

**UNEASY COEXISTENCE: “ISLAMISM VS. REPUBLICANISM”
DEBATE IN THE ISLAMIC REPUBLIC OF IRAN**

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ABSTRACT

UNEASY COEXISTENCE: “ISLAMISM VS. REPUBLICANISM” DEBATE IN THE ISLAMIC REPUBLIC OF IRAN

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The objective of this thesis is to analyze the Islamist and republican features of the political regime of the Islamic Republic of Iran. It aims to identify the relationship between Islamism and republicanism in terms of institutional and practical means throughout the period since the establishment of the Islamic Republic. It seeks an answer to the question of how the Islamist and republican orientations that built up the political regime and the system of governance in the Islamic Republic of Iran have affected the domestic political and ideological developments. For this aim, firstly, the history of *ulama*-state relations as well as the history of constitutional tradition in Iran is discussed. Then, the impact of Islamism and republicanism in the process of establishment of the new regime in Iran is examined. Afterwards, the emergence of Islamism and republicanism as indigenous ideological currents and the political groups that appealed to these two orientations are analyzed with special emphasis to the role of Khomeini in this process. In the remaining part, the institutional and practical implications of the coexistence of Islamist and republican orientations are scrutinized during the presidencies of Rafsanjani and Khatami respectively. Finally, this thesis is concluded with an overall assessment of Islamism vs. republicanism debate with reference to the 2005 presidential elections.

Key Words: Iran, Islamism, Republicanism, Religious Sovereignty, Popular Sovereignty, Factional Politics and Political Groups, *Velayat-e Faqih*, Constitution.

ÖZ

ZOR BİRLİKTELİK: İRAN İSLAM CUMHURİYETİ'NDE “İSLAMCILIK KARŞISINDA CUMHURİYETÇİLİK” TARTIŞMASI

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Bu tezin amacı İran İslam Cumhuriyeti siyasi rejiminin İslamcı ve cumhuriyetçi unsurlarını analiz etmektir. Bu tez, İslam Cumhuriyeti kurulduğundan bu yana geçen sürede İslamcılık ve cumhuriyetçilik arasındaki ilişkiyi hem kurumsal açıdan hem de uygulama açısından tanımlamayı hedeflemektedir. İslam Cumhuriyeti'nin siyasi rejimini ve yönetim sistemini birlikte inşa eden İslamcılık ve cumhuriyetçilik yönelimlerinin iç siyasi ve ideolojik gelişmeleri nasıl etkilediği sorusuna cevap aramaktadır. Bu amaçla, ilk olarak, İran'da ulema-devlet ilişkilerinin tarihiyle birlikte anayasacı geleneğin tarihi tartışılacaktır. Daha sonra yeni rejimin kuruluşu sürecinde İslamcılık ve cumhuriyetçilik eğilimlerinin etkisi incelenecektir. Sonrasında, İslamcılık ve cumhuriyetçilik eğilimlerinin özgün ideolojik akımlar olarak ortaya çıkışı ve bu eğilimleri savunan siyasi gruplar Humeyni'nin bu süreçteki rolü vurgulanarak analiz edilecektir. Geri kalan kısımda ise sırasıyla Rafsancani'nin ve Hatemi'nin cumhurbaşkanlıkları dönemlerinde İslamcı ve cumhuriyetçi eğilimlerin birlikteliklerinin kurumsal ve pratik anlamdaki sonuçları mercek altına alınacaktır. Son olarak bu tez 2005 cumhurbaşkanlığı seçimlerine değinerek İslamcılık karşısında cumhuriyetçilik tartışmasının genel bir değerlendirmesiyle sonuçlanacaktır.

Anahtar Kelimeler: İran, İslamcılık, Cumhuriyetçilik, Dini Meşruiyet, Halka Dayalı Meşruiyet, Fraksiyonel Siyaset ve Siyasi Gruplar, *Velayet-e Fakih*, Anayasa.

*To my dears;
my mother, my sister, and my beloved...*

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CHAPTER 1

INTRODUCTION

February 11, 1979 (Bahman 22, 1357 in Iranian calendar) has been a turning point in the political history of Iran. After years of struggle against tyranny of the Shah, the Iranian people staged a “modern revolution”¹, which has also been unique in itself. The revolution was carried on through the collaboration of diverse groups in the Iranian society ranging from the secular-nationalists, to the Marxist-leftists, and to those trained in higher echelons of religious learning. However, the leader of this popular movement was a cleric, the exiled Ayatollah Rouhoullah al-Mosavi Khomeini. Shortly after his return to Iran on February 1, revolutionary movement became victorious.

One of the demands of Ayatollah Khomeini and the revolutionary coalition was the establishment of an “Islamic Republic.” Indeed, they initiated a referendum after the revolution on the type of the regime by asking the people whether they were for or against an “Islamic Republic.” Therefore, it became clear from the beginning that these two fundamentals together, the people and Islam, would make up of the legitimacy basis of the new regime in Iran. Due to the efforts of the politicized *ulama* (plr. for religious scholar, ‘*alem*) and the religious lay-persons, who had actively involved in the revolution, participated in the Revolutionary Council and then the constituent Assembly of Experts who drafted the Constitution of the Islamic Republic of Iran, the new regime was established as a hybrid of Islamism and republicanism. Therefore, it is true to argue that the regime of the Islamic Republic in Iran is based on dual sovereignty: the religious sovereignty and the popular sovereignty.

Apart from clergy’s leadership in the revolution, what makes the revolutionary regime Islamic is the inclusion of Ayatollah Khomeini’s political

¹ See Fred Halliday, *Islam and the Myth of Confrontation: Religion and Politics in the Middle East*, (London, New York: I.B. Tauris), 1996, pp. 42-75; Mangol Bayat, “The Iranian Revolution of 1978-79: Fundamentalist or Modern?”, *Middle East Journal*, vol. 37, no.1, Winter 1983.

thought into the new constitution, in particular, the doctrine of “*velayet-e faqih*” (Guardianship of Jurisconsult) devised by Khomeini. In fact, his theorizing of Islamic government throughout his seminars in Najaf between January 21, and February 8, 1970, was a revolution in the Shiite religious thought. No Shiite ‘*alem*’ (religious scholar) before Khomeini argued that the *ulama* should directly involve in politics, which was an argument contrary to the traditional Shiite understanding. According to the conventional view, no government will be just (*hokumat-e adel*) and legitimate until the return of the last Imam, Mehdi, who went into occultation in A.D. 874. Nevertheless, although the tradition commands abstention of the *ulama* from politics, their religious authority has always been an important power base for the ruler, who has been the representative of the temporal authority.

On the other hand, people struggle to curb the authority of rulers and to participate in politics goes back a century before in Iran. In 1906, the people of Iran, mostly the intelligentsia backed with some of the *ulama* and the *bazaar* (traditional tradesmen) started to demand constitutional rights from the Qajar Shah, Mozaffareddin. They wanted the establishment of a *Majles* (Assembly), through which the people could exercise their constitutional rights and which would exercise –limited – control over the excessive powers of the Shah. They managed to convene the National Assembly (*Majles-e Melli*) in October 1906, and drafted the first constitution of the country. However, due to the secular intelligentsia’s struggle to make secular laws in the *Majles*, some segments of the *ulama* withdrew their support from the Constitutionalist movement. Mohammad Ali Shah, who replaced Mozaffareddin and who abhorred constitutionalist movement, utilized this friction between secular intellectuals and the *ulama* to suppress the *Majles*. Eventually, he managed to dissolve the *Majles* in June 1908, by bombing the parliament building. Yet, due to stubborn resistance of Iranian people to keep constitutional order, the Shah was once again defeated and both the constitution and the *Majles* were restored. Since then, until the 1979 Revolution, there continued to be a *Majles* beside the Shah; however, it was sometimes influential, yet sometimes weak vis-à-vis the Shah.

Coming to 1979, we witness that both the religious and the secular opposition to the Shah, which have long been existed in the Iranian political scene, cooperated during the revolutionary process. Whereas Islamists, mainly *ulama*, were

championing the establishment of an “Islamic” state, other leading secular groups of the revolution that are liberals, nationalists and leftists were favoring the establishment of a “republic.” The end result, which is the establishment of the Islamic Republic, came as conciliation between these forces and they together instituted the current regime. Yet, the record has proven that this companionship has not been free from problems. Rather, Islamist and republican components of the regime of the Islamic Republic have experienced consistent tensions and struggle with each other. This study is intended to analyze both the struggle and the cooperation between these elements. In order to analyze the struggle and the cooperation between Islamism and republicanism in Iran, it will be helpful to have a brief look at history to address the relationship between the *ulama* and the state, the role of the *velayat-e faqih* doctrine in this relationship and role of the *ulama* in the process of revolution.

Ulama and the State in the Shiite Doctrine and History

According to the Twelver Shiite understanding in which majority of Iranians believe, the true authority – both in the sense of politics and religion -- belongs to the Imams, the twelve parental successors of Imam Ali, who are believed to be infallible, *mas’um*. Yet, when the twelfth Imam, Mehdi, went into occultation, his Shiite fellows were faced with the problem of political and religious succession. While *ulama* gradually replaced the Imam’s religious authority, the succession issue in the political authority of Imams remained unresolved. According to mainstream Shiite school, the Twelver Shiism, the occulted Imam has not died and will return in some time in future.² Then, they argue that albeit remained hidden, political authority belongs to Mehdi and until his return all rulers are usurper and illegitimate.³ Furthermore, acceptability of any ruler by the *ulama* is bound up with acting as the

² For further information on Lesser Occultation (*Ghaybet-e Sugra*) and Greater Occultation (*Ghaybet-e Kubra*) see Avni İlhan, *Mehdilik*, (İstanbul: Beyan Yayınları, 1993).

³ See Marvin Zonis, Daniel Brumberg, “Shi’ism as Interpreted by Khomeini: An Ideology of Revolutionary Violence” in M. Kramer (ed.), *Shi’ism, Resistance and Revolution*, (USA: Westview Press, 1987).

protector and executor of *Shari'a* (the Islamic law). Only this type of ruler can be called as “righteous, just ruler” that the *ulama* pay allegiance to him.⁴

However, following the disappearance of the Twelfth Imam, different trends have emerged among the Shiite jurists regarding the state. Some argued that since all rulers were in essence usurpers, true believers should stay away the political authorities as if they were a plague. Others, however, argued that one should accept the state, albeit unwillingly. They claimed bad government was better than no government. Some others, however, accepted the state wholeheartedly, especially after the consolidation of the Safavid dynasty in Iran. Most of the jurists, who avoided politics, viewed clergy's responsibilities confined to religious issues, studying Qoran, *Sunna* of the Prophet and traditions of the Twelve Imam. Hence, it can be argued that there is no theoretical basis in the Twelver Shiite state for an accommodation between the religious scholars and any form of polity.⁵

The Twelver Shiism became a state religion in Iran during the Safavid period (1501 – 1736). Under the Safavids, the state and the *ulama* were mutually dependent in that the Shah enjoyed conditional legitimacy as the defender of Islam and the guarantor of the rule of the Shi'a law. The *ulama* needed the Shah to protect them and the Shah needed the *ulama* to legitimize his power.⁶ However, coming to the last days of the Safavid rule, this mutual relationship began to be predominated by the *ulama* with a perceivable control over the state.

The Qajar period (1795-1924) witnessed the birth of a powerful *mujtaheds* class who were not only the interpreters of religious law but also the implementers of

⁴ However, the history shows that even at times that the ruler did not comply with protecting the Shiite law, the Shiites, who had most of the time been as a threatened minority, have chosen not revealing their opposition to the rule in order to survive. Thus, their denial of legitimacy of the ruler was combined with a quietist pattern and abstention from action. By this way, the Shiites were able to remain unyielding to de facto authority. Homa Omid, *Islam and the Post-Revolutionary State in Iran*, (USA: St. Martin's Press, 1994), pp. 5-6.

⁵ Roger M. Savory, “The Problem of Sovereignty in Ithna Ashari (“Twelver”) Shii State”, in Michael Curtis ed., *Religion and Politics in the Middle East*, (Boulder, Colorado: Westview Press, 1982), pp.129-138. According to Mansoor Moaddel relations between religious scholars and state is determined by *ulama's* association with classes in the society and their relations with the state. See Mansoor Moaddel, “The Shi'i Ulama and the State in Iran”, *Theory and Society*, vol.15, no.4, July 1986, pp. 519-556.

⁶ Shahrough Akhavi, “The Ideology and the Praxis of Shi'ism in the Iranian Revolution”, *Comparative Studies in Society and History*, Vol. 25, No. 2, Apr., 1983, p. 205.

it.⁷ Like the Safavids, the Qajar state also resorted to the religious authority of the *ulama* to enlarge its base of legitimacy. In return, to ensure the support of *ulama*, they began to provide them administrative posts. The *ulama* were entrusted with the estates of the minors, the guardianship of the orphans, the administration of private and religious endowments, *oaqaf* (plr. of *vaqf*). Apart from these, the *ulama* traditionally had been receiving the religious taxes, *zakat* and *khoms*⁸ directly from the Shiite believers, and fees from legal transactions which also provided important sources of wealth for the eminent *mujtaheds*. Moreover, the marriage links between the *ulama* and the state elite as well as the commercial class, who was the most important source of religious taxes and endowments, augmented the level of *ulama*'s integration with the system as well as independence. This engagement with the system together with the ideological and financial independence of *mujtaheds*, in return, provided them a relative autonomy vis-à-vis the state in religious and social affairs.⁹ Thus, *ulama* emerged as an autonomous and influential social stratum in 19th century Iran.

Ulama also emerged as an influential political actor in the late 19th century Iran. This stemmed partly from doctrinal causes, and partly from its relations with other segments of the society. *Ulama* were also among those who were objecting concessions which were granted to foreigners by the Shah. One of the principal events in this period that *ulama* played a critical role was the tobacco protest of 1891. When the Shah granted a tobacco monopoly to a British company in 1890, the state faced with a great uproar among the commercial classes since tobacco had been a local product and main source of income for some merchants as well as landowners. Moreover, the concessions led the *ulama* to enunciate the monarchy as a tool for

⁷ This was mainly due to the result of an ideological conflict between the *Akhbari* and *Usuli ulama* within the Shiite school. While the *Akhbari* school of thought was a putting the emphasis on the transmission of knowledge, *naql*, rather than the use of interpretative reason, *aql*, the *Usuli ulama* argued that the ordinary people required to chose and follow a *mujtahed*, who was the most learned in religious matters and whose learning and other qualities entitled him to give authoritative though not infallible rulings on religious and legal questions during Imam's occultation. The institution of *marja'-e taqlid* was developed as the most learned among the others and emerged as the supreme source for emulation. The victory of the *Usuli ulama* in this debate facilitated the institutionalization and centralization of the position of the jurist as the guardian of the community. See Mazlum Uyar, *İmamiyye Şiası'nda Düşünce Ekolleri: Ahbarilik*, (İstanbul: Ayışığı Kitapları, Ocak 2000).

⁸ The *ulama* must pay half of *khoms* to the descendant of the Prophet and spend the rest at his discretion. The half that must be paid to the Imam was called *sahm-e Imam*.

