Iranian Film Piracy: A Necessary Evil

Jason Kim

Writing 5

February 10, 2016

Historical Background

In order to understand the presence and function of film piracy in Iran, it is important to have some historical information regarding the changes in the relationship between the Iranian Cinema and with the government. To highlight a radical shift in government, the historical period that will be covered is from 1978 and on. This time frame was chosen because it encompasses the Iranian Revolution of 1979 and the resulting departure from a fairly prosperous pre-revolutionary film culture to a restrictive film culture.

The restrictive film culture originated from, according to Professor Peter Seeberg, a deep "discontent with Shah Reza Pahlavi's social and economic policy".[1] He argues that the pro westernization policies enacted by Pahlavi angered religious and social conservatives. One of these policies was mandating a Westernized dress code and banning the chador for women, a large cloth that is wrapped around the upper body and head. Another example of his disregard for Islamic customs is Pahlavi's 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, Seeberg claims that there seemed to be a consensus among Iranian citizens that Pahlavi was a "corrupt individual", who did not care about the Iranian people.[2] He maintained a lavish and luxurious lifestyle, while much of the lower class were not guaranteed some basic human rights. Amidst all of the social unrest, there

---

[1] Seeberg, Peter. "The Iranian Revolution, 1977–79: Interaction and Transformation." *British Journal of Middle Eastern Studies* 41.4 (2014): 483-97. Web.

[2] Seeberg, Peter. "The Iranian Revolution, 1977–79: Interaction and Transformation." *British Journal of Middle Eastern Studies* 41.4 (2014): 488

was another key influence for starting the revolution. Parsa Misagh, a sociology professor at Dartmouth College, claims the economic contraction from 1978-1979 exacerbated the public outrage.[3] Because of the surge in unemployment, many blamed Pahlavi's radically different economic policy 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. 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.[4]

Why Piracy Flourished

Immediately after the revolution, Nacify Hamid, a scholar specialized in media and cinema, states very few films were produced in the aftermath of the revolution.[5] Because Iran's film industry was so 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.[6] 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 theatres were burned down and previous films were

[3] Parsa, Misagh. "Contributors." *Comparative Studies of South Asia, Africa and the Middle East* 27.2 (2007): 53. Web.
[4] 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.
[5] Naficy, Hamid. "Iranian Cinema under the Islamic Republic." *American Anthropologist* 97.3 (1995): 548. Web.
[6] Naficy, Hamid. "Iranian Cinema under the Islamic Republic.", 549. Web.

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.[7] The agency enacted strict guidelines that were based off of Islamic tenets, causing censorship to develop as a central factor in the relationship between the government of Iran and Iranian filmmakers. Gandom Khatib wrote in an online article, piracy "began immediately following the Islamic Revolution in 1979" due to strong governmental regulation.[8] Because very few films could pass the stringent guidelines, the lack of access to new domestic films expanded the use of film piracy.

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".[9] For example, Nacify claims, "women and their representation on the screen were major sources of contention".[10] In the 1980s, the cinema was dominated by a male protagonist and often portrayed women as a subordinate sex, but this slowly changed as female characters began to be more three-dimensional. In fact, actresses and directors began to be represented on more equal terms. Although the MCIG alleviated some of the restrictions on the

---

[7] Zeydabadi-Nejad, S. "Iranian Intellectuals and Contact with the West: The Case of Iranian Cinema." 379. Web.
[8] Khatib, Gandom. "Movie Piracy in Iran - Part 1: From Smuggled Videos to Illegal Downloads."
[9] Zeydabadi-Nejad, S. "Iranian Intellectuals and Contact with the West: The Case of Iranian Cinema." 379. Web.

[10] Naficy, Hamid. "Iranian Cinema under the Islamic Republic.", 550. Web.

filmmakers in order to promote entertaining and evocative films, there was still a lack of complete creative freedom. Piracy allowed filmmakers and film viewers to exchange content regardless of the Iranian regulatory agency. For example, pornography is one type of film that is very offensive to the Iranian government that is made accessible through piracy.

In addition to an increase in access to content, Khatib argues film piracy has continued and was out of control from its inception because of economic factors. He states, "the methods of replication and distribution [of films] have kept pace with technological changes".[11] As a result, the cost of purchasing movies that have not been approved by the MCIG has been made extremely low. For the price of watching a film in a theatre, practically anyone could buy four bootleg Hollywood blockbusters that have been been subtitled in Farsi. Consequently, the increase of accessibility and lower cost of films has allowed piracy to become a relatively large force in the Iranian film industry. The inability for government to effectively eliminate film piracy is evident in that the average citizen can pay "60 or 80 cents, [and] can buy *12 Years a Slave, Gravity, Iron Man 3*, or the latest episodes of the fourth season of *Game of Thrones*" without much difficulty.[12] Much like the rest of the world's governments, the law enforcement of Iran has not kept up with the rapid advancements in piracy technology to eradicate this illegal activity.

