders of Iran.

The suppression of both of these issues stemmed from the revolutionary changes that

developed in the Iranian Revolution of 1979. The public's "discontent with Shah Reza Pahlavi's

social and economic policy" demonstrated that the Iranians were not satisfied with the

Westernization policies that he enacted.[10] For instance, one of these policies was a mandate for a

Westernized dress code and banning the chador for women, a traditional cloth that was wrapped

around the upper body and head. Another example of Pahlavi's disregard for Islamic customs is

his conversion of using the Islamic Calendar to the Imperial Calendar. The historically

conservative public viewed this rapid transition into Westernization as a deterioration of Iran's

history and culture. Furthermore, there seemed to be a consensus among Iranian citizens that

Pahlavi was a "corrupt individual", who did not care about the Iranian people.[11] He maintained a

lavish and luxurious lifestyle, while much of the impoverished were not guaranteed basic human

rights. Parsa Misagh, a sociology professor at Dartmouth College, claims the economic

contraction from 1978 to 1979 exacerbated the public outrage.[12] Because of the surge in

unemployment, many blamed Pahlavi's radically different economic policy and hypocritical

expenses for the situation. The culmination of these issues forced the government of Iran to

transition from a semi-authoritarian to a theocratic-republic form of government.

This process led to a distrust of Western influences, in with film and the Shah were

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[10] Seeberg, Peter. "The Iranian Revolution, 1977–79: Interaction and Transformation." *British Journal of Middle Eastern Studies* 41.4 (2014): 483-97. Web.
[11] *Ibid* 488
[12] Parsa, Misagh. "Contributors." *Comparative Studies of South Asia, Africa and the Middle East* 27.2 (2007): 53. Web.

associated. The Iranian citizens held a national referendum to become an Islamic Republic in April of 1979 and in December of 1979 Ayatollah Khomeini began his rule as the Supreme Leader.[13] The newly formed Islamic Republic led a new era of film culture that hindered any large deviation from the traditional norm. Immediately after the revolution, Hamid Nacify, a scholar specialized in Middle Eastern media and cinema, states very few films were produced in the aftermath of the revolution.[14] Because Iran's film industry was inextricably interlaced with the government, which consistently acted as a subsidizer of film production and regulator of film content, the political transition to the far right caused a substantial shock in the ensuing film culture. Nacify asserts, "The Islamic Republic's widely reported curtailment of Western-style performing arts and entertainment, its maltreatment of entertainers, and the widespread and harsh censorship..." created a toxic environment for filmmakers.[15] The post-revolutionary film culture was muffled and constrained because Iranian religious fundamentalist viewed film as a Western tool that could harm Iran's traditions and diminish the role of the Islamic Clergy as an entity for teaching morals. In the brief period following the revolution, over 90 percent of movie theatres were burned down and previous films were re-edited or destroyed in alignment with the Islamic doctrine.

Because of the distrust in pre-revolutionary film, according to Dr. Saeed Zeydabadi-Nejad based in the University of London, the Ministry of Culture and Islamic Guidance(MCIG) was implemented to reduce "confusion about what was acceptable" in the new era of filmmaking.[16] The agency enacted strict guidelines that were based off of Islamic tenets.

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[13] Zeydabadi-Nejad, S. "Iranian Intellectuals and Contact with the West: The Case of Iranian Cinema." *British Journal of Middle Eastern Studies* 34.3 (2007): 382. Web.

[14] Naficy, Hamid. "Iranian Cinema under the Islamic Republic." *American Anthropologist* 97.3 (1995): 548. Web.

[15] *Ibid* 549. Web.

[16] Zeydabadi-Nejad, S. "Iranian Intellectuals and Contact with the West: The Case of Iranian Cinema." 379. Web.

According to the MCIG official website two of the first content strategies are "promotion [and] enhancing values of the Islamic Revolution based on the school of thought and political outlook of the late Imam Khomeini and the Supreme Leader of the Islamic Revolution" and "Publicity and upholding of Divine Laws and enhancing Islamic ethics and human virtues based on religious teachings and culture".[17] Because the MCIG was hyperactive in their duties, piracy "began immediately following the Islamic Revolution in 1979" due to strong governmental regulation.[18] Without a legal avenue to express themselves freely, some filmmakers resorted to piracy in order to challenge the government.

However, from the 1980s to now, a gradual development of a more liberal interpretation of the guidelines created an emergence of more creative freedom. Nejad states, "[the MCIG] belonged to a faction in Iranian politics which later became knows as reformist. While the conservative faction in Iranian politics has sought to limit artistic and political expression, the reformist on the other hand have been generally inclined to open up the cultural, social, and political atmosphere".[19] For example, Nacify claims, "women and their representation on the screen were major sources of contention".[20] In the 1980s, the cinema was dominated by male protagonists and often portrayed women as the subordinate sex, but this slowly changed as female characters began to be more three-dimensional. The film industry has, at a relatively slow pace, definitely made progress since the Islamic Revolution.