⁹ Homa Omid, *Islam and the Post-Revolutionary State*.....,p. 8.

usurpation by neglecting the Islamic law, exerting oppression and assisting the exploitation of the resources by the foreign powers.¹⁰ Thus, *ulama* sided with the merchant class and a prominent *mujtehid* of the time, Mirza Hassan Shirazi issued a *fatwa*, religious command, against the use of tobacco. The fatwa was so much influential that at the end of this total boycott together with mass demonstrations and protests, the government was obliged to cancel the concession. According to Nikki Keddie, the protest against the tobacco concession was the first successful mass rising, showing that the government could be defeated. Moreover, “the *ulama*, modernizing reformers, the discontented population and particularly the merchants” formed an alliance for the first time in Iranian history, which would constitute the dynamic of the Constitutional Revolution of 1905-1911.¹¹

The Constitutional Revolution of 1905-1911 was a critical turning point regarding the state-*ulama* relations and Shiite political thought. The secular-nationalist intelligentsia of the time advocated that the remedy for Iran’s backwardness was secularization in Western lines, constitutionalism and limitation of absolutist tendency of the Shah. The merchants and the *ulama*, who had been worried about the concessions to the foreign powers and about the undesired consequences of the absolute power of the Shah, joined the intelligentsia in their demand for a constitutional government and a *Majles* (Parliament). Early in 1906, two prominent *mujtaheds* of Tehran, Sayyed Mohammad Tabataba’i and Sayyed ‘Abdollah Behbehani, came to the support of demands for a constitution and took up the cause that of the Shiite nation.¹² Indeed, the most striking development that led the Shah to accept the Constitution was the *ulama*’s leaving the capital for Qom, and the *bazaaris* striking and taking refugee, *bast*, in the British Embassy, in July 1906. The merchant’s ceasing of economic activity in Tehran and *ulama*’s leaving the city

¹⁰ Hamid Algar, *İslam Devriminin Kökleri*, (İstanbul: İşaret, 1988), p. 29.

¹¹ Nikki R. Keddie, *Religion and Rebellion in Iran: The Tobacco Protest of 1891 – 1892* (London: Frank Cass & Co. Ltd., 1966), p. 1.

¹² Tabataba’i was one of those religious figures who supported the constitutional movement because he thought that it would improve the lives of the people. Some others, such as Sheikh Mohammad Hossein Naini, envisaged a constitutional state that would curtail the excesses of the ruler through an assembly of the ‘intelligent and wise well-wishers of the people’. Such an assembly would be legitimate if its laws would be approved in terms of Shari’a by the leading *mujtaheds*. Said Amir Arjomand, *The Turban for the Crown: The Islamic Revolution in Iran*, (New York, Oxford: Oxford University Press, 1988), pp. 78-79.

left the Shah in a very difficult position and he finally agreed drafting a constitution and establishment of a National Assembly, on August 5, 1906. Therefore, a *Majles* was convened in October 1906, for the first time in the Iranian history.¹³

However, the modernists' demands for equality for all citizens, irrespective of their gender and religion alarmed some *ulama* and shortly after the inception of the constitution they withdrew their support from the constitutional forces. This group, led by Sheikh Fazlollah Nuri, feared that human legislation would replace God given laws as interpreted by the *mujtaheds*. They also rejected the view that sovereignty should ultimately be held by the nation. Arguing that the laws of God, who is the only law-maker, were announced by the Prophet Mohammad and interpreted by the Imams and were finally to be understood and disseminated by the learned clergy, Nuri "denounced the representative system of the government, *vekalat*, as a poor substitute for *velayat*, the supervisorship of the *ulama*" by the time the constitution amended in October 1907¹⁴. According to this "supplement" the clause that "the official religion of Persia is Islam, according to the Ithna 'Ashariyya" induced into the constitution. Moreover, the committee of *mujtaheds* who would supervise the legislation was formed.¹⁵ Yet, discontent on the part of the secular intellectuals did not come to an end and the skirmishes between "conservative" *ulama* and secular intellectuals continued.

¹³ For the Royal Proclamation of August 5, 1906, Fundamental Laws of December 30, 1906, the Supplementary Fundamental Laws of October 7, 1907, and the Amendments of May 7 and 8, 1949 see Helen Miller Davis, *Constitutions, Electoral Laws, Treaties of the States in the Middle East*, (USA: Duke University Press, 1953), pp. 104-130.

¹⁴ Homa Omid, *Islam and the Post-Revolutionary State*....., p. 15.

¹⁵ Article 2 of the Supplementary Fundamental Law of October 7, 1907: "At no time must any legal enactment of the Sacred Constructional Assembly ... be at variance with the sacred rules of Islam It is thereby declared that it is for the learned doctors of theology (the *ulama*) to determine whether such laws as may be proposed are or are not confirmable to the rules of Islam; and it is therefore officially enacted that there shall be at all times exist a committee composed of not less five *mujtaheds* or other devout theologians, cognizant also of the requirements of the age in this manner. ... [The] Members [of the committee] may carefully discuss and consider all matters proposed in the Assembly, and reject and repudiate, wholly or in part, any such proposal which is at variance with the Sacred Laws of Islam, so that it shall not obtain the title of legality. In such matters, the decision of this ecclesiastical committee shall be followed and obeyed, and this article shall continue unchanged until appearance of [Imam Mehdi]." Helen Miller Davis, *Constitutions, Electoral Laws, Treaties*....., pp. 117-118.

Ulama and the State in the Pahlavi Iran

Reza Khan, throughout his rise to power from 1921 to 1925, won the support of the *ulama* through exploiting their fears of anarchy and of Western influence. Since the experience of the constitutional movement had reinforced the *ulama*'s distrust of the secular intelligentsia and the leftist radicals, they gave their support to the Reza Khan, who founded the Pahlavi dynasty to replace the Qajars. However, after ascending to the throne, Reza Pahlavi pursued centralization and modernization policies.¹⁶

Reza Shah also confronted with *ulama* to the extent that curbed their autonomy and influence. Implementation of compulsory national military service law by 1925 according to which the seminarians (*tollab*) lost the right to be immune from conscription, rigid restrictions on wearing clerical garb and forcing for the removal of turbans as part of the campaign for the adoption of the laws for the European clothes and hats, introduction of a civil code in which the Islamic laws prevailed only in the matter of personal laws¹⁷, compulsory unveiling of women in public spheres in 1936¹⁸ were among the actions taken by Reza Shah which alienated *ulama*. He also diminished the power of the *ulama* in judicial, educational and financial spheres by establishing secular courts, secular schools, and controlling religious endowments.¹⁹

However, some of aforementioned "reforms" rolled back when Reza Shah dethroned by the Allied powers in 1941. The new Shah, Mohammed Reza, appealed *ulama*, in order to strengthen his power and authority. So, the government removed the compulsory restrictions on wearing veil and the clerical garb. Furthermore, in 1948, fifteen *mujtaheds* issued a fatwa, forbidding unveiled women from shopping in the bazaars.

This is also the time *ulama* and intellectuals re-involved in politics. In this period, not only the *Majles* grew stronger, but also many political groups and parties

¹⁶ Said Amir Arjomand, *The Turban for the Crown*:....., p. 81.

¹⁷ Shahrugh Akhavi, *Religion and Politics in Contemporary Iran: Clergy – State Relations in the Pahlavi Iran* (USA: State University of New York Press, Albany, 1980), pp. 37-38.

¹⁸ Said Amir Arjomand, *The Turban for the Crown*:....., p. 82.

¹⁹ Shahrugh Akhavi, *Religion and Politics in Contemporary Iran*:....., pp. 56-57.

with different ideologies, ranging from fascists to communists, flourished.²⁰ Ayatollah Tabataba'i Qomi and Ayatollah Abo'l-Qasem Kashani were the prominent figures of the time among the politicized *ulama*. *Ulama's* relations with other political parties in the 1940s resemble their relations with the secular intellectuals prior to and during the first phase of the constitutional revolution of 1906. Although there were some secularist intellectuals hostile to the Shiite *ulama*, the nationalist intellectuals mostly coalesced with the *ulama* on the causes of demanding nationalization of natural sources (particularly oil) and realizing of the implementation of the Constitution. Moreover, Ayatollah Kashani was a member of the National Front of 1949 and a supporter of Muhammad Mosaddeq, who attempted to nationalize oil but soon toppled down by the joint coup of American and British secret services.²¹ However, in time, Mosaddeq broke of ties with Kashani, who then gave his support to Shah. It was so critical that Arjomand defines the support of the Ayatollah Kahshani for the shah "as important as that of the CIA" in staging the return of Mohammad Reza Shah in August, 1953.²²

Nevertheless, in this critical decade of 1950s in the history of modern Iran, most of the *ulama* choose to keep their distance from the political issues. Their silent attitude was perceived most of the time as they were interested in the survival of the existing system, and the Shah. This is mainly because of the *marja'-e taqlid* Grand Ayatollah Mohammad Hossein Boroujerdi's (1875 - 1961) quietist stance in accordance with the traditional Shi'i thought. Instead, he and his close ally, Ayatollah Mohammad Mousavi Behbehani, concentrated on developing Qom as a centre of religious learning, which had established by Grand Ayatollah Abdol Qarim Haeri (1859 - 1936) as a "*howze-ye ilmiyeh*" for religious education in 1928. They established an amicable accord with the Shah and the state apparatus. In return the Shah and his government adopted a respectful attitude to the clergy.

²⁰ For the political groups and parties of the Pahalavi Iran see Hossein Bashiriyeh, *The State and Revolution in Iran: 1962-1982*, (Australia: Croom Helm Ltd., 1984), pp. 11-18.

²¹ For further information see Bill, A. James & Louis, Roger (eds.), Musaddiq, *Iranian Nationalism, and Oil*, (London: I. B. Tauris & Co Ltd., 1988). "Mosaddeq formed a short-lived alliance with some of the *ulama*, like Kashani, while others like Ayatollah Mohammad Mousavi Behbehani were not prepared to back him." Homa Omid, *Islam and the Post-Revolutionary State*....., p.27.

²² Said Amir Arjomand, *The Turban for the Crown*:....., p. 81.

Moderate relations between the *ulama* and the Shah started to be deteriorated as far as the Shah obtained an autocratic rule and started to implement some measures to westernize the country. Meanwhile, the death of the quietist Ayatollah Boroujerdi in March 1961 opened the door for pursuing a more active attitude in politics for the *ulama* in general and for Khomeini in particular.²³ Since then some *ulama* raised objections against the actions of the Shah. The state met with severe opposition from the *ulama* after Mohammad Reza Shah gave the edict for implementation of the land reform policy in November 1961. Land reforms resulted in the redistribution of land owned by the mosque and seminaries and further undermined the pervasiveness of *ulama* in Iranian polity.

In 1962, Ayatollah Rouhollah Khomeini emerged as one of the leading figures in the anti-government protest.²⁴ In October 6, 1962, Khomeini strongly reacted against a bill for the election of town councils that eliminated the condition to be a Muslim for the electors and the candidates by using the term “the Heavenly-Book” instead of Qoran in taking the oath, and the enfranchisement of women. The unrest among the *ulama* intensified when in January 1963, Mohammad Reza Shah proposed a national referendum on six principles of his reform program, subsequently to be called the “White Revolution (*Enghelab-e Sefid*)”. This was an all-encompassing program that envisaged enfranchising the women, continuing the implementation of land reforms, nationalizing the forests and the state industries, beginning a profit-sharing scheme for industrial workers and setting up a rural literacy corps for the rural population. In March 1963, holding a copy of the Qoran in

²³ In the 1940s and 1950s, Khomeini politically followed Ayatollah Boroujerdi. Boroujerdi had set his political stance in 1949 in a meeting he had convened with the leading *ulama* in Qom and had urged withdrawal from the political arena. According to Boroujerdi, the moral power of the clergy would remain more effective if not dragged into ordinary wheeling and dealing. Michael M.J. Fischer, “Imam Khomeini: Four Levels of Understanding” in John L. Esposito (ed.), *Voices of Resurgent Islam* (New York, Oxford: Oxford University Press, 1983), p.152.

²⁴ Ayatollah Rouhollah Khomeini (1902 - 1989) had previously published *Kashfol-Asrar* (Secrets Revealed) in 1943 and while attacking all secularization measures, he defended every one of the beliefs and practices denounced by radical intellectual Ahmad Kasravi. In his book, Khomeini warned his followers of the serious repercussions of unveiling women on their manhood. He also defended the clergy and their right to dictate political terms. Despite his attacks on secularization, Khomeini did not put forth a controversy in the traditional Shiite practice of submission to temporal authority and he did not denounce the Shah by stating that *ulama* would always be in cooperation with the government if it is necessary. See Vanessa Martin, “Religion and State in Khomeini’s “Kashf al-asrar”” *Bulletin of the School of Oriental and African Studies* (University of London), vol.56, no.1 (1993); Ervand Abrahamian, *Khomeinism: Essays on the Islamic Republic*, (Berkeley, Los Angeles, London: University of California Press, 1993), pp.20-21.

the one hand and a copy of the Constitution in the other, Khomeini publicly accused the Shah of violating his oath to defend Islam and the Constitution. Thereby he initiated an uprising on June 1963 – again – in cooperation with the *bazaar* and the liberal nationalist intellectuals.²⁵

When legal immunity was granted to American citizens in Iran in October 1964, Khomeini denounced this as violation of the Iranian sovereignty and independence. Consequently, Ayatollah Khomeini was arrested and sent to exile in Turkey in November 4, 1964 and settled in Najaf in Iraq the following year. However, the movement of young militant clerics and clandestine organizations who remained faithful to Khomeini continued their existence underground after June 1963, which resurfaced in the revolutionary atmosphere of late 1970s.

The 1960s and 1970s were marked by the Shah's increasing authoritarian and repressive policies all over the country. Facing the challenge of the state, a group of *ulama* and Muslim intellectuals set about formulating political and ideological grounds for an Islamic resurgence in the second half of the 1960s. Among these were Khomeini in Najaf, Taleqani, Seyyed Mohammad Beheshti, Morteza Motahhari, Ali Shariati and engineer Mehdi Bazargan, in Tehran. They dealt with both theological and political questions such as the *imamat*, *marja'iyat*, *ejtehad*, religious leadership. The ideas formulated by these leading theologians and Islamist lay-people combined

²⁵ It should be pointed out that the *ulama* are not a monolithic entity. Furthermore, even in crisis times, they divided into several factions, extending their support to different powers. Similarly, in the post-Borujerdi era of the 1960s and 70s, the clerical establishment was divided into three conflicting factions. The largest segment centered at Qom, followed the general accommodationist tradition of peaceful coexistence with, and de-facto recognition of the state, following the line of Haeri-Borujerdi (the Grand Ayatollahs Najafi-Marashi, Golpayagani, Abul Qassem Khoi, Shariatmadari, Khansari). The second segment of *ulama* pursued a collaborationist stance toward the Pahlavi regime, but they were also against the rule by edict with the fear of a return to despotism. Ayatollah Mohammad Qazem Shari'atmadari and Ayatollah Mohammad Hadi Milani, most members of the Mashad religious center, Ayatollah Behbehani, Ahmad Kaf'i were in this segment. The third group within the religious establishment began to take shape after the 1963 anti-government rallies led by Ayatollah Khomeini, and a small group of his students, Mahmud Taleqani, Ayatollah Shirazi, Ayatollah Abolfazl Zanjani etc. Capitalizing on the resentments of the entire religious establishment toward the regime's policies in such areas as land reform, women's suffrage, and the extension of diplomatic immunity to American military advisors in Iran in the early 1960s, this group achieved prominence within the religious hierarchy. It was this time that Khomeini emerged as a charismatic religious-political leader and assumed the position of source of emulation and the title of Grand Ayatollah. Ahmad Ashraf, "Theocracy and Charisma: New Men of power in Iran", *International Journal of Politics, Culture, and Society*, vol.4, no.1 (1990), pp.118-119. See also Mansoor Moaddel "The Shi'i Ulama and the State.....", pp. 542-543.

