

MUSADDIQ 'S MEMOIRS

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AUTHOR'S PREFACE

Those who have seen the prison cells for solitary confinement prisoners, would know how difficult it is to live in such a place, particularly for an innocent and faultless convict. In the first few days of my imprisonment I was so tired and weak that nothing, save a complete rest, could do me any good. Campaigning for the general election to the sixteenth session of the Majlis, fighting against the Anglo-Iranian Oil Company, serving on the Oil Committee of the Majlis, the responsibility of running the country, defending the Iranian case before the United Nations Security Council and the International Court of Justice, coping with contentious internal opposition, the conspiracy of 28 February 1953 and the rumours about other possible conspiracies, had all taken their toll. Over that period I had to attend to my responsibilities in spite of all the anxieties and unhappy events. Hard work destroys anybody, particularly somebody such as myself who does not enjoy good health.

Soon after my short period of rest in prison, I went on trial before the Military Court. From then on all my time was devoted to preparing my defence and drafting speeches which I would make in the Military Court of first instance and the Military Court of Appeal. On the day that the Court announced its judgement and sentenced me to three years imprisonment, no one, not only myself but also those who had ordered the issuance of that judgement, believed that I would survive imprisonment.

After my trial and appeal in these two courts came to an end, I spent some time in compiling my statement of objection against the military courts for submission to the Supreme Court of Cassation. Having submitted that, I did not know what I should do to occupy myself. Of course any convict, particularly one in solitary confinement,



wishes to create for himself some diversion in order to reduce the cruelty of this type of life. However, I could produce little or no work, not only because I was weak and poorly, but also because any serious writing needed documentation which I could not obtain in prison.

I was contemplating how to occupy myself, when I received a message from some of my compatriots suggesting that I write my memoirs. To produce this work was viable; it was neither difficult nor did it need documentation. I faced no difficulties or restrictions because writing down memories of old times did not pose a threat to the government of the day. I did not need documentation because I did not intend to refer to topics beyond those which I could remember.

The thoughts of each individual are related to the events which he has experienced and positions which he has held. Thus it is in the course of a brief description of the old system of public administration that I will also describe my own

works and memories. In this way I hope that my beloved compatriots will discover not only my own thoughts but also something of the positions which I held before and after the Constitutional Revolution (1905-1909). This volume, therefore, may serve as an introduction to our country's old and modern regimes of administration.

The contents of this book which I have called A Brief Description of my Life and Memoirs cover three periods of my life as follows:

Chapters 1 to 7? relate to the ten-year period when I was working as the official accountant (mustawfi) of the province of Khurasan before the Constitutional Revolution.

Chapters 8 to 13 relate to those post-Constitutional years when I was studying in Europe.

The subsequent chapters [14 to 24] are devoted to the affairs in which I was involved and the positions which I held after my return to Iran from Europe.

Many of my recollections covering the period following Isfand 1302 AH (1924), when I was elected a representative of the Iranian people in the Fifth and Sixth sessions of the Majlis, are contained in the debates and speeches which I made in Parliament. These have already been published.¹

From the Seventh Majlis onwards, i.e. from the rise of the dictatorship in 1928, up until 1941 when the dictator² fell, I was out of office. During this period I was isolated and spent my time in a village. From those years I have nothing but sadness and misery to offer; and whatever memories I had of that period were mentioned in my speeches during the Fourteenth Majlis.³

I fought for a seat in the general election for the Fifteenth Majlis but I was unsuccessful. However, my electoral campaign for the Sixteenth Majlis bore fruit when I was elected for the fourth time by the people of Tehran to enter Parliament and became prime minister. My memoirs for the period covering the Fifteenth and Sixteenth parliamentary sessions have not been published and there are no facilities by which I can publish them from prison. Many of my notes and documents were destroyed during the 28 Murdad 1332

(August 1953) coup d'etat along with my house. Nevertheless, whenever it is appropriate, I shall try to recall some of my memories belonging to this period as well.

Finally. I should like to bring to the attention of the reader that by describing the organizations and institutions of the old regime I do not intend to praise that system or to criticize modern organizations. My intention is simply to describe the old system so that the reader can compare the two and decide for himself on the advantages and disadvantages of either system. I also bring to the attention of the reader that to the best of my ability I have endeavoured not to make unfavorable comments on anyone so that their honorable and upright descendants would not be hurt.