Some filmmakers such Jafar Panahi, insist that the easing of government regulation was

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[17] "Responsibilities and Policies | Ministry of Culture and Islamic Guidance." Responsibilities and Policies | Ministry of Culture and Islamic Guidance. Accessed February 18, 2016.
http://www.farhang.gov.ir/en/profileofministry/responsibilities.
[18] Khatib, Gandom. "Movie Piracy in Iran - Part 1: From Smuggled Videos to Illegal Downloads."
[19] Zeydabadi-Nejad, S. "Iranian Intellectuals and Contact with the West: The Case of Iranian Cinema." 379. Web.
[20] Naficy, Hamid. "Iranian Cinema under the Islamic Republic.", 550. Web.

not sufficient and has occurred at a unsatisfactory rate. Because the MCIG guidelines enacted too many obstacles, filmmakers were willing to break the law so that they could release unsullied films. The decision to completely avoid the MCIG is not easy to make. It is important to realize the Iranian government oftentimes subsidize the production of the films and indirectly compensate the directors. Furthermore, a refusal to go through the MCIG can lead to serious criminal consequences. This was exemplified by the Iranian government banning Panahi from making films for 20 years. The fact that filmmakers are willing to accept such harsh repercussions in order to create and exhibit their films clearly demonstrates that the MCIG has simply been excessively restrictive for in its censorship.

However, some people, such as Godfrey Cheshire, believe that piracy is unnecessary because the eased governmental censorship have created "obstacles [that] have only stimulated the creativity of filmmakers".[21] In *A Separation* (2011), by Asghar Farhadi, the movie begins with the divorce of a middle class Iranian family. The mother asks the judge if she can take her daughter and leave the country because of various circumstances. The judge then responds, "What conditions?".[22] According to Cheshire "the movie exists to answer the judge's question".[23] The film cleverly shows some of the downfalls of the Iranian judicial system, while still remaining within the MCIG's regulation. The film explores the pitfalls of religion, politics, and the socio-economic inequality in Iran. In fact, the film won numerous awards from international festivals and has a 8.4 on IMDB making it one of the highest rated films to date.[24]

Although censorship from the MCIG does promote a degree of creativity, there is too

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[21] Cheshire, Godfrey. "Iran's Cinematic Spring." *Dissent* 59.2 (2012): 77-78. Web
[22] *A Separation,* Asghar Farhadi, 2011
[23] Cheshire, Godfrey. "Iran's Cinematic Spring." *Dissent* 59.2 (2012): 79. Web.
[24] "Jodaeiye Nader Az Simin." *IMDb*. IMDb.com, n.d. Web. 17 Jan. 2016.

large of a restriction on filmmakers for it to be justified. Until the government releases its

restrictions on the film industry, piracy remains a necessary evil that combats the tyranny of an

oppressive government. Because "filmmakers ... forego the possibility of domestic public release

by including themes and stories that they know to be highly unlikely to be shown in their

countries of origin", the intentions of the director can often be vague and ambiguous.[25]

Therefore, film piracy is necessary to create a direct and meaningful dialogue about the

effectiveness of the political environment or the ethics of fundamental Islam. For these reasons,

Panahi was forced to pirate the banned films that he made.

His films have also indicated that full creative control, derived from piracy, can lead to

great films. The three banned films mentioned earlier: *The Circle*, *This is Not a Film*, and *Taxi*

have on average received a 94 out of 100 on Rotten Tomatoes.[26] This means that a vast majority

of professional movie critics viewed the film favorably. Furthermore, the movies also earned an

average of a 7.5 out of 10 on IMDB.[27] The extremely high praise among the film community is a

clear signal that film piracy in Iran is necessary in promoting high quality and socially

progressive films.

Notwithstanding, there is an argument against film piracy because it undermines Iranian

film nationalism. Director Abbas Kiarostami said, "I will not be proud and pleased to make a

film which gets banned. I have to use my knowledge of the government and socio-political

socialization to pass under the censorship blade. I don't want the cut up pieces of my film to be

taken out of a box years later".[28] In this sense, some directors believe that it is against Iranian

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[25] Zeydabadi-Nejad, S. "Iranian Intellectuals and Contact with the West: The Case of Iranian Cinema." 391. Web.
[26] "JAFAR PANAHI." Rotten Tomatoes. http://www.rottentomatoes.com/celebrity/jafar_panahi/.
[27] "Jafar Panahi." IMDb. Accessed February 18, 2016. http://www.imdb.com/name/nm0070159/.
[28] Abbas Kiarostami

nationalism to disregard the guidelines of the government through the use of film piracy. Because the MCIG is an official governmental organization, a disobedience of the agency can be viewed as a slight to the Iranian people.