Islam and the notion of “resistance”, especially against the dependent forms of development, the devaluation of traditional culture and the loss of national identity.

Khomeini’s Concept of Velayat-e Faqih

Among the political ideas devised in the 1960s and 1970s, the most important one is undoubtedly the doctrine of “*velayat-e faqih*” conceptualized by Khomeini in 1970. Prior to this theory, as previously mentioned, there was no consistent theory of state embodied in Shiism since because the Shiite jurists regard any form of government other than that of the Hidden Imam as illegitimate. Until the “Great Occultation” of the Hidden Imam, both divine and temporal authority is devoted to Imams, who are believed to be infallible, *mas’um*. But then, in A.D. 874, the Twelfth Imam went into Great Occultation. For the Twelver Shiites, the Hidden Imam will appear at some time in the future to prepare the way for the Judgment Day when the world is rampant with corruption and oppression. This interpretation of authority continued to hold until Khomeini’s formulation of a new Shiite political theory as well.

Khomeini had matured his political ideas in a series of lectures called *Velayat-e Faqih; Hokumet-e Eslami* which were delivered in Najaf between January 21, and February 8, 1970.²⁶ The lectures were dealing with mainly three issues; necessity for the establishment and maintenance of Islamic political institutions; duty of the religious scholars (the *fuqaha*) to bring about an Islamic state and to assume certain positions within it. Finally, it sets out a program of action for the establishment of an Islamic state.²⁷

In the first part of his lectures, “The Necessity for Islamic Government”, Khomeini states that the *Sunna* and the path of the Prophet constitute a proof of the necessity for establishing the government. The fact that the Messenger himself established a government, fulfilled all the functions of government, and designated a

²⁶ Michael M.J. Fischer, “Imam Khomeini: Four Levels of.....”, p. 157.

²⁷ This was also a clear shift in Khomeini’s own thinking, since because until his lectures on *Velayat-e Faqih*, he had never declared the monarchy as illegitimate and thus, he had never proposed an alternative of the Islamic government. See Hossein Seifzadeh, “Ayatollah Khomeini’s Concept of Rightful Government: The *Velayat-e Faqih*” in Hussin Mutalib, Taj ul-Islam Hashmi (eds), *Islam, Muslims and the Modern State: Case Studies of Muslims in Thirteen Countries*, (Great Britain: Macmillan Press, 1994).

ruler to succeed him – Shiites are believe that Prophet Mohammad designed Imam Ali as his successor -- are the proofs that an Islamic government is necessary. Secondly, law and social institutions require the existence of an executor by their very nature. Islam has therefore established an executive power in the same way that it has brought laws into being.²⁸

The second part of his lectures, which is about the “Form of Islamic Government”, is where he clearly formulates the structure of an Islamic government. Khomeini argues that “Islamic government is neither tyrannical nor absolute, but constitutional.” By constitutional he means “It is not constitutional in the current sense of the word, i.e., based on the approval of laws in accordance with the opinion of the majority. It is constitutional in the sense that the rulers are subject to a certain set of conditions in governing and administering the country.”²⁹ To Khomeini, these conditions are “set forth in the Noble Qoran and the *Sunna* of the Most Noble Messenger.” He says, “It is the laws and ordinances of Islam comprising this set of conditions that must be observed and practiced. Islamic government may therefore be defined as the rule of divine law over men.”³⁰ In Khomeini’s view it is the duty of the *fuqaha* to implement all laws regarding the government since only the just *fuqaha* may correctly implement the ordinances of Islam.³¹ Additionally, in his view, *fuqaha* are the true successors of Imams and the Prophet.

In the last part of the *Velayat-e Faqih*, “The Program for Establishment of Islamic Government”, Khomeini argues that first thing to be done is to counter-attack the press and propaganda apparatus of the imperialists by creating the same apparatus of their own in order to refute the imperialists’ claims about Islamic justice

²⁸ Hamid Algar (ed.), *Islam and Revolution: Writings and Declarations of Imam Khomeini* (Berkeley: Mizan Press, 1981), p. 41.

²⁹ On the difference between the Islamic government and other kinds of constitutional governments, Khomeini asserts that “whereas the representatives of the people or the monarch in [constitutional monarchies and republics] engage in legislation, in Islam the legislative power and competence to establish laws belongs exclusively to God Almighty.” Since no one has the right to legislate and no law may be executed except the law of the Divine Legislator”, there should be a simple planning body in an Islamic government instead of a legislative assembly, which draws up programs for the different ministries in the light of the ordinances of Islam and thereby determines how public services are to be provided across the country. Hamid Algar (ed.), *Islam and Revolution: Writings and.....*, pp.55-56.

³⁰ *Ibid.*, p.55.

³¹ *Ibid.*, p.78.

and to propagate that Islam has a complete and coherent program for ordering the affairs of the family and all Muslim society.³² Moreover, he states that the first activity they must undertake in this respect is the propagation of their cause. He urged his students and followers to teach the people the political, economic, and legal aspects of Islam besides the matters relating to worship. He emphasized the necessity of an intellectual awakening to emerge as a current throughout the society, and gradually, to take shape as an organized Islamic movement made up of the awakened, committed, and religious masses that will rise up and establish an Islamic government.³³

To sum up Khomeini's ideas, it can be said that he reinterpreted previous Shiite political arguments, which were designed to establish the legal and religious authority of the Shiite *mujtaheds*, to eliminate the duality of religious and temporal authority. Khomeini stated that "the mandate of the jurist means governing and administering the country and implementing the provisions of the sacred law." He argued that in the absence of the divinely inspired Imam, sovereignty devolves upon qualified jurists. It is, therefore, the religious leaders, as the authoritative interpreters of the Sacred Law, who are entitled to rule.³⁴ In less than a decade Khomeini's theory was embodied in the Constitution of the Islamic Republic of Iran and the "Islamic government" was established.

The Role of Religion in the Revolutionary Mobilization

The 1970's witnessed the increasing importance of religious associations, which remained the only tolerable forms of organizations under the Shah's autocratic rule. They filled the power vacuum that the suppression of all other organizations with the Shah's autocratic policies had created. For instance, *Hosseiniyyeh*-type centers for commemoration of martyrdom of Imam Hossein and other religious

³² *Ibid.*, p.115.

³³ *Ibid.*, pp.126-27.

³⁴ Khomeini says, "In the past we did not act in concert and unity in order to establish proper government and overthrow treacherous and corrupt rulers ... It was our lack of a leader, a guardian, and our lack of institutions of leadership that made all this possible. We need righteous and proper organs of government; that much is self-evident" *Ibid.*, pp. 47-49.

events grew incrementally by 1974.³⁵ The establishment of *Hosseiniyyeh Ershad* as a religious forum in Tehran, which became the center for the religious propagation and resistance, turned into a clear threat to the state. The sessions that Ayatollah Morteza Motahhari and an Islamist lay-man Ali Shari'ati held in *Hosseiniyyeh Ershad* in the latter half of 1960s attracted large numbers of university students, intellectuals as well as other parts of the society and played an important role in revolutionary-ideological mobilization of the masses. Until its closure in 1972, *Hosseiniyyeh Ershad* served the purpose of forming an alliance between the intelligentsia and the *ulama* against absolutism in Iran; and the *ulama* began to appeal to the rhetoric of social justice and the cause of the “disinherited (*mostazaf'in*)” which had been continuously advocated by Shari'ati.³⁶ Furthermore, the unsatisfied demand for preachers for the increasing number of religious institutions created a market for religious tapes and cassettes, whom Khomeini-in-exile also made use of prior to 1979 Revolution. Also, Mohammad Reza Shah's “White Revolution” was very much helpful for the *ulama* in their organization for the resistance, since it created rapid urbanization as a result of industrialization throughout the 1960s and 1970s. As a result of this rapid social change, large segments of traditionalist rural society, who migrated to the cities and remained marginal and excluded from the political process, became receptive to the propaganda of the traditionalist preachers.³⁷

Besides the rural migrants, the rapidly expanding middle class and the intelligentsia began to organize Islamic associations with the concern of combining Islamic reform and formulation of an Islamic traditionalist ideology. Yet, *ulama* faced a challenge in its relations especially with the intelligentsia because of their education since they were not ready to accept the intellectual authority of the *ulama* unquestioningly, although they accepted the Islamic ideology. But soon, the Islamic intelligentsia came to terms with the *ulama* since because they were aware of the

³⁵ By 1974, there were 322 *Hosseiniyyeh*-type centers Tehran, 305 in Khuzestan, and 731 in Azerbaijan. Said Amir Arjomand, *The Turban for the Crown:*, pp. 92-93.

³⁶ For further information see Abdulaziz Sachedina, “Ali Shari'ati: Ideologue of the Iranian Revolution” in John L. Esposito, *Voices of Resurgent Islam*, (USA: Oxford University Press, Inc., 1983); Ali Rahnama, *An Islamic Utopian: A Political Biography of Ali Shari'ati*, (London: I. B. Tauris & Co. Ltd., 1998).

³⁷ Said Amir Arjomand, *The Turban for the Crown:*, p. 91.

influence of the Shiite *ulama* on the masses and sought to use it against the Pahlavi regime.³⁸

In an environment of internal turmoil enhanced by the worsening economic situation and opposition to the Shah, Mohammad Reza Pahlavi left the country on January 15, 1979. On February 1, 1979 Khomeini returned from exile triumphantly and on February 11, 1979, the revolutionaries declared the end of the monarchy. With the adoption of the modern political myth of revolution, the Islamic movement led by Khomeini emerged as the locomotive of the revolution and successfully mobilized the masses against the Shah.

In the light of this historical and political background, this thesis is concerned with the political system of Islamic Republic of Iran established in the aftermath of the popular revolution in 1979. The starting point of this thesis is the fact that there are two sources of legitimacy that laid down in the constitution of the Islamic Republic: religious legitimacy and popular legitimacy. The dual sources of legitimacy led to the formation of two main political currents in the aftermath of the revolution, which are the Islamist tendency, as the extension of religious legitimacy, and the republican tendency, as the extension of popular legitimacy. Moreover, the Constitution of Islamic Republic of Iran grants institutional ways of expression to these two main political currents in the form of different institutions; some indirectly elected by the people, some not elected but appointed by the *fuqaha*, some directly elected by the people. This thesis argues that there is an uneasy coexistence of Islamism and republicanism in the political regime of the Islamic Republic. It further argues that this uneasy coexistence serves as the basis of formation of different political currents and groups, conflicting interests and policies, as well as the reason for the internal instability in times of crisis. It is true that Islamist and republican tendencies within the Iranian regime are thought to be hand in hand, both by the drafters of the constitution and the subsequent political leaders; however, this ideological and functional duality makes conflict inevitable. This is what has been observed during the twenty-seven years of the Islamic Republic, though its intensity varies from time to time.

³⁸ *Ibid.*, p. 97.

In this thesis, by the term “Islamism”, it is meant in the Iranian context that an appeal for an Islamic government where the Islamic laws and principles, basically *Shari’a*, constituted the legal and political basis in the administration of the country’s affairs and in handling the society’s problems. By the term “republicanism”, it is meant that an appeal for a republican government where people have the right of self-determination, people have both participated in the establishment of the government and play a role in the administration of the society and government by electing the government’s officials, and by taking part in councils and plebiscites.³⁹ The government of Iran after 1979 is a combination of these two; that is an Islamic Republic. At the inception of the Islamic Republic, Islamism and republicanism were regarded as theoretically compatible. But when it comes to the implementation of the constitution, a still ongoing debate has started in Iran on whether Islamism and republicanism are practically compatible and contradictory; a debate that also has extensions to the theoretical level. It is beyond the scope of this thesis to evaluate on that these two are compatible and contradictory. However, this thesis argues that the coexistence of Islamist and republican features in the political regime of the Islamic Republic has created institutional and practical problems in governing the state and the society in Iran.

Yet, it should be clarified that since there are dual sources of legitimacy in the Iranian system, the rules of the game have also been set within the confines of the dual legitimacies. The actors in the political scene can operate as long as they accepted both the religious and popular sovereignty. This means that within the confines set by the constitution, a person who advocates for the supremacy of the religious sovereignty is not popularly illegitimate; or likewise, a person who advocates for the supremacy of the popular will is not religiously illegitimate.

This thesis is consisted of six parts. Having surveyed the Shiite political thought, *ulama* – state relations, *ulama* and politics, and finally Khomeini’s conceptualization of an “Islamic Government” in his theory of *Velayat-e Faqih* in this introductory chapter, the second chapter is about the establishment of the Islamic Republic. The second chapter tries to answer the question how and through what

³⁹ See Mohammad Hossein Hafezian, “A Theoretical Approach to the Relationship Between Republicanism and Islamicity in the Islamic Republic of Iran’s System”, *Discourse: An Iranian Quarterly*, Vol. 4, Nos. 3-4, Winter-Spring 2003.

stages the Islamic Republic was established. In order to answer this question, the second chapter mainly deals with the Constitution of the Islamic Republic of Iran. It focuses on how religious and popular sovereignties, in other words the contending orientations of Islamism and republicanism, were placed in the Constitution of the Islamic Republic. Since much of the debate was revolved around the placement of *Velayat-e Faqih* as an institution, the viewpoints on the *Velayat-e Faqih* both inside and outside the constituent Assembly of Experts, who drafted the final version of the Constitution, are scrutinized. Lastly, the Islamist and republican institutions of government as envisaged in the Constitution will be discussed.

The remaining four chapters are divided on the basis of change of leadership since each of these periods represents a transformation in political discourse, leaning either towards Islamism or republicanism; or sometimes both. The relationship between the Islamist and republican elements of the regime has proceeded in basically four types with regard to their dispose of political power. While they coexist in a certain period, they may involve in open conflict in another period to attain the political power. While sometimes the Islamist and republican elements give legitimacy to each other, sometimes they dominate one another in political power. In the remaining part of the thesis, the evolution of relations between Islamist and republican elements of the Iranian regime will be analyzed. For this purpose, the factions that represent these political tendencies are identified and their relations that affected the policy-making in the Islamic Republic will be discussed.

The third chapter deals with the emergence of Islamist and republican tendencies in Khomeini era. With the approval of the Constitution by a referendum on December 2-3, 1979, Ayatollah Khomeini became the first leader, *vali-ye faqih*, of the Islamic Republic. From this time on until his death in 1989, he acted as the one who shaped political discourse and directed different political currents. He enjoyed a position above the constitution since he himself was a source of legitimacy as the leader of the revolution, founder of the Islamic Republic, theoretician of the *velayat-e faqih*, the cornerstone of the new regime in Iran. However, the 1980s witnessed emergence of different factions from the body of radical Islamists as well as the emergence of conservative groups. This chapter will deal with establishment of political factions, their rivalries among themselves, transformation of Iranian

political structure with a special emphasis on constitutional restructuring, ideological evolution of political groups, and the role of Khomeini with a special emphasis on his arbitration in politics as the Supreme Leader.