CHAPTER 1 The Organization of The Country in The Old Regime

Prior to the Constitutional Revolution, there were four main ministries entrusted with the administration of the country. These would send their officials to different parts of the country and abroad. The ministries were as follows: the ministry of the interior, the ministry of foreign affairs, the ministry of war and the ministry of finance.

There were some state departments which were attached to some of the above-mentioned principal ministries. One such state department was known as the ministry of the army which was attached to the ministry of war. Similarly, the ministry of accounts was a state department attached to the





ministry of finance. There were also other state departments which were not attached to any of the four ministries mentioned above. These state departments had no local or provincial offices and their affairs were conducted exclusively in the capital city of Tehran. One such independent state department was the ministry of justice which would hear major complaints in Tehran.⁴ In the province, however, it was within the jurisdiction of the provincial and local governors to hear all types of cases. Another independent state department was the ministry of state properties which was also based only in Tehran. By way of explanation, owing to the importance of the provision and distribution of the capital city's bread,⁵ this ministry was responsible for the regulation, control and exploitation of state properties.⁶

Usually an able and well-informed person was appointed to head the ministry of state properties so that he could administer the state properties and deliver the corn produced from those properties to the state granary. The granary itself was administered by an annual budget that was no more than a few thousand tomans⁷ per annum. Whenever the price of corn showed a tendency to increase, the state granary intervened in the market, increasing the supply of flour at a price lower than the market price. In this way it could prevent any significant rise in the price of bread. It was pretty rare in those days for people to have any complaints about the shortage or poor quality of bread.

I can now start to describe the duties of the officials of each of the four principal ministries which in those days had offices both inside and outside Iran.

Duties of the officials of the ministry of the interior.

First, the collection of taxes was within the jurisdiction of the independent provincial and local governors.⁸ These taxes included the principal tax originally fixed as well as any additional sums subsequently assessed and made payable by a given trade or estate. The principal tax was the amount fixed for each trade and profession of each individual estate as a state credit after final auditing. Any subsidiary, additional or ancillary tax was known as the differential. This was an additional tax which after the payment of the principal tax was payable because of an increase in the price of commodities and properties taxed. This differential was calculated proportionately according to the price of the commodity in question. Both the principal tax and the differential would be obtained over and above the amount of local tax recoverable by local governors. The independent provincial and local governors used to pay to the state treasury a large sum in advance in the name of a gift (pishkash) in order to secure their own appointment. They would extract these sums from locals in the cities of their appointment after their arrival there.

Secondly, the maintenance of security outside Tehran was another responsibility entrusted to the officials of the ministry of the interior. This responsibility was fulfilled in the cities by the urban police and, outside the towns, by the rural police.

Thirdly, another function of the officials of the ministry of the interior was hearing complaints, disputes and petitions by individuals within their respective governorates. Many such disputes, whenever necessary, were referred by the governors to the religious courts to which both parties had consented.⁹ For their involvement in the settlement of disputes, the local governors were entitled to receive a fixed percentage of the claim from both litigants. They obtained one-tenth of the amount claimed from the judgment debtor if the amount in dispute was cash, or its equivalent value if the dispute concerned goods, commodities or properties. They also obtained one-twentieth of the



amount in dispute from the party in whose favour a judgment was pronounced.¹⁰

Their entitlement to a tenth of the disputed amount from the judgment debtor and a twentieth from the judgment creditor, gave the governors the greatest incentive not to delay in pronouncing and enforcing the judgment. Indeed, even when the hearing of the trial had been referred to religious judges, the local governors insisted on obtaining the result of that hearing as soon as possible. These endeavors for a quick settlement of the dispute not only leased the judgment creditor but also the judgment debtor who rarely expressed dissatisfaction. This was simply because once the dispute was settled, the judgment debtor could devote his efforts to his business to ensure that he recovered the losses that he had sustained in litigation through future business.

In 1913, having completed my education in Europe, I returned to Iran. Then the late Haj Sayed Asadulah Kharqani, a famous mujtahid in Tehran and an acquaintance of mine, visited me. During his visit the discussion turned to the Provisional Code of Civil Procedures which had come into effect through the efforts of the late Hasan Pirniya (Mushir al-Dawleh)¹¹ who ensured its approval by the parliamentary committee on the ministry of justice's laws.