Film Piracy is Necessary

It is imperative to have freedom of expression as a filmmaker to make the highest quality films possible and film piracy acts as a tool in providing absolute freedom of expression. The satire of Jafar Panahi's *This is Not A Film* and the situation surrounding its release is a perfect

---

[11] Khatib, Gandom. "Movie Piracy in Iran - Part 1: From Smuggled Videos to Illegal Downloads." *IranWire*. N.p., n.d. Web. 17 Jan. 2016.
[12] Khatib, Gandom. "Movie Piracy in Iran - Part 1: From Smuggled Videos to Illegal Downloads."

example of why film piracy is necessary in Iran. The creation and distribution of the film was a direct, satirical protest against the Iranian government. Although Panahi is a nationalist who is proud of his country, there are still some aspects of the Iranian government that he is not afraid to criticize. In 2009, he began to work on a film documenting the Iranian Green Revolution that aimed to remove Mahmoud Ahmadinejad from office. These protests were the largest since the transformative Iranian Revolution of 1979. The protesters accused then President Ahmadinejad of winning re-election through fraud. The government of Iran, which has a long history of silencing dissent, sentenced Panahi to a six year prison sentence for crimes against the state in December of 2010.

There was a huge 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 large scale organizations that pushed for Panahi's release. Furthermore, a petition from some of Hollywood's greatest directors was signed calling for his release. Although he was removed from prison, Panahi was placed under a six year house arrest, on the condition that he could be placed back into prison at almost time. 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.

The loss in legal ability to produce films, is one that frustrated Panahi. As a filmmaker who has been perfecting his craft for over twenty years and been fairly well received both internationally and domestically, a forced termination of his passion for filmmaking was the catalyst for his illegal production of *This is Not a Film*. Fittingly, the medium for distributing the film domestically was film piracy. The presence of film piracy in Iran has led to an increase in

creative freedom, critical films, and accessibility to films.

Although the MCIG began to be more liberal it its interpretation of what is deemed offensive to Iran and Islam, it has consistently maintained a baseline of conservatism. According to Nejad, some political conservatives "do not miss any opportunities to attack their reformist rivals" when liberal films are produced and distributed.[13] Therefore, filmmakers who wanted to explicitly condemn the government often pirated their own films to distribute to the masses because it is the easiest way to circumvent the censorship of the Iranian government.

Nejad argues that film piracy is a necessary evil to enhance the Iranian film culture as a whole. He claims that "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".[14] He also states that some filmmakers would prefer the pirating of movies simply because they do not care so much about the money, focusing instead on the artistic expression.[15] Because of the difficulty in regulating piracy, the filmmakers can make directorial choices that would have been too risque for the MCIG to let through. Panahi knew from the very start that he was not allowed to make a film. Even if he were not banned from making movies, he knew that there was no way that his film would pass the MCIG.

Without film piracy, the creation of the film would be almost pointless. There are three main stages in filmmaking production, distribution, and exhibition.Without the existence of a widespread piracy infrastructure, it would be very difficult for filmmakers to distribute their films that was not already approved by the Iranian government. Because the Iranian government does not seem to be rapidly changing its guidelines on cultural and political acceptability, some

---

[13] Zeydabadi-Nejad, S. "Iranian Intellectuals and Contact with the West: The Case of Iranian Cinema." 382. Web.
[14] *Ibid* 391. Web.
[15] *Ibid* 391. Web.

filmmakers such as Panahi are simply circumventing the restrictions that have been imposed onto them.

Yet others, such as Godfrey Cheshire, believe that piracy is unnecessary because the governmental censorship have created "obstacles [that] have only stimulated the creativity of filmmakers".[16] In a 2011 film by Asghar Farhadi, *A Separation,* a movie about the divorce of a middle class Iranian family begins the film with the mother asking the judge if she can take her daughter and leave the country because of various circumstances. The judge then responds, "What conditions?".[17] According to Cheshire "the movie exists to answer the judge's question".[18] The movie cleverly shows some of the downfalls of the Iranian judicial system, while still remaining within the MCIG's regulation. The pitfalls of religion, politics, and the socio-economic inequality in Iran are all explored in this film. 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.[19] Furthermore, 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".[20] In this sense, some directors believe that it is against Iranian nationalism to go against too heavily the guidelines of the government.

It can be hard to argue against the effectiveness of overall artistic freedom. *This is Not a Film*, has received a 98% on Rotten Tomatoes and a 7.5 on Internet Movie Data Base. The film is a satire on the restrictiveness of government. Because of the confines he was placed in, he was

---

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

limited to filming inside the house with fairly mundane activities going on. The central point to

the film is that there is no way to completely censor a filmmaker. This form of nonviolent protest

was made possible by the rich history and common use of film piracy. According to President

Obama in a video message, the Iranian government's inability to accept any explicit criticism do

"not demonstrate strength, they show fear".[21] Until the government releases its restrictions on the

film industry, piracy remains to be a necessary evil that combats the tyranny of an oppressive

government. Jafar Panahi should have been heralded as a national pride, instead he was forced to

copy his movie onto a usb flash drive, which was hidden in a birthday cake, so that it can be

screened for the Cannes International Film Festival. Even today, Panahi's film is poetically

available for the citizens of Iran solely through pirated copies.

[21] Obama video https://www.youtube.com/watch?v=QuTQGjfKtSA#t=145