The death of Ayatollah Khomeini, together with the end of the eight-year disastrous war with Iraq and the 1989 constitutional amendments, came as a turning point for the Islamic Republic. Under the new *Rahbar*, Ayatollah Khamene'i, and the newly elected president Rafsanjani, the dominant themes of the political discourse in Iran were changed. In addition, the political factions, either Islamist or republican, have experienced a transformation both in their ideological positions and composition. In the fourth chapter, first, this transformation together with the new political currents will be analyzed. Then, the implications of the struggle between the groups with Islamist or republican inclinations will be dealt first on the level of state institutions, and then on the level of domestic policy issues such as economy and socio-cultural policy.

After the two term presidency, Rafsanjani left his place to Mohammad Khatami in 1997. This marked another major shift in the political discourse in Iran. The subsequent eight years under the presidency of Khatami witnessed the triumphant days of republicanism with a special emphasis on popular sovereignty. The "reform" discourse of Khatami constitutes the main subject of the fifth chapter. After dealing with the political environment that led to the election of Khatami as the president, this chapter will mainly focus on the efforts of Khatami to enhance republicanism and popular sovereignty. Then, the limits set in front of his reform policies by the Islamist-conservative ruling establishment will be mentioned. The period of Khatami is particularly important for the purpose of this thesis since for the first time in the history of the Islamic Republic the dual sovereignties that together made up the system came face to face and confront each other in such a direct way. It is for the first time during Khatami's presidency that the Islamist and republican institutions or the elected and unelected bodies of the system involved in an open struggle.

The last part of the thesis is the conclusion, where the evolution of political currents after Khatami will be analyzed. In the conclusion, the emphasis will be on the dynamics that led to the election of Ahmadinejad as president in 2005, who is

advocating for Islamist and early radical policies, but whose republicanism remains to be questioned.

Lastly, it should be mentioned that although the chapters are in a historical order, this thesis is not aimed to touch upon all the developments in the periods that it focuses on in these six parts. Rather, the instances of conflict between the Islamist and republican tendencies in the Islamic Republic have been chosen in order to show the main point of arguments in political landscape of Iran and to analyze how they shaped the course of political and ideological transformation till today. In addition, the point of focus in this study is the domestic politics since classification of political groups and ideologies in a society that does not have clear party politics is very complex. Moreover, the positions of different groups in domestic politics and foreign policy may not be compatible in many instances. Because of this complexity and obscurity, foreign policy realm is excluded both in making classifications of political groups and in the instances of factional rivalry.

CHAPTER 2

ESTABLISHMENT OF THE ISLAMIC REPUBLIC

In the immediate aftermath of the Islamic revolution in Iran, the first question to be dealt with was the form of the new state. Ayatollah Khomeini, being the leader of the revolution, held the first referendum on March 30 and 31, 1979 and asked the question whether the future state in Iran should be an “Islamic Republic” or not. The Iranian nation’s response was in favor of an Islamic Republic with 98.2 percent of ‘yes’ votes.

However, while the revolutionaries began to articulate the constitution of Iran around this broad concept of the “Islamic Republic”, there were mainly two contending orientations: the Islamist and the republican. The Islamists believe that ultimate sovereignty in an Islamic government belongs to God and those who are the most learned in religious law, the *mujtaheds*, should implement divine laws as the representatives of God. The republicans, however, believe that political sovereignty in an Islamic government is based on a consensual contract among citizens. The latter may transfer their sovereign rights to the elected representatives, who then are authorized to enact legislation on behalf of the entire community.¹

The aim of this chapter is to analyze the Islamist and republican viewpoints regarding the new regime after the revolution both in ideological and institutional aspects. The struggle between the Islamists and republicans, which dominated the debates on the new constitution, culminated in a text that reflects these tendencies at the same time. In the Iranian constitution of 1979, both “religion” and “people” were accepted as the dual sovereigns of the new state that would operate side by side. However, in time, while the groups with a stronger Islamist tendency tried to strengthen the role and power of Islamism, the groups that emphasized the republican credentials of the regime tried to enhance republicanism. Whether in these conditions this system has worked efficiently in administrative level will be analyzed in the following chapters. For now, the debates between different political orientations in the articulation of the constitution and the new institutions of the Iranian state which

¹ Eric Hooglund, “Khatami’s Iran”, *Current History*, vol. 98, no. 625, (February 1999), pp. 59-60.

were established by the constitution are going to be examined. In addition, since the debate revolved around the inclusion of the *velayat-e faqih* in the constitution and the limits of popular sovereignty vis-à-vis the religious one, these arguments will be detailed. While doing this, criticism on the concept of *velayat-e faqih* both from the *ulama* and from the laymen will be evaluated. Lastly, the Islamist and republican institutions of government that envisaged by the constitution will be mentioned.

2.1. The Process of Drafting the Constitution of the Islamic Republic of Iran

Before Ayatollah Khomeini's return to Iran from Paris, Hasan Habibi, a member of the Revolutionary Council (*Shora-ye Enghelab*)², had been charged with drafting the constitution. When Khomeini arrived in Tehran on February 1, 1979, the preliminary outline had already been completed by Habibi and presented to Khomeini on January 22, 1979. After the revolution had become victorious, a commission was established to rework the draft. Besides Habibi himself, there were five other civil jurists in this commission.³ They delivered this work to Khomeini. Afterwards, another commission chaired by Yadollah Sahabi, an advisory minister to the provisional government of the Prime Minister Mahdi Bazargan, made further revisions of the document. At the end of the three-month work, the result was published on June 14, 1979 as the official preliminary draft of the constitution.

The draft was approved by the provisional government and the Revolutionary Council. When it was presented to Khomeini by Beheshti and Bani-Sadr, he made

² The Islamic Revolutionary Council was announced on January 12, 1979 by a decree of Khomeini. The members and the policy-making tools in the Revolutionary Council were not known. However, some of the members that made explicit after the revolution were: Ayatollah Morteza Motahhari, Ayatollah Mohammad Reza Mahdavi-Kani, Ayatollah Mahmoud Taleqani, Ayatollah Mohammad Hosseini Beheshti, Abu Hasan Bani-Sadr, Ayatollah Hossein Ali Montazeri, Ayatollah Abdolkarim Musavi Ardabili, Hojjatolislam Javad Bahonar, Hojjatolislam Mohammad Ali Khamene'i, Hojjatolislam Ali Akbar Hashemi Rafsanjani, Abbas Sheibani, Hossein Mosavi Khamene'i, Mostafa Katira'i, Mahdi Bazargan, Ezzatollah Sahabi, Ibrahim Yazdi, Hasan Ibrahim Habibi, Ali Akbar Mo'infar, Saqegh Qotbzadeh. Moreover the Revolutionary Council did not have any rules or regulations which could have defined its functions and duties. Jalalad-dine Madani, *Islamic Revolution of Iran*, (Tehran: International Publishing Co., 1996), pp. 465-467; Shahrugh Akhavi, "The Ideology and the Praxis of Shi'ism in the Iranian Revolution", *Comparative Studies in Society and History*, Vol. 25, No. 2, Apr., 1983, pp.209-210.

³ Namely; Ahmad Sadr Hajj Seyyed Javadi, Nasser Katouzian, Mohammad Ja'fari Langarudi, Abdolkarim Lahiji and Abbas Minachi. Asghar Schirazi, *The Constitution of Iran: Politics and the State in the Islamic Republic*, (London, New York: I. B. Tauris, 1997), p. 22.

only two small changes to bar women from the presidency and judgeships; but he raised no objections to the rest of the document.⁴

The fact that Khomeini had initially accepted the preliminary draft is particularly important since because the draft was written in line with the republican tendency and on the basis of popular sovereignty. It did not give any supreme authority to the religious people. It did not mention *velayat-e faqih* in any sense and reserved the office of the leader for the president who did not necessarily be a religious person.⁵ This document reserved a special position for the Islamic jurists only with regard to the Guardian Council. The Council, which would be composed of both religious and secular members, would examine the conformity of the laws passed by the parliament with *shari'a* upon request. Such a request could be made by 'the sources of imitation', the president of the Republic, the president of the Supreme Court and the chief public prosecutor. However, the council would not have absolute authority in performing this task. If the council would declare any contradiction, then the parliament would revise that 'ordinary law' by taking account of the objections raised by the council. Moreover, religious members of the council would be chosen by the parliament among an unspecified number of jurists to be proposed by the 'sources of imitation'.⁶

In fact, in the early days of the revolution *ulama* showed no intention towards direct involvement in government. The words that Khomeini told a journalist from Reuters on October 26, 1978 specified *ulama's* position in post-revolutionary structure. He said that: "The *ulama* themselves will not hold power in the government. They will exercise supervision over those who govern and give them

⁴ Shaul Bakhash, *The Reign of the Ayatollahs: Iran and the Islamic Revolution*, (London, Boston, Sydney: Unwin Paperbacks, 1986), p. 74.

⁵ The draft constitution, with this strong democratic tendency, has no resemblance to what Khomeini had been advocating as Islamic government before the revolution. Mohsen Milani comments on this issue by stating that the reason for this may be the fact that the structural configuration or the nature of this Islamic government had not been discussed by Khomeini before. In other words, in the aftermath of the revolution, Khomeini did not have a clear vision of a state structure based on Islam. See Mohsen Milani, "Shi'ism and the State in the Constitution of the Islamic Republic of Iran" in S. Farsoun, M. Mashayekhi (eds.) *Iran: The Political Culture in the Islamic Republic*, (London, New York: Routledge, 1992), p. 138.

⁶ Asghar Schirazi, *The Constitution of Iran:.....*, pp. 22-23.

guidance.”⁷ Similarly, after his return, he declared that he would continue his work as a jurist and he took up residence in Qom on March 1, 1979.

There were many other occasions that help to assure the people about *ulama*’s retreat from administration. For instance, Khomeini held the first referendum on the ‘Islamic Republic’, not on the *velayat-e faqih*. The statements of the leaders of the Islamic Republican Party (IRP) that was founded by the students and followers of Khomeini after the revolution that fundamental rights and individual freedoms would be guaranteed in the new constitution strengthened this understanding.⁸ Three days before the first national referendum, the secretary to the Ministry of the Interior in the Provisional Government, Sadeq Tabataba’i, presented the people with certain information about the future constitution. Amongst other things, he stated that:

In the new Constitution of Iran leadership is in the hands of the general public. As the representative of God, who is the true leader, the public will govern the state ... the constitution of our country will determine the form of the councils. ... In the constitution the individual and collective rights of all persons and all parts of the nation will be taken into account, and the freedom of individuals and groups will be guaranteed. ... The rights of the suppressed ethnic minorities will be restored. All political minorities will enjoy all political freedoms such as the right of free speech and freedom of assembly and coalition, and the right to be politically active. ... The National Parliament will exercise other functions in addition to passing laws, functions such as monitoring the application of laws and supervisions the government.⁹

The first national referendum on the type of the new government was organized in this mild environment on March 30 and 31, 1979. Though the alternatives to chose among were very limited, that is “whether the form of the future state will be an Islamic Republic or not”, 98.2 percent of the participants in the referendum accepted the “Islamic government”.¹⁰ Among a few democratic and

⁷ *Ibid.*, p.24

⁸ One of the leaders of the IRP, Hasan Ayat , said on February 22, 1979: “In Islam we know of no case, whether under the Prophet or the first caliphs or under the infallible Imams, where the people’s free expression of opinions was suppressed ...” see Asghar Schirazi, *The Constitution of Iran:.....*, p. 25.

⁹ *Kayhan*, March 27, 1979 quoted in Asghar Schirazi, *The Constitution of Iran:.....*, pp. 26-27.

¹⁰ Some groups demanded addition of adjectives such as ‘democratic’ or ‘progressive’ in the name proposed by Ayatollah Khomeini. However, Khomeini refused these demands on the grounds that such would mean Islam itself was not democratic and progressive. So, he staged the referendum for the ‘Islamic Republic.’ Mohsen Milani, “Shi’ism and the State.....”, p. 138.

communist organizations and individuals who boycotted the referendum National Democratic Front, the Party of the Iranian Nation, the Maoist faction of the former Confederation of the Iranian Students, the pro-Soviet *Tudeh* Party and intellectuals such as Ali Asghar Sadr Hajj Seyyed Javadi can be mentioned. The *Mojahedin-e Khalgh* and the *Hezb-e Jomhuri-ye Khalgh-e Mosalman* (Islamic People's Republican Party) gave a conditional consent in the referendum and stated that there would preferably be more than two alternatives to decide.¹¹

2.1.1. Formation of the Constituent Assembly of Experts

Soon after the draft was completed, the formation of a Constituent Assembly (*Majles-e Mo'assesan*) to revise the draft, which was promised originally¹², became an issue of controversy. In the decree of February 4, 1979, Khomeini appointed prime minister of the provisional government, Mahdi Bazargan.¹³ He was charged with the task of preparing the election of this Constituent Assembly. The populists, in particular the nationalists and leftists, attached great importance to the idea that the nation's new constitution should be approved by a body made up of as many representatives of the people as possible. When Khomeini proposed to submit the draft constitution directly to the referendum contrary to what was announced before, the only party that supported the idea was the IRP. Together with Bani-Sadr and Bazargan, almost all other political parties objected to this procedure.

Those who supported 'direct consultation' with the people through referendum put forward various arguments in favor of their position. They claimed

¹¹ Asghar Schirazi, *The Constitution of Iran*:....., p. 27.

¹² In the declaration of the formation of the Council of the Islamic Revolution on January 12, 1979, the tasks of the new transitional government was declared as the formation of a Constituent Assembly composed of the elected representatives of the people in order to discuss for approval the new Constitution of the Islamic Republic; the implementation of the elections based on the principles approved by the Constituent Assembly and the new constitution; the transfer of power to the representatives chosen in those elections. See Hamid Algar, *Islam and Revolution: Imam Khomeini*, (USA: Kegan Paul, 2002), pp. 246-247.

¹³ According to Baqer Moin, Khomeini appointed Bazargan as the first prime minister of the Islamic Republic because he was the leader of the Iranian Liberation Movement and an Islamic modernist whose democratic personality had generally been accepted. In his view, Khomeini took this decision because of the concern not to alienate the ones who helped him to stage the revolution while preserving his position. Baqer Moin, *Son Devrimci Ayatullah Humeyni*, Osman Cem Önerçay (Çev.), (Ankara : Elips Kitap, Ocak 2005), p. 196.

that there was an urgent need to speed up the process of normalization and pass the reform measures that would have the force of law. Moreover, they had the fear that anti-revolutionary forces would exploit the current instability to launch a counter-offensive. On June 15, 1979, Khomeini made a harsh statement regarding those who insist on the formation of a Constituent Assembly and declared that such an attitude “should be considered as a conspiracy of counter-revolutionaries against Islam whose only purpose was to gain time.”¹⁴

Faced with sharp resistance, the supporters of Khomeini and the IRP proposed to submit the draft to an appointed constituent Assembly of Experts which would be made up of forty members. However, the demand of the opposition was an elected constituent assembly which would be composed of up to five hundred members and would have the power to revise the draft. For example, Ayatollah Shari‘atmadari announced that “he would not vote in a referendum to approve a constitution that had not been reviewed by the representatives of the people.”¹⁵

In the end these two opponent views reached a compromise and the ‘Bill for the Election of the Assembly for the Final Examination of the Constitution of the Islamic Republic of Iran’ passed by the Revolutionary Council on July 5, 1979. According to bill, the people would choose ‘an assembly for the final examination of the constitution’ whose task would be “to express its conclusive opinion on the text of the Constitution of the Islamic Republic of Iran which has already been reworked and checked over through several phases.”¹⁶ But rather than the ‘hundreds of representatives of the people’ envisaged for the Constituent Assembly, this assembly would consist of just seventy-three delegates. It was argued that this reduction in size would accelerate the process. The bill also stated that the assembly should complete its work within one-month time since the preliminary draft had already existed. The Assembly, then, should submit the text of the Constitution of the Islamic Republic to a second national referendum for a final ratification.¹⁷

¹⁴ *Kayhan*, June 16, 1979 quoted in Asghar Schirazi, *The Constitution of Iran:.....*, p. 29.