The famous mujtahid asked my views about that Provisional Code of Civil Procedures. That was the first law which had been enacted for the administration of justice in the country's modern justice department. I began to praise that provisional code and commended the services of the

late Hasan Pirniya for drafting it. At this, the old mujtahid said furiously: 'Why you?' He then explained that one of the provisions of the code required the plaintiff to serve a copy of his statement of claim to the defendant. Having received that document, the defendant then had the right to answer the claim within fifteen days from the date when it was served whereas by the traditional procedure, the defendant was given no advance notice to prepare his defence and was totally ignorant of the substance of the claim against him. The first time he would be told of the nature of the claim was when he was brought to the court and was in the presence of the judge. He had to answer the claim there and then. Only if the defendant had any documents in support of his defence would he be given a chance to present them later.

Having explained all that, the old mujtahid asked me whether the traditional procedure was not a better and more correct system, adding that the new procedure would give the defendant an opportunity to consider for a number of days how to counter the claim. Furthermore, he would be able, with enough time, to consult a sharp lawyer who would cleverly make a legal case for his defence and present it to the court. He was right, of course. But, because the procedures prescribed by that code were essential for a modern judiciary, I kept silent and gave no answer to his question.

NOTES

1. Duktur Musaddiq va Nutqha'yi Tarikhi-yi U, compiled by Husain Makki, Tehran, 1945.
2. Tr. A reference to Reza Shah Pahlavi.
3. Siyasat-i Muvazenh-yi Manfi (The policy of Negative Equilibrium in the Fourteenth Majlis), in two volumes, by Husain- Kay-Ustuvan, the editor of the Muzaffar newspaper. [Tehran, 1327 AH/1948 AD].
4. The ministry of justice would hear only the important complaints because the governor of Tehran was competent to hear and resolve all non-important complaints himself.
5. Tr. Bread was at that time the staple diet of the people in Iran.
6. Tr. Haj Mirza Aqasi, the long serving prime minister under Mohammad Shah, was very keen to develop agricultural lands by creating qanats. He used the country's funds for this pur-

pose and in his heyday he transferred to Mohammad Shah 1438 villages. These were the greatest part of the crown properties. See'adat Noor, 'Haj Mirza Aqasi', Yaghma, vol. 17, p. 174.

7. Tr. Toman was the popular term used for Iranian currency, composed of ten rial or qaran as it was known before the term rial came in official use). In this translation as a matter of general practice, all references to Iranian currency will be given in rials.

8. Until the internal boundaries were approved by the majlis, Iran was divided into four provinces and a number of independent towns. The four provinces were Azerbaijan, Fars, Khurasan and Kirman. The independent towns (cities) were not attached to any of these four provinces.

9. Tr. As the organization of religious affairs was at that time free from government interference, in each city there were several mujtahids who were qualified to act as a Shari'a judge. It was thus up to the litigants to elect- the mujtahid whom they both trusted.

10. Tr. The author in describing this point uses terms which, as seen in the English translation, make it clear that the point of reference was to obtain a percentage of the 'amount claimed' (muddi'a beh). This information, however, is wrong because the percentage was calculated on the basis of the amount that the judge would accept as recoverable (mahkumun beh) and not the amount claimed.

11. Tr. Mirza Hasan Khan Mushir al-Dawleh (1871-1935) studied law in Moscow and began his life as a diplomat. He was appointed as Iran 's minister plenipotentiary to Russia at the young age of 27. he was a leading political figure, serving many times as minister and four times as prime minister.



MUSADDIQ'S MEMOIRS WILL BE CONTINUED IN THE NEXT ISSUE

LIST OF CONTENTS

● In this issue we run several essays on the anniversary of the oil nationalization under the leadership of Dr. Musaddiq the English translation of whose memoirs by the Editor is being published by the Hafiz monthly.

Other essays on this occasion is written by Dr. Naser Takmeel-Homayoon, Dr. Khosro Saeedi, Abdullah Anvar, and Adeb Boroomand and others.

● This month is the anniversary of the passing away of the late Ali Akbar Dehkhoda, the author of the Dehkhoda Lexicon which for the first time listed the words of the Persian language and gave their meaning by reference to the classic texts of prose and verse.

- Iranian Studies
- Hafiz Studies
- Short Stories, Poetry and Book Review
- Law and Politics

The first legal article in this issue is by a Supreme Court judge in reply to an earlier article by a trial attorney who had criticized a judgement passed this year by the Court. The charge was on a number of religious and revolutionary minded people who believed that it was their religious duty to kill and get rid of some individuals who were involved in sinful acts which are unlawful in Iran e.g. alcohol consumption / trade and extra-marital relationship and such likes. The Court - based on their "decent and innocent belief" found them not guilty of murder.