Yet, Jafar Panahi should have been heralded as a national pride. The Iranian government and its people should be ashamed that he was forced to copy *This is Not a Film*, onto a usb flash drive, which was hidden in a birthday cake, so that it can be screened for the Cannes International Film Festival.[29] Panahi grew up during the pre and post Iranian Revolution, served in the military, and attended an Iranian film school. Therefore, it is pitiful that his fellow Iranians are not legally allowed to watch many of his greatest films. Panahi's refusal to obey the MCIG does not symbolize a disrespect for Iranian nationalism; instead, his use of film piracy demonstrates the persistence and strength of the Iranian people.

Increasing Accessibility for Audiences

Film piracy not only allows filmmakers to circumvent governmental regulation, it also expands domestic and international audiences. Because "the methods of replication and distribution [of films] have kept pace with technological changes," the cost of purchasing pirated movies that have not been approved by the MCIG has been made extremely low.[30] This allows pirated films to reach lower class families who would not be able to afford it. Therefore, the nearly non existent cost of watching pirated films means that practically anyone who wants to view a film has the option of doing so.

The increase in potential viewership is great for Panahi who prefers pirating his own

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[29] Philip, Lopate. "Review: This Is Not a Film - Film Comment." Film Comment. Accessed February 18, 2016. http://www.filmcomment.com/article/this-is-not-a-film-review/.
[30] Khatib, Gandom. "Movie Piracy in Iran - Part 1: From Smuggled Videos to Illegal Downloads." *IranWire*. N.p., n.d. Web. 17 Jan. 2016.

movies because he cares more about artistic expression than money.[31] Instead of concentrating

on box office sales, Panahi produced his films with the sole purpose of showcasing his artistry.

Because film piracy has created the possibility of such a large audience, Panahi's ability to reach

a global audience was dependent on the quality of his films. Fortunately, film piracy provides a

possibility of high quality of the films to be made through increased artistic freedom.

Impact of Panahi's Utilization of Film Piracy

Panahi excelled in using these beneficial aspects of film piracy to gain a large sphere of

influence in international film culture. He was the Head of the Jury at the 2009 Montreal World

Film Festival and was able to persuade the other jurors to wear green scarves in support for the

Green Movement.[32] Furthermore, his prestige was evident when he was placed in jail. Once news

got out about his incarceration, there was public outcry for the release of Panahi. The Human

Rights Watch, the European Film Academy, and Network for the Promotion of Asian Cinema

were just a small portion of the many organizations that pushed for his release. Furthermore,

some of Hollywood's greatest directors signed a petition calling for his clemency.

Conclusion

Jafar Panahi used his global influence as an agent for improving the world. Consequently, he

dispelled the notion that piracy is used solely for malicious purposes. Because piracy is often

associated with people stealing from artists, Panahi's use of film piracy to advance a social cause

and reach a large audience is a welcomed effort in reducing the negative stigma of film piracy.

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[31] Zeydabadi-Nejad, S. "Iranian Intellectuals and Contact with the West: The Case of Iranian Cinema." 391. Web.
[32] Keough, Peter. "Interview with Jafar Panahi, Part One." Boston Phoenix. September 25, 2009. Accessed February 18, 2016.
http://blog.thephoenix.com/blogs/outsidetheframe/archive/2009/09/25/interview-with-jafar-panahi-part-one.aspx.

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"JAFAR PANAHI." Rotten Tomatoes. http://www.rottentomatoes.com/celebrity/jafar_panahi/

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"Responsibilities and Policies | Ministry of Culture and Islamic Guidance." Responsibilities and Policies | Ministry of Culture and Islamic Guidance. Accessed February 18, 2016. http://www.farhang.gov.ir/en/profileofministry/responsibilities.

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Zeydabadi-Nejad, S. "Iranian Intellectuals and Contact with the West: The Case of Iranian Cinema." 379. Web.

Professor Commentary:

Jason,

Your shift to focus on Panahi as your case (vs. just the one film) was an excellent choice. The case itself is more compelling and provides significantly more evidence for your main thesis. For the most part, your paragraphs are well-connected to one another and the order of information is quite logical.

There are still some problem areas, though: your discussion of counterarguments is very short and seems -- frankly -- like a bit of a strawman argument. Is there no one who disagrees with Panahi's approach for reasons besides nationalism? Further, the argument that follows the case/is enmeshed with the case sometimes gets short shrift. You provide such excellent detail on Panahi's career and choices that your argument sometimes gets lost. Beyond that, there are some confusing sentences and fragments throughout.