¹⁵ Shaul Bakhash, *The Reign of the Ayatollahs:.....*, p. 75.

¹⁶ Asghar Schirazi, *The Constitution of Iran:.....*, p. 29.

¹⁷ Ibid.

Considering the debate on the formation of the Constituent Assembly, which was later to be unofficially renamed the ‘Assembly of Experts’, it can be said that there was a cautious balance between the Islamist and secular groups of the spectrum. However, the period after the passing of bill for the election of the Assembly began with a violent attack against those who criticized the *ulama* as having monopolistic intentions about the Iranian state.¹⁸ Khomeini, who had dealt with the advocates of a Democratic Islamic Republic with relative caution before, now denounced them as enemies of Islam. On May 26, 1979, he had denounced his opponents as having intentions to exclude *ulama* from politics and had declared this as a “betrayal whose purpose was the annihilation of Islam.”¹⁹ Ayatollah Hossein Ali Montazeri, who will later become the chairman of the constituent Assembly of Experts, declared on June 23, 1979 when criticizing the preliminary draft that the president of the Islamic Republic should be a Shiite *mujtahed*. On July 11, 1979, after the approval of the bill on the constituent Assembly, he stated that he was in favor of a ‘pure’ Islamic constitution which should be ‘far removed from every Western principle’.²⁰ On July 15, 1979 a statement of Grand Ayatollah Abdollah Shirazi published in *Kayhan*, where he demanded “a right of veto for ‘qualified jurists’ with regard to framing the constitution, passing laws and filling all government posts, especially the office of the president and the prime minister.”²¹ Two days later, Grand Ayatollah Sadeq Rohani went a step further and demanded

¹⁸ Iranian Lawyers Association, the Iranian Committee for the Defense of Freedom and Human Rights, and the National Democratic Front organized a Seminar on the People’s Expectations from the Constitution. In the final declaration, they harshly criticized the draft constitution. In their view the people were the sovereign; therefore the legislative branch, that was the parliament, should have the superiority with the power of supervision over the government, the judiciary, the military and the media. According to Shaul Bakhash, because of this secular attack, Khomeini sparked the Islamic groups against them. The Congress of Muslim Critics of the Constitution led by Ayatollah Hossein Ali Montazeri initiated counter-propaganda. They demanded that Islam should be the basis not only of the constitution but also all state institutions, economic and judicial system and the institutions of the family. They insisted that a special type of Islam, the Twelver Shiism, should be the official religion. According to this group, the president and the prime minister should be chosen among those who had the knowledge of Islamic law. The authority which would have supervision over the parliament and the judiciary should be the Guardian Council given the right of veto over all the laws passed by the parliament. In fact, it is this group who later firmly demanded the inclusion of *velayat-e faqih* into the constitution. See Shaul Bakhash, *The Reign of the Ayatollahs*:....., pp. 78-79.

¹⁹ *Kayhan*, May 26, 1979 quoted in Asghar Schirazi, *The Constitution of Iran*:....., p. 30.

²⁰ *Kayhan*, July 11, 1979 quoted in Asghar Schirazi, *The Constitution of Iran*:....., p. 30.

²¹ *Kayhan*, July 15, 1979 quoted in Asghar Schirazi, *The Constitution of Iran*:....., p. 31.

that “the Assembly of Experts should not be bound by the preliminary draft of the constitution because this draft was in no way compatible with Islam.”²²

The elections for the constituent Assembly of Experts took place on August 3, 1979. Out of 72 delegates whose election was officially recognized, 55 were among the *ulama* who followed the ‘line of Imam’ (*khatt-e Emam*)²³. The massive propaganda in support of *velayat-e faqih* was beyond dispute during the election campaign.²⁴ On the opposition side, the rumors raised regarding the manipulation of the elections by Khomeini’s adherents. The irregularities reported by the opposition press on this issue with documented examples. The dissemination of false information, the falsification of results, acts of violence directed against unwanted candidates and their supporters, the completion of ballot papers on behalf of the illiterate as the dominant *ulama* wished and informing voters that Khomeini and other important members of the *ulama* had declared it was a religious duty to vote for certain candidates were among these arguments. However, according to Asghar Schirazi, “the biggest single advantage which the supporters of the *velayat-e faqih* enjoyed in the election was that the voting regulations in some cases made whole provinces into single wards” as a consequence of the sharp reduction in the proposed number of delegates.²⁵

²² Ibid.

²³ “In the course of the Islamic Revolution, all the political currents accepted the leadership of [Khomeini] and united in Islamic ideological, political current either contently, reluctantly, or for opportunist reasons. The ... currents, like the Marxists and *Mojahedin-e Khalgh*, that hoped that in a short period of time after the overthrow of the previous regime by the united Islamic nationalist current to replace it because of having relatively coherent political organizations, soon after the victory of the revolution and parallel with the establishment and the stabilization of the rule of the united Islamist currents, gradually stopped their superficial support, separated their paths and even began to organize their forces against it. Simultaneously and following this organization of forces, differences appeared over such issues as the kind of government, certain strategic positions, etc., within the governing Islamist-nationalist current, [the so-called “line of Imam” (*khatt-e Emam*)]. ... At this stage, the separation of two ideological, political currents, Islamist and nationalist, from each other became ... meaningful in the relatively long term. ...” “Asr-e Ma Looks at Political Factions”, Asr-e Ma in Persian in *FBIS-NES-96-064-S*, 2 April 1996, p. 3.

²⁴ The largest group that participated in the elections was the coalition of ten Islamic organizations under the leadership of IRP. Over 50 of the elected members were the candidates supported by this coalition. Consequently, the Islamic coalition obtained a great say while the Assembly was voting for the articles. Shaul Bakhash, *The Reign of the Ayatollahs*:....., p. 81.

²⁵ Asghar Schirazi, *The Constitution of Iran*:....., pp. 31-32.

These reports, of course, were not welcomed in tranquility. The protests aroused by many participants in the election. A coalition of four Islamic radical organizations consisting of the *Mojahedin-e Khalgh*, the Revolutionary Organization of the Muslim People of Iran, the Islamic Organization of Councils and the Militant Muslims Movement protested the results in an open letter they wrote to Khomeini. The Grand Ayatollah Shari'atmadari together with the Islamic People's Republican Party demanded the annulment of the elections. The National Democratic Front, the National Front, several parties that represented the Arab and Kurdish minorities and many other leftist organizations called for a boycott for the undemocratic way that the elections for the constituent Assembly of Experts had performed.²⁶ However, none of these demands came true.

The constituent Assembly of Experts met in council on August 18, 1979. Ayatollah Hossein Ali Montazeri was elected as the chairman and Ayatollah Mohammad Hosseini Beheshti as the deputy chairman. However, in practice, Beheshti appeared as the director of the work in the Assembly. According to the agreed upon decision by the delegates, the Assembly would take its decisions by a two-thirds majority and article-by-article basis.²⁷ In addition, the Assembly formed seven sub-committees each of whom was responsible for one section of the constitution. The articles would first be discussed in these committees and then they would submit them to the whole Assembly for final ratification.

On the inauguration of the constituent Assembly of Experts Ayatollah Khomeini delivered a message. Indeed, it was a clear sign of the forthcoming course of events. In that message he stated how glad he was because of the fact that "determining whether [principles laid down in the constitution] are or are not in

²⁶ Actually, the protests had started even before the elections. The Islamic People's Republican Party declared that the time for campaigning should be extended for ten more days. Ayatollah Shari'atmadari urged a reversion to the 1906 constitution, of course by setting aside the monarchy, until a broader consensus on a new constitution could be achieved. The National Front and the National Democratic Front boycotted the voting on the grounds that they had serious doubts about the freedom of the elections. Moreover, they were disturbed by the government control over the broadcast media. See Shaul Bakhash, *The Reign of the Ayatollahs:.....*, p. 80.

²⁷ According to Milani voting separately on each article but not on the constitution as a whole strengthened the hand of the supporters of a system based on the supreme command of *velayat-e faqih*. This was because by this way the delegates would not have a clear vision of the whole constitution that they were generating. See Mohsen Milani, "Shi'ism and the State.....", pp. 140-141.

conformity with Islamic requirements is exclusively reserved for the revered jurists who ... form a particular group in the assembly.” In addition, he told that “If the Islamic jurists present in the assembled body find contradictions to Islam in any of the articles of the preliminary draft or in the adopted amendments, they must declare this openly and not to have any fear of the uproar this may cause in the press or amongst Westernized writers.” This was interpreted as an encouragement for the Assembly, which was dominated by the people from the ranks of *ulama*, to ignore the draft whenever it was convenient.²⁸

Further statements by Hojjatolislam Khamene’i and Ayatollah Montazeri reinforced the impact of the words of Khomeini. In the opening session of the constituent Assembly of Experts, Hojjatolislam Khamene’i declared that “any procedural proposal that attempted to channel the work of the Assembly should be rejected.” In his view, the preliminary draft was based on Western resources and suitable for Europe, but not for the Iranian and Islamic society or for the revolution which was Islamic. Similarly, in the first session of the Assembly, Ayatollah Montazeri stated that the preliminary draft was not suitable as a basis for their work.²⁹

Considering specified task of the constituent Assembly of Experts, which was supposed to be the revision of the constitution without touching its general framework, it becomes evident that the Assembly exceeded the limits of its authority from the beginning by putting aside the preliminary draft.³⁰

2.1.2. Re-drafting the Constitution and Inclusion of Articles about *Velayat-e Faqih*

The composition of the constituent Assembly of Experts, majority of whom were the religious jurists, and the fact that they were not eager to pay any allegiance to the draft, pave the way for the inclusion of the notion of *velayat-e faqih*, which

²⁸ Asghar Schirazi, *The Constitution of Iran*:....., p. 33.

²⁹ *Ibid.*, p. 33.

³⁰ At the end of June, Khomeini said in his remarks to delegation of preachers from Mashad that clerics and Islamic groups must review the draft ‘from an Islamic perspective and for an Islamic constitution,’ rather than allowing ‘others’ to correct the document. *Ayandegan*, June 23, 1979 quoted in Shaul Bakhash, *The Reign of the Ayatollahs*:....., p. 78.

had been addressed as the ideal type of Islamic government by Khomeini in his book, “*Velayat-e Faqih: Hokumat-e Eslami*” in the beginning of 1970s. From that point on, the debate began to revolve around this issue. The ninth to twelfth sessions of the Assembly were probably the most critical sessions in this sense. This is because during these sessions the doctrinal principles that form the basis of the Islamic Republic was discussed under the heading of Article 2.³¹ One of these doctrinal principles was the “continuous *ejtehad* of the *fuqaha* (religious jurists) who possess necessary qualifications”. In the view of Ayatollah Mohammad Hosseini Beheshti, the Deputy Chairman of the constituent Assembly of Experts, continual *ejtehad* was a necessity because in a government system whose basis is ideology “all questions to do with legislation, arrangements for implementing regulations and establishing operational procedures” had to be determined on the grounds of ideology. Qoran and the *sunna*, which can only be understood and interpreted by the *fuqaha*, are the basis for determination of these conditions within the ideological framework. Moreover, continuous *ejtehad* is the means that new regulations regarding new situations have to be established.³² In the end, the ideological basis of the regime of the Islamic Republic was adopted in Article 2 as such:

The Islamic Republic is a system based on belief in: 1. the single God (as stated in the phrase "There is no God except Allah"), His exclusive sovereignty and the right to legislate, and the necessity of submission to His commands; 2. divine revelation and its fundamental role in setting forth the laws; 3. the return to God in the Hereafter, and the constructive role of this belief in the course of man's ascent towards God; 4. the justice of God in creation and legislation; 5. continuous leadership (*imamat*) and perpetual guidance, and its fundamental role in ensuring the uninterrupted process of

³¹ Article 2 was first discussed and formulated in the committee of the ‘Goals of the Constitution’ (*Ahdaf-e Qanun-e Asasi*) before presenting to the constituent Assembly of Experts. The head of this committee was Ayatollah Beheshti. Other prominent members were Hasan Ayat (the IRP ideologue), Jalaloddin Farsi (a high-ranking IRP member), Ayatollah Abol Hosein Dastgheib (the head of the Shiraz Revolutionary Courts), Ayatollah Ali Meshkini (a close associate of Ayatollah Beheshti and the president of the next Assembly of Experts with the responsibility for electing the future *faqih*), Abdorrahim Rabbani Shirazi (a future member of the Guardianship Council), Mahmud Ruhani from Khorasan province, all of whom had very close relations with the IRP. Other members of the committee were Sargan Bayt Oshana (representative of the Assyrian minority), Hojjatolislam Ali Akbar Qarshi (supported by the IRP in the elections from Kurdistan), Ahmad Sadr Hajj Sayyed Javadi (a former minister in Bazargan’s cabinet and one of the members of the committee which had prepared the draft constitution). Said Saffari, “The Legitimation of the Clergy’s Right to Rule in the Iranian Constitution of 1979”, *British Journal of Middle Eastern Studies*, Vol. 20, No. 1, 1993, pp. 68-69.

³² Asghar Schirazi, *The Constitution of Iran*:....., pp. 34-35.

the revolution of Islam; 6. the exalted dignity and value of man, and his freedom coupled with responsibility before God; in which equity, justice, political, economic, social, and cultural independence, and national solidarity are secured by recourse to: a. continuous *ejtehad* of the *fuqaha* possessing necessary qualifications, exercised on the basis of the Quran and the Sunna of the *Ma'sumun*, upon all of whom be peace; b. sciences and arts and the most advanced results of human experience, together with the effort to advance them further; c. negation of all forms of oppression, both the infliction of and the submission to it, and of dominance, both its imposition and its acceptance.

Article 5³³ complemented the job commenced by the adaptation of Article 2. Ayatollah Beheshti was the formulator of this article. He argued that “In the present system the leadership and the legislation cannot be left to the majority at any given moment. This would contradict the ideological character of the Islamic Republic.”³⁴ Since people is not infallible and could easily fall into error, a democratic government whose laws are made by the people would not be immune from error; thus, it would be un-Islamic.

On the question of the capacity of the position of the leader, the Assembly voted for the option that he should have authority over all three branches of government (Art. 57).³⁵ While the debate was being carried on in the constituent Assembly of Experts over the Article 57, one proposal was that the role of the leader and the people should be added to the three branches of executive, legislative and judiciary. However, this was found to be contradictory with the general principle that God has transferred His exclusive right to sovereignty and to legislate to the ruling jurists. Therefore, it was agreed that all government functions should be under the command of the supreme leader.

When it came to the issue of determination of the leader, the delegates hold the position that he should be chosen by the people as an expression of their sovereignty that had been adopted as one of the sources of legitimacy of the Islamic

³³ Article 5 – During the Occultation of the *Vali-ye Asr* (may God hasten his reappearance), the *velayat* and leadership of the *umma* devolve upon the just [*'adel*] and pious [*muttaqi*] *faqih*, who is fully aware of the circumstances of his age; courageous, resourceful, and possessed of administrative ability, will assume the responsibilities of this office in accordance with Article 107.

³⁴ Asghar Schirazi, *The Constitution of Iran*:....., p. 35.

³⁵ Article 57 – The powers of government in the Islamic Republic are vested in the legislature, the judiciary, and the executive powers, functioning under the supervision of the absolute *velayat-e 'amr* and the leadership of the *umma*, in accordance with the forthcoming articles of this Constitution. These powers are independent of each other.

Republic (Art. 6).³⁶ However, it was accepted that this exercise of popular sovereignty should be carried indirectly through the Assembly of (Leadership) Experts (*Majles-e Khubregan*).³⁷ Later, while the electoral regulations for this assembly were being discussed, it was argued that this assembly should be composed of the members within the rank of *mujtahed* and the candidates should be confirmed by the religious authorities as being suitable from the point of religious and political competence. Although election of the qualified members was reserved for the people, the regulations regarding the rules for the elections and the functions of the Assembly were to be determined by the first Guardian Council. Moreover, the constitution vested in the power to make any subsequent change or a review of this law, or approval of all the provisions concerning the duties of the experts in the Assembly of (Leadership) Experts themselves, not by the representatives of the people, the *Majles* (Art. 108). However, many delegates regarded this article as the solution of the contradiction between the religious sovereignty, the *velayat-e faqih*, and the popular sovereignty. They argued that the people would exercise their sovereignty by choosing the experts, who in turn would determine who would be leader.³⁸

Regarding the powers of the *faqih* vis-à-vis the president, many members of the assembly argued that the Leader should confirm the presidency of the president to-be-elect besides the authority of dismissing him. On this issue Ayatollah

³⁶ Article 6 – In the Islamic Republic of Iran, the affairs of the country must be administered on the basis of public opinion expressed by the means of elections, including the election of the President, the representatives of the Islamic Consultative Assembly (*Majles*), and the members of councils, or by means of referenda in matters specified in other articles of this Constitution.

³⁷ Article 107 – After the demise of the eminent *marja'-e taqlid* and great leader of the universal Islamic revolution, and founder of the Islamic Republic of Iran, Ayatullah al-'Uzma Imam Khomeini - quddisa sirruh al sharif - who was recognized and accepted as *marja'* and Leader by a decisive majority of the people, the task of appointing the Leader shall be vested with the experts elected by the people. The experts will review and consult among themselves concerning all the *fuqaha* possessing the qualifications specified in Articles 5 and 109. In the event they find one of them better versed in Islamic regulations, the subjects of the *fiqh*, or in political and social issues, or possessing general popularity or special prominence for any of the qualifications mentioned in Article 109, they shall elect him as the Leader. Otherwise, in the absence of such a superiority, they shall elect and declare one of them as the Leader. The Leader thus elected by the Assembly of Experts shall assume all the powers of the *velayat-e amr* and all the responsibilities arising therefrom. The Leader is equal with the rest of the people of the country in the eyes of law.

³⁸ Asghar Schirazi, *The Constitution of Iran*:....., p. 37.

Montazeri claimed that the election of the president by the people would not be valid until he was not confirmed by the leader.³⁹

The adoption of Article 110⁴⁰ about the duties and powers of the leader, the *faqih*, became a matter of controversy in the constituent Assembly of Experts. Ayatollah Hojjati-Kermani stated that this article, which bestowed the *faqih* with absolute power, put the *faqih* in an authoritarian position. In his view this would create an unfavorable feeling among the people regarding the *velayat-e faqih*. This would consequently destroy the popularity of the regime and the *ulama*. In a similar way, Ayatollah Nasser Makarem-Shirazi argued that the outside world would say that the clergy manipulated the framing of the constitution to attain the absolute power. “The people”, he said, “may be silent and accept this article today, but later they will abolish the constitution.” To avoid this fate to come true he proposed that the delegates should not decide in such a way that disregards the popular sovereignty.⁴¹

Against this opposition, Ayatollah Montazeri defended the article by stating that Islamic Republic is to implement Islamic law by definition and only a *faqih* could decide on whether the laws are Islamic or not. The people should choose their president among those who were decided to be qualified by the *faqih*. According to Montazeri, people would exercise their democratic right to chose. Jalaloddin Farsi, in

³⁹ *Ibid.*, p. 37.

⁴⁰ Article 110 in 1979 constitution before 1989 amendments - Following are the duties and powers of the Leadership: 1. appointment of the *fugaha* on the Guardian Council; 2. appointment of the supreme judicial authority of the country; 3. the supreme commanders of the armed forces through appointing a. appointing the chief of the joint staff, b. appointing the chief commander of the Islamic Revolution Guards Corps, c. forming the Supreme National Security Council which consists of the President, the Prime Minister, representative of the Leader in defense and the chief of the joint staff, the chief commander of the Islamic Revolution Guards Corps, two advisors determined by the Leader, d. appointing the chief commanders of the three wings of the army upon the proposal by the Supreme National Security Council, h. declaration of war and peace, and the mobilization of the armed forces upon the proposal by the Supreme National Security Council; 4. signing the decree formalizing the election of the President of the Republic by the people. The suitability of candidates for the Presidency of the Republic, with respect to the qualifications specified in the Constitution, must be confirmed before elections take place by the Guardian Council; and, in the case of the first term [of the Presidency], by the Leadership; 5. Dismissal of the President of the Republic, with due regard for the interests of the country, after the Supreme Court holds him guilty of the violation of his constitutional duties, or after a vote of the Islamic Consultative Assembly testifying to his incompetence; 6. Pardoning or reducing the sentences of convicts, within the framework of Islamic criteria, on a recommendation [to that effect] from the Supreme Judicial Council.

⁴¹ *Surat-e Mashruh-e Mozakerat-e Majles-e Barresi-ye Nehai-ye Jomhuri-ye Islami-ye Iran*, 2: 883-888 quoted in Mehdi Moslem, *Factional Politics in Post-Khomeini Iran*, (USA: Syracuse University Press, 2002), p. 29.

support of the Article 110, claimed that anyone who is not responsible to God cannot be trusted to be the commander of the armed forces. Therefore, this should certainly be under the *faqih's* responsibility.⁴²

Inclusion of the notion of the *velayat-e faqih* into the constitution and the vast powers that had bestowed upon his position stands as an internal contradiction in the Constitution of the Islamic Republic. Although they are in conformity with the doctrinal principles of the Islamic Republic, they clearly violated the 'sovereignty of the people' and disregarded the people's will. The delegates, being aware of the above stated contradiction, tried to resolve it by setting the relationship of the *velayat-e faqih* and the sovereignty of the people, both of which were adopted in the constitution. However, this relationship was established in ideological basis, rather than purely technical terms. The majority view in the constituent Assembly of Experts was that there was in fact no contradiction between these two principles. This was because of the Shiite reasoning that although God, who is the ultimate sovereign, had bestowed the sovereignty of the people on every individual, He also granted this duty to the qualified jurists, who had the knowledge of Qoran and *sunna*, on behalf of the people. Therefore, together with the fact that the people of the Islamic Republic had voted for the religion and the *Shari'a*, people had initially exercised their right to choose and had given consent to *velayat-e faqih*. According to Ayatollah Yazdi, from then on people were to exercise their freedom within the limits of *Shari'a*, to which the *velayat-e faqih* also belong. Moreover, in the words of delegate Mohammad Fawzi, "The people exercise their right by choosing a single jurist or a group of jurists to be the leader. In so doing, however, they do not decide whether this or that particular jurist possesses the [necessary] qualifications."⁴³ This decision has to be given by the experts in religious law, who has been chosen by the people. These experts, in turn, would decide who had the necessary qualifications to fill the position of the leadership. By this way, people would exercise their sovereignty.

⁴² *Surat-e Mashruh-e Mozakerat-e Majles-e Barresi-ye Nehai-ye Jomhuri-ye Islami-ye Iran*, 2: 900-902 quoted in Mehdi Moslem, *Factional Politics*....., p. 30.

⁴³ Asghar Schirazi, *The Constitution of Iran*:....., pp. 37-38.

Some other delegates put forward views complementing the above arguments. According to Ja'far Sobhani, *velayat-e faqih* itself guarantees the sovereignty of the people since the Leader would provide the freedom of the people and prevent dictatorship and tyranny, which are the cruel systems that oppress the people.⁴⁴

Ayatollah Montazeri, however, had advanced an opposite view. According to Montazeri:

The people's right of self-determination with regard to their destiny means that they chose whom they wish. But when it comes to *velayat-e faqih*, this does not apply. It is more correct to say that 'the people honor *velayat-e faqih*'. They simply chose the ruling jurist, directly or through the experts.⁴⁵

As it can be seen from above statements about the practical implications of the inclusion of the *velayat-e faqih* concept, there was no unanimity on this issue in the constituent Assembly of Experts. Since this concept has been the biggest innovation regarding the newly created system of Islamic Republic, it would be useful to examine from what kind of an ideological environment and among what type of arguments this concept has raised to its position within the system. This survey is also important from another aspect that they demonstrate the signs of ideological disputes in post-revolutionary regime among the supporters of Ayatollah Khomeini.

2. 2. Criticism and Consent on the Notion of *Velayat-e Faqih* and its Inclusion into the Constitution

2.2.1. Debate on "*Velayat-e Faqih*" in the Constituent Assembly of Experts

In the constituent Assembly of Experts, there were mainly three divergent views on the inclusion of the *velayat-e faqih* into the constitution. These can be listed as the hard-line Islamists, Islamist-liberals, and the secularists.

The hard-line Islamists were the staunch supporters of Khomeini and his doctrine of *velayat-e faqih*. Mainly, they defended that religious character of the Islamic Republic was superior to its republican feature. Led by Ayatollah Hossein Ali Montazeri, Ayatollah Mohammad Hosseini Beheshti and Ayatollah Abdorrahim

⁴⁴ Ibid., p. 38.

⁴⁵ Ibid.

Rabbani Shirazi, this group advocated the *velayat-e faqih* doctrine as “essential for realizing the Islamic state, guaranteeing the Islamic nature of the laws, and lending legitimacy to the acts of the president, the prime minister, and the legislature.”⁴⁶ According to Ayatollah Montazeri “if people voted for an Islamic state, then the *faqih* must be at the pinnacle to ensure that the regime is indeed Islamic.”⁴⁷ So, he demonstrated that *velayat-e faqih* would end the dualism between the *shar’i* and *urfi* laws. Similarly, Ayatollah Beheshti stated that when Iranian people toppled down the monarchy and voted for an Islamic Republic, they made their choice for the *maktab* (meaning ideology, i.e. Islam). This first selection would limit the future selections of the people within the boundaries of Islam. However, in his view, popular sovereignty was peculiar to the democratic regimes where people had supremacy. With this line of reasoning Beheshti went so far and claimed that Islam was incompatible with popular sovereignty. Beheshti went one step further in his reasoning. Accordingly, indeed, *faqih* was in no need of the popular voting. This was because *faqih*’s actions were limited by the Islamic laws; thus he would not let despotism shoot forth.⁴⁸ Therefore, according to Abdolrahman Heydari, it is the right of *vali-ye faqih* to have the responsibility of the three branches of the government.⁴⁹

In line with the ideas of Ayatollah Beheshti, Hojjatolislam Khamane’i claimed that ultimate sovereignty did not rest with the people. He defended the position that God, the ultimate sovereign, delegated this right to people, who would in turn choose the clergy as their representatives.⁵⁰ Thus, the *vali-ye faqih* was the sole sovereign.

Another figure among the hard-line Islamists in the Assembly, Hasan Ayat, justified the limitations, which had been mentioned by Ayatollah Beheshti. He utilized ‘social contract’ theory of Rousseau to make an analogy. Ayat claimed that “to leave the unhappy state of nature and enter into the tranquil and happy civil

⁴⁶ Shaul Bakhash, *The Reign of the Ayatollahs*:....., p. 85.

⁴⁷ Mehdi Moslem, *Factional Politics*....., p. 28.

⁴⁸ Mohsen Milani, “Shi’ism and the State.....”, p. 142.

⁴⁹ *Surat-e Mashruh-e Mozakerat-e Majles-e Barresi-ye Nehai-ye Jomhuri-ye Islami-ye Iran*, 1: 41 quoted in Mehdi Moslem, *Factional Politics*....., p. 28.

⁵⁰ *Surat-e Mashruh-e Mozakerat-e Majles-e Barresi-ye Nehai-ye Jomhuri-ye Islami-ye Iran*, 1: 43 quoted in Mehdi Moslem, *Factional Politics*....., p. 28.

society [which would be through submission to God's law exercised by the *faqih* as the supreme leader], people forfeit certain freedoms.”⁵¹

Mohammad Kiavosh, in defending the position that the *faqih* should be the ultimate source of power, stated that “no article or principle should be accepted in the constitution unless it is based on Quran and the Prophet's *sunna* ... Anywhere the word ‘law’ is used, it must refer to God's laws and commands.” Ayatollah Mohammad Mehdi Rabbani-Amlashi equated the concept of *velayat-e faqih* with Islam and declared that if *velayat-e faqih* was not embodied in the constitution, then it would not be an Islamic constitution.⁵²

The members of the second group, that were the Islamist-liberals, were supporters of the concept of the *velayat-e faqih*, but they defended that the powers of the *faqih* should be very much restricted. This group, led by Ayatollah Nasser Makarem-Shirazi, opposed especially the articles that grant the leader supreme authority over the three branches of government. Makarem-Shirazi argued that the command of the armed forces should be granted to the president, who would be elected by popular mandate. Hojjatolislam Hojjati-Kermani opposed the supremacy of the *faqih* over the sovereignty of the people and warned the Assembly that there could arouse reactions among the people against this system.⁵³ Likewise, the delegate Nurbakhsh expressed his concern that “if the *velayat-e faqih* were to fail, people would turn their back to Islam forever, and that *velayat-e faqih* could be transformed into a ‘Yazid-like’ government” in the eyes of the people.⁵⁴ In addition, regarding the powers of the *faqih*, Makarem-Shirazi argued that even if there would not raise a problem under the leadership of Khomeini, the successor issue would generate serious doubts, consequently problems, since nobody could be sure that he would have the same qualities as Khomeini.⁵⁵

The third group in the constituent Assembly of Experts was the secularists. They were completely against the concept of *velayat-e faqih*. Ezzatollah Sahabi,

⁵¹ Mohsen Milani, “Shi’ism and the State.....”, p. 142.

⁵² *Surat-e Mashruh-e Mozakerat-e Majles-e Barresi-ye Nehai-ye Jomhuri-ye Islami-ye Iran*, 2: 50 quoted in Mehdi Moslem, *Factional Politics.....*, p. 28.

⁵³ Asghar Schirazi, *The Constitution of Iran:.....*, p. 46.

⁵⁴ *Ibid.*

⁵⁵ Shaul Bakhash, *The Reign of the Ayatollahs:.....*, p. 84.

Hamidollah Mir Moradzei, Rahmatollah Moqaddam Maraghe'i were the prominent members of this last group. Ezzetollah Sahabi criticized the authority of the *vali-ye faqih* on the basis of the arguments of Ayatollah Hossein Na'ini, who was a pro-constitutionalist during the 1906 constitutional revolution. Na'ini had argued that since the absolute rule belongs only to God and the infallible Imams, no human being other than them can claim absolute power. Moreover, *fuqaha* are not qualified to rule because they bear the possibility to misdirect the faithful in the name of God.⁵⁶ Sahabi, although accepted an observer status of the *faqih*, he defended the position that the *faqih* should not exercise political authority directly. He regarded the inclusion of the *velayat-e faqih* into the constitution as a betrayal to the people who expected to gain freedom through revolution.⁵⁷ In his view, no authority in today's world that rivals the authority of people can be accepted. Moreover, Sahabi argued that the subject of criticism should be the political authority, not the religious one. If the religious authority becomes vulnerable to criticism, this would lead to the decline of Islam.⁵⁸

Moqaddam Maraghe'i argued that the will of people could be changed or transformed to the will of the *faqih*. Also, he stated that he would support the *velayat-e faqih* as long as it was regarded as the sovereignty of Islam. If it would mean monopolization of Islam by a special class, he would not accept it.⁵⁹ He makes the same point with Makarem-Shirazi in that after Khomeini it would be very difficult, if not impossible, to find a sufficiently qualified person to fill the position of the leader. One other major criticism of Maraghe'i was about a technical issue, which had already been bypassed especially by the hard-line Islamists. He argued that inclusion of the concept of the *velayat-e faqih* into the constitution means that they [the members of the constituent Assembly of Experts] have to write many provisions of the constitution again. This was something they were not permitted to

⁵⁶ Said Saffari, "The Legitimation of", p. 72.

⁵⁷ *Surat-e Mashruh-e Mozakerat-e Majles-e Barresi-ye Nehai-ye Jomhuri-ye Islami-ye Iran*, 1: 317, quoted in Mehdi Moslem, *Factional Politics*....., p. 28.

⁵⁸ *Ettelaat*, September 19, 1979 quoted in Shaul Bakhash, *The Reign of the Ayatollahs*....., p. 85.

⁵⁹ Asghar Schirazi, *The Constitution of Iran*....., p. 45.

do in legal terms, since the main task of the Assembly had been declared as revision of the draft constitution without changing it.⁶⁰

Recalling the point that examining the ideological and intellectual scene on which the *velayat-e faqih* has adopted in the constitution would be useful to understand the factional rivalry in post-revolutionary Iran, the debate on the concept outside the constituent Assembly of Experts should also be examined.

2.2.2. Debate on “*Velayat-e Faqih*” Outside the Constituent Assembly of Experts

Outside the constituent Assembly of Experts there were sharper protests regarding the inclusion of the *velayat-e faqih* into the constitution. These protests were mainly from those who argued from the point of Shiite jurisprudence, the Islamist-leftist organizations, the Islamist-modernist laymen, and the ethnic movements.

Among the ranks of the *ulama*, those who criticized the adoption of the office of the *velayat-e faqih* as the ultimate sovereign over the people were Ayatollah Shari’atmadari, Ayatollah Qomi and Ayatollah Reza Zanjani.⁶¹

Ayatollah Shari’atmadari criticized the constitution and claimed that there was a contradiction between the assertions of popular sovereignty, articulated in the articles 6 and 56, and “expropriating this right” by investing unlimited power on the ‘leader’, which was laid down in the articles 5 and 110.⁶² He defended that the power and sovereignty were rooted in the people. According to him, the main goal of the

⁶⁰ Actually, in mid-October 1979, the great majority of ministers voted to dissolve the Constituent Assembly of Experts on the grounds that it had exceeded its authority and began to rewrite the text of the constitution instead of revising the preliminary draft. Moreover, the Assembly did not complete its work although the scheduled one-month time passed. However, upon the insistence of Bazargan, the Council of Ministers briefed Khomeini before declaring it publicly. The intervention of Khomeini prevented the implementation of the resolution. *Ibid.*, p. 47.

⁶¹ As a matter of fact, the theory had been subject to criticisms by the Shiite *ulama* from an ideological point of view. Some of the Shiite *ulama*, like Ayatollah Shari’atmadari, Ayatollah Taleqani, Ayatollah Kho’i, Ayatollah Shirazi rejected this theory arguing that issues of the *umma* were under the collective responsibility of the *fuqaha*, rather than one of them. Additionally, there is not a hierarchy among the most learned *fuqaha*, *maraja’-e taqlid*. None of *maraja’-e taqlid* has precedence over other, and none of them could intervene in one other’s judgment. Said Amir Arjomand, *The Turban for the Crown*:....., p. 180.

⁶² David Menashri, *Iran: A Decade of War and Revolution*, (New York, London: Holmes & Meier, 1990), p. 118.

revolution was to end dictatorial rule and to establish a democracy based on the will of the people in the light of the Islamic law. In his view, the referendum held on the issue of the type of the state gave its legitimacy to the system based on Islam. He regarded the elections for the constituent Assembly of Experts another sign of popular sovereignty. Therefore, the foundation of the Islamic system was the people and the constituent Assembly of Experts did not have any right to approve principals which were contrary to the sovereignty of the people.⁶³ While for Khomeini social justice was of crucial importance, for Shari'atmadari, the term justice ('*edalat*) implied the safeguarding of popular democracy. In his view, an Islamic regime 'is a democratic regime based on the people's will'. It is 'the government of the people, for the people and against dictatorship and despotism'.⁶⁴ Apart from these, Ayatollah Shari'atmadari attacked the constitution on the grounds that the claims of the ethnic minorities were ignored. He also criticized the work of the constituent Assembly of Experts since they set to rewriting the constitution rather than amending the draft.⁶⁵

In addition, Shari'atmadari vocalized criticisms to the concept of *velayat-e faqih* as articulated by Khomeini from an ideological point of view. According to him, the *ulama* should not intervene directly in daily politics. Instead, they should act as advisors to the government whenever there is a need and for this purpose a council composed of *fuqaha* should be established. The *ulama* may exercise a limited involvement only in judicial matters. For him, only in matters of emergency can the *faqih* intervene in politics.⁶⁶

Ayatollah Hassan Tabataba'i Qomi, who can be considered as another opponent of the constitution with regard to Islamic point of view, mainly rejected the very notion of *velayat-e faqih*. He adopted the classical reasoning in Shiite theology that nobody among the ranks of the *ulama* can have the same sovereignty and power over the people as the Prophet and the Imams had.⁶⁷ Another criticism of Qomi was on the basis of Shiite tradition that there could be more than one *maraja'-e taqlid* at

⁶³ Mohsen Milani, "Shi'ism and the State.....", p. 149.

⁶⁴ David Menashri, *Post-Revolutionary Politics in Iran: Religion, Society and Power*, (London, Portland, Or: Frank Cass Publishers, 2001), p. 22.

⁶⁵ David Menashri, *Iran: A Decade of*, p. 118.

⁶⁶ Said Saffari, "The Legitimation of.....", p. 79.

⁶⁷ Asghar Schirazi, *The Constitution of Iran:.....*, p. 48.

the same time. If the *vali-ye faqih*, with the articulated powers in the constitution, would be realized, than this would mean that he had the command over other *maraja'-e taqlid*, which was in contradiction with the Shiite jurisprudence. According to Qomi this situation would mean dictatorship, whereas the opposite, that is the disempowerment of the *vali-ye faqih* over other *maraja-e taqlid* would mean anarchy, both of which are unacceptable.⁶⁸

The third prominent cleric Ayatollah Zanjani, advocated the same view with Ayatollah Qomi that only the Prophet and the rightly-guided Imams were to rule. Like Shari'atmadari, he was in favor of establishing a council made up of *mujtaheds* whose task would be the examination of the conformity of the laws passed by the parliament with the *Shari'a*.⁶⁹

Apart from the criticism within *ulama*, the Islamist-leftist groups led by Dr. Habibollah Peiman also voiced harsh criticisms against the involvement of *vali-ye faqih* in government. The Islamist-leftists coalition, which was composed of mainly organizations of the *Mojahedin-e Khalgh*, JAMA (Revolutionary Organization of the Muslim People of Iran), SASH (Islamic Organization of Councils) and OMMAT (the Militant Muslims Movement), advocated the view that the new Islamic system should be the 'the system of councils' (*nezam-e shora'i*). Although they accepted that the system of *velayat-e faqih* could function very well so long as Khomeini remained as the *vali-ye faqih*, after his death, they claimed that people would have to exercise sovereignty for the system to function. Despite the attacks they initiated against the constitution, they gave their consent for it in the referendum on the grounds that stability of the revolution was much more important in the struggle against imperialism.⁷⁰

The Islamist-modernists, who can be mentioned as the third group criticizing the constitution outside the constituent Assembly of Experts, argued that the government should not be ruled by only one power but by the harmonious mechanism of three separate powers.⁷¹ Within this group that was mainly composed

⁶⁸ Said Saffari, "The Legitimation of.....", p. 78.

⁶⁹ Asghar Schirazi, *The Constitution of Iran*:....., p. 48.

⁷⁰ Asghar Schirazi, *The Constitution of Iran*:....., pp. 40-50.

⁷¹ C.M.Lake, "The Problems Encountered in Establishing an Islamic Republic in Iran 1979-1981", *Bulletin (British Society for Middle East Studies)*, vol. 9, no. 2, 1982, p. 146.

of laymen, the Iranian Association of Jurists was particularly important. They issued a statement and declared that the constitution violates the principle of government by the people. They argued that the constitution turned the *Majles* an ineffective body without any power and the enormous powers that it had granted to the office of the *faqih* might led to a new form of dictatorship in Iran. In addition, the National Front, another group that can be mentioned among the Islamist-modernists, declared the *velayat-e faqih* as a threat for the revolution's achievements. Furthermore, Bazargan, the first prime minister of the Islamic Republic, expressed his concern on behalf of the Freedom Movement of Iran, that the constitution could open the door for a class rule or a monopoly of power.⁷²

Finally, the ethnic minorities firmly attacked the constitution and the concept of *veleyat-e faqih*. There were riots in Kurdistan, Khuzestan and Turkmen regions of Mazandaran, and Azerbaijan. The minorities, majority of whom were Sunnis, were very uncomfortable with the emphasis on the Persianness and Shiism in the constitution.⁷³

All these debates on the foundations of the Islamic regime in Iran culminated the Constitution of the Islamic Republic of Iran. To complete its work, the constituent Assembly of Experts had to extend the deadline of one month by three times. On November 15, 1979, all the articles of the constitution had been approved by the two-thirds majority of the members of the constituent Assembly of Experts. The second national referendum was arranged on December 2 and 3, 1979. The result was that among the eligible voters 74.0 percent gave vote and 99.3 percent of them voted in favor of the constitution.⁷⁴

⁷² David Menashri, *Iran: A Decade of.....*, p. 118.

⁷³ Mohsen Milani, "Shi'ism and the State.....", pp. 148-149.

⁷⁴ Asghar Schirazi makes a comparison of the figures between the first and the second referendum. According to his comparison whereas in the first referendum in March 1979 nearly 20 million people took part in the elections, in the second referendum this number decreased to nearly 15 million. Schirazi interpreted this decrease as a sign of disillusioned people who did no longer gave support to Khomeini. See Asghar Schirazi, *The Constitution of Iran:.....*, p. 52. Moreover, as a result of the widespread protests of the constitution, the Revolutionary Council had to take certain measures to encourage people to vote for. David Menashri listed them as such: 1) Setting the date for the plebiscite one day after the *Ashurah*, when religious mass sentiment is at its peak; 2) The two polling days were declared official holidays; 3) Radio and television broadcast made numerous appeals; many of them from prominent clerics, urging people to vote; 4) On the second day, polling stations were ordered to stay open beyond the appointed time as long as there was a "steady stream" of voters; 5) Radio Tehran

2.3. Islamist and Republican Institutions of Government in the 1979 Constitution

The Constitution of the Islamic Republic of Iran accepted in 1979 reserved certain place for both the Islamist and the republican institutions, through which the religious and popular legitimacies are exercised. The constitution envisaged the utilization of both the Islamist and the republican institutions in governing the state. However, this duality led to some problems in implementing the constitution. Whereas the Islamist groups in ruling elite tried to enhance the importance and the role of the Islamist institutions in the new regime, the republican groups tried to strengthen the republican ones. Therefore, it is useful for the purpose of this study to examine the Islamist and republican institutions, in terms of their functions and responsibilities, and also in terms of the extent of their power within the regime in order to understand the institutional implications of the religious and popular legitimacies. In addition, the information below is based on the 1989 amendments of the 1979 constitution. The comparison of the features and duties of these institutions before and after 1989 constitutional amendments will be available in the third chapter in the section of “1989 Constitutional Amendments”.

2.3.1. Islamist Institutions of Government

2.3.1.1. The Office of the *Vali-ye Faqih (Rahbariyyat)*

The most important Islamist institution in the Islamic Republic of Iran is obviously the office of the *vali-ye faqih*, which is entrusted with absolute powers above the three branches of government and even above the people. Since the *velayat-e faqih* had been discussed throughout this chapter both ideologically and institutionally, less space will be devoted to this matter for now. However, the qualifications and duties of the *faqih* should be mentioned. According to the Article 109 of the constitution, the essential qualifications and conditions for the Leader (*vali-ye faqih*) are a. scholarship, as required for performing the functions of *mufti* in different fields of *fiqh*. b. Justice and piety, as required for the leadership of the

denied that Shari'atmadari had boycotted the plebiscite, reporting that he had cast his vote: but he later denied having voted. See David Menashri, *Iran: A Decade of.....*, p. 119.

Islamic *ummah*. c. right political and social perspicacity, prudence, courage, administrative facilities and adequate capability for leadership.

The duties and the powers of the *vali-ye faqih*, as stated in the article 110 are:

1. delineation of the general policies of the Islamic Republic of Iran after consultation with *Majma'-ye Tashkis-e Maslahat-e Mezam*; 2. supervision over the proper execution of the general policies of the system; 3. issuing decrees for national referenda; 4. assuming supreme command of the armed forces; 5. declaration of war and peace, and the mobilization of the armed forces; 6. appointment, dismissal, and acceptance of resignation of: a. the *faqihs* of the Guardian Council, b. the supreme judicial authority of the country, c. the head of the *Sazman-e Seda va Seema-e Jomhuri-e Islami-e Iran* (National Radio and Television), d. the Chief of the Joint Staff, e. the Chief Commander of the Islamic Revolutionary Guards Corps, f. Chief Commanders of the Armed Forces and Police Forces; 7. resolving disputes and coordinate relations between the three powers; 8. resolving the problems, which cannot be solved by conventional methods, through the Expediency Council; 9. signing the decree formalizing the election of the President of the Republic by the people. The suitability of candidates for the Presidency of the Republic, with respect to the qualifications specified in the Constitution, must be confirmed before elections take place by the Guardian Council; and, in the case of the first term [of the Presidency], by the Leadership; 10. dismissal of the President of the Republic, with due regard for the interests of the country, after the Supreme Court holds him guilty of the violation of his constitutional duties, or after a vote of the Islamic Consultative Assembly testifying to his incompetence on the basis of Article 89 of the Constitution; 11. pardoning or reducing the sentences of convicts, within the framework of Islamic criteria, on a recommendation [to that effect] from the Head of judicial power.

2.3.1.2. The Guardian Council (*Shora-ye Negahban*)

The second most powerful Islamist institution in the political system of the Islamic Republic is the Guardian Council (*Shora-ye Negahban*). It has been established with the task of determining the compatibility of laws passed by the Islamic Consultative Assembly (*Majles*) with *Shari'a* and the conformity of them

with the constitution (Art. 72). If the council finds any contradiction, it sends the law back to the parliament for revision.⁷⁵ It is composed of twelve jurists elected for six years. Six of them will be the '*fuqaha-ye adel*', conscious of the present needs and the issues of the day, to be selected by the Leader. The other six will be the jurists, specializing in different areas of law, to be elected by the *Majles* from among the Muslim jurists nominated by the Head of the Judiciary, who is appointed by the Leader (Art. 91). Although they are to serve for six years, after three years have passed during the first term, half of the members of each group will be changed by lot and new members will be elected in their place (Art. 92). As stated in the Article 96 of the constitution, determination of compatibility of the legislation passed by the *Majles* with the laws of Islam rests with the majority vote of the *fuqaha* on the Guardian Council; however, the determination of its compatibility with the Constitution rests with the majority of all the members of the Guardian Council (Art. 96).

What is striking about the Guardian Council is that it is defined as a body above the *Majles*. In the constitution it is stipulated that the *Majles* does not hold any legal status if there is no Guardian Council in existence, except for the purpose of approving the credentials of its members and the election of the six jurists on the Guardian Council (Art. 93). Moreover, Article 97 of the constitution stipulates that in order to expedite the work, the members of the Guardian Council may attend the *Majles* and listen to its debates when a government bill or a members' bill is under discussion. When an urgent government or members' bill is placed on the agenda of the Assembly, the members of the Guardian Council must attend the *Majles* and make their views known.

Besides the veto power for all laws, the authority of the interpretation of the Constitution is vested with the Guardian Council, which is to be done with the

⁷⁵ Article 94 – All legislation passed by the Islamic Consultative Assembly (*Majles*) must be sent to the Guardian Council. The Guardian Council must review it within a maximum of ten days from its receipt with a view to ensuring its compatibility with the criteria of Islam and the Constitution. If it finds the legislation incompatible, it will return it to the Assembly for review. Otherwise the legislation will be deemed enforceable. Article 95 – In cases where the Guardian Council deems ten days inadequate for completing the process of review and delivering a definite opinion, it can request the Islamic Consultative Assembly (*Majles*) to grant an extension of the time limit not exceeding ten days.

consent of three-fourths of its members (Art. 98). In addition, according to Article 69, legislation passed at a closed session is valid only when three-fourths of the members of the Guardian Council are present. These stipulations mean that the power of the *Majles* is very much limited by the Guardian Council, whose members are not elected directly by the people. This stands as a clear violation of popular sovereignty. In addition, during the oath taking ceremony of the popularly elected president to commence his job, the presence of the head of the judicial power and the members of the Guardian Council is required (Art. 121). Moreover, the Guardian Council as an Islamist body has control over the election process, which is the only way to exercise popular sovereignty. According to the Article 99, the Guardian Council has the responsibility of supervising the elections of the Assembly of Experts for Leadership, the President of the Republic, the Islamic Consultative Assembly (*Majles*), and the direct recourse to popular opinion and referenda. This power also includes qualification of the aspirants for the candidacy for parliamentary and presidential elections on the basis of their Islamic convictions and loyalty to the regime (Art. 110). According to Buchta, during Khomeini's lifetime this principle was applied to the communists, socialists, nationalists, members of the Iranian Freedom Movement (*Nehzat-e Azadi-ye Iran*), Kurds and groups whose loyalty to the regime and the doctrine of *velayat-e faqih* was under suspicion. After his death, the Council frequently exercised this power to elude the Islamist left from politics.⁷⁶

The Guardian Council extended its powers not on the basis of the constitution itself but on the basis of the particular interpretation attributed to the constitution by the Guardians. As a result they intervene in the legislative system not only on the laws and legal initiatives, but also on the statutory instruments (*a'in-nameh-e ejra'i*) approved by the Council of Ministers and other executive institutions, decrees of the Council of Ministers (*tasvib-nameh*), treaties (*qarardad*), and statutes (*asas-nameh*).⁷⁷

⁷⁶ Wilfried Buchta, *Who Rules Iran? The Structure of Power in the Islamic Republic*, (USA: A Joint Publication of the Washington Institute for Near Eastern Policy and the Konrad Adenauer Stiftung, 2000), p. 59.

⁷⁷ Asghar Schirazi, *The Constitution of Iran*:....., p. 94.

According to Mohsen Milani, the Council of Guardians was designed to complete the fusion of the state with Shiism.⁷⁸ In the view of C. M. Lake, it provides the link between Khomeini's concept of *velayat-e faqih* and the constitution.⁷⁹ Since this Council gives legitimacy to the *Majles*, the elected representatives of the people, this institution by alone has been a clear indication that religious sovereignty has much more weight in the system of the Islamic Republic, and that there is only a limited popular sovereignty which is under the control of religiously-based institutions.

2.3.1.3. The Assembly of Experts (*Shora-ye Khobregan*)

Another Islamist institution of the Islamic Republic is the Assembly of Experts (*Shora-ya Khubregan*). Although it is an institution elected by the people, it is not regarded as a republican institutions simply because the main purpose of the Assembly of Experts is to determine the *vali-ye faqih*, thus to assure stability and enhance the Islamism of the regime. One other reason is that the Assembly of Experts is composed of *fuqaha*, those people trained in religious law, and the ordinary people cannot be a member of this assembly.

The Assembly of Experts was established for the revision of the draft constitution on August 3, 1979 as a constituent assembly. It was abolished after it accomplished the task of finalizing the constitution and submitting the text to the national referendum, in which it was accepted by the people. Afterwards, the second Assembly of Experts convened after the elections held in November, 1982. Although the Assembly made all its gatherings in Tehran, its secretariat is in Qom and it has to convene its meeting in Qom at least once a year.⁸⁰

The second Assembly of Experts mainly assumed the task of appointing the leader after the demise of Ayatollah Khomeini (Art. 107). The experts will review and consult among themselves concerning all the *fuqaha'* possessing the qualifications specified in Articles 5 and 109. In the event they find one of them better versed in Islamic regulations, the subjects of the *fiqh*, or in political and social

⁷⁸ Mohsen Milani, "Shi'ism and the State.....", p. 144.

⁷⁹ C.M.Lake, "The Problems Encountered.....", p. 148.

⁸⁰ İsmail Safa Üstün, *Humeyni'den Hamaney'e İran İslam Cumhuriyeti Yönetim Biçimi* (İstanbul: Birleşik Yayıncılık, 1999), p. 36.

issues, or possessing general popularity or special prominence for any of the qualifications mentioned in Article 109, they shall elect him as the Leader. Otherwise, in the absence of such a superiority, they shall elect and declare one of them as the Leader. If they cannot find anyone possessing the qualification mentioned in Article 109 of the constitution, they shall assume all the powers of the *velayat-e amr* and all the responsibilities arising therefrom. Moreover, Article 111 stipulates that whenever the Leader becomes incapable of fulfilling his constitutional duties, or loses one of the qualifications mentioned in Articles 5 and 109, or it becomes known that he did not possess some of the qualifications initially, he will be dismissed. The authority of determination in this matter is vested with the Assembly of Experts.

The authoritative Law on Elections written by the Assembly of Experts itself determines the necessary qualifications to be approved by the Guardian Council if to run for the elections of the Assembly of Experts. These are to be faithful, trustworthy, and to possess moral integrity; to possess enough knowledge of *fiqh* to recognize those Islamic jurists who fulfill the necessary conditions for assuming the office of the leader; to possess social and political skills and to be familiar with the problems of the Islamic Republic of Iran; not to have declared himself politically or socially opposed to the existing order at any time in the past.⁸¹

The Assembly of Experts is composed of eighty-six *mujtaheds* with the necessary qualifications stated above and elected by the people in popular elections for eight years among the eligible candidates determined by the Guardian Council. The elections for the Experts by the people, who will choose the *faqih*, the leader of the Islamic Republic, is regarded as the provider of popular sovereignty and as the link between the religious leader and the people. However, it should be noted that this relationship is established on an indirect basis and is not the expression of the popular mandate. In addition, the existence of this council is the sign of the elitist tendency among the Islamist contenders of the regime since because they regard the ordinary people are incapable of choosing the Leader, who is the representative of God and Imams on earth. In their view, only the qualified *mujtaheds*, who have

⁸¹ Wilfried Buchta, *Who Rules Iran?*....., pp. 60-61.

knowledge of religious law and the requirements of the time, will have a position to determine the Leader.

2.3.1.4. The Expediency Council (*Majma'-e Tashkhis-e Maslahat-e Nezam*)

The Council for Assessing the Interests of [State] Order (*Majma'-e Tashkhis-e Maslahat-e Nezam*) or the Expediency Council functions on the basis of the statutes which it approved itself on October 24, 1988 and which Khomeini approved on December 12, 1988. It is another institution which participates in the legislation but was not set up in a way that represents the popular will. Although some government officials are automatically becoming a member of the Expediency Council; such as the president, the speaker of the parliament, the head of the judiciary, the six clerical members from the Guardian Council, other members are to be appointed by the leader.⁸²

According to the Article 12 of the constitution, the main task of the Expediency Council is to solve the disputes that may appear between the *Majles* and the Guardian Council regarding the compatibility of laws with *shari'a* or the constitution, when the *Majles* is unable to meet the expectations of the Guardian Council. While the Council is free to formulate its decisions either by agreeing with the position of the Guardian Council or that of the *Majles*, it can also decide a question by adopting a wholly independent position of its own. However, the Expediency Council is to perform this task upon the order of the Leader. Also, the Council shall meet for consideration on any issue forwarded to it by the Leader and shall carry out any other responsibility as mentioned in the Constitution. The permanent and changeable members of the Council shall be appointed by the Leader. The rules for the Council shall be formulated and approved by the Council members subject to the confirmation by the Leader. Article 110 stipulates another duty for the Expediency Council that it functions as an advisory committee for the leader in determination of general policies of the country. Moreover, the same article states that the Leader will solve the problems which cannot be solved by conventional methods through the Expediency Council.

⁸² Sami Oğuz-Ruşen Çakır, *Hatemi'nin İranı*, (İstanbul: İletişim Yayınları, 2000), p.43.

2.3.1.5. The Judiciary

Since the Islamic Republic is based on *Shari'a*, the judiciary, which is one of the three branches of government, becomes an important Islamist institution which is trying to enhance the Islamist credentials of the regime. As Mohsen Milani argues, the articles of the constitution concerning judiciary strengthened the fusion of the state with Shiism, which was legitimized by the *velayat-e faqih*.⁸³ The Head of Judiciary, who should be a just *mujtahed* and possess prudence, is appointed by the Leader for a period of five years (Art. 157). He is the highest judicial authority in the country. Article 158 specifies the duties of the Head of the Judiciary as: 1. Establishment of the organizational structure necessary for the administration of justice commensurate with the responsibilities mentioned under Article 156; 2. Drafting judiciary bills appropriate for the Islamic Republic; 3. Employment of just and worthy judges, their dismissal, appointment, transfer, assignment to particular duties, promotions, and carrying out similar administrative duties, in accordance with the law.

On the basis of regulations to be established by the Head of Judiciary, the Supreme Judicial Authority is constituted with the purpose of supervising the correct implementation of the laws by the courts, ensuring uniformity of judicial procedure, and fulfilling any other responsibilities assigned to it by law (Art. 161). In addition, the Head of the Judiciary nominate the chief of the Supreme Court and the Prosecutor General, who both must be a *mujtahed*, for a five-year period in consultation with the judges of the Supreme Court (Art. 162).

Another feature that made judiciary an Islamist body is that the Minister of Justice is elected by the President from among the individuals proposed by the Head of Judiciary. Therefore, the President is not free in his choice of the Minister of Justice, who has responsibility in all matters concerning the relationship between the judiciary, on the one hand, and the executive and legislative branches, on the other hand. Moreover, the Minister of Justice takes his authority from the Head of Judiciary. As stated in Article 160 of the constitution, the head of the judiciary may delegate full authority to the Minister of Justice in financial and administrative areas and for employment of personnel other than judges in which case the Minister of

⁸³ Mohsen Milani, "Shi'ism and the State.....", p. 144.

Justice shall have the same authority and responsibility as those possessed by the other ministers in their capacity as the highest ranking government executives.

2.3.2. Republican Institutions of Government

2.3.2.1. The Parliament (*Majles-e Shora-ye Eslami*)

The Parliament (*Majles-e Shora-ye Eslami*) in Islamic Republic is one of the institutions governing the affairs of the country which is constituted through public opinion by means of elections. Its main task is legislation (Art. 58). The *Majles*, the legislative power of the Islamic Republic, is constituted by the representatives of the people elected directly and by secret ballot for a term of four years (Art. 62-63). It is composed of two hundred seventy members including one Zoroastrian representative, one Jewish representative, one jointly elected representative of Assyrian and Chaldean Christians, one representative of Armenian Christians in the north and those in the south of the country (Art. 64). Although the deliberations of the *Majles* must be open, and full minutes of them made available to the public by the radio and the official gazette, a closed session may be held in emergency conditions, if it is required for national security, upon the requisition of the President, one of the ministers, or ten members of the Assembly. Legislation passed at a closed session is valid only when approved by three-fourths of the members in the presence of the Guardian Council. After emergency conditions have ceased to exist, the minutes of such closed sessions, together with any legislation approved in them, must be made available to the public (Art. 69).

Regarding the powers and duties of the *Majles*, Article 71 states that *Majles* can establish laws on all matters, within the limits of its competence as laid down in the Constitution. This means that it is bound with *ahkam* of the official religion of the country or the constitution. The institution that will decide whether the legislation made by the *Majles* is contrary to the religious law or the constitution is the Guardian Council (Art. 72). However, the *Majles* is deemed competent in Article 73 to interpret the ordinary laws after receiving the approval of the Council of Ministers.

The most important power of the *Majles* is the government's dependence on a vote of confidence from the parliament. According to Article 87 of the constitution, the President must obtain, for the Council of Ministers, after being formed and before

all other business, a vote of confidence from the *Majles*. During his incumbency, he can also seek a vote of confidence for the Council of Ministers from the *Majles* on important and controversial issues. Moreover, according to the Articles 88, 89, 135 and 137 of the constitution, government officials are accountable to the parliament, both as individuals and collectively, and parliament can question them, remind them of their duty and formally withdraw its confidence from them. These provisions meant that the legislative branch is granted with stronger powers vis-à-vis the executive branch. However, Schirazi argues that the subjection of ministers to parliamentary questioning or interpellations, or a refusal through a vote of confidence to government ministers should not be interpreted as a proof of the power of parliament vis-à-vis the executive. In his view, these incidents should be seen as a clear sign of the power struggle of all actors and groups that have some share in government power.⁸⁴ Likewise, Mehran Kamrava states that there are three reasons behind the granting of strong powers to the parliament vis-à-vis the executive branch. Firstly, he points out the impact of the intellectual tradition of modern Iran that has an appeal for democracy with the greater power of the parliament. Second factor is that the executive branch was suspected of having potential to become an absolute center of power. A powerful parliament was believed to offset any authoritarian tendencies that may be inherent to the executive branch. His last argument is that by the time the constitution was being drafted, the Islamic Republican Party and its allied clerics wanted to secure even stronger foothold through which they could exert control over the government by means of a strong parliament.⁸⁵ In other words, the strong *Majles* is mainly a result of practical considerations.

2.3.2.2 The Presidency (*Reis-e Jomhuri*)

The Presidency (*Reis-e Jomhuri*) is the second institution which provides the opportunity for the people to exercise their right to chose and to participate in the government. According to Article 113 of the constitution after the office of Leadership, the President is the highest official in the country. His has the

⁸⁴ Asghar Schirazi, *The Constitution of Iran*:....., p. 98.

⁸⁵ Mehran Kamrava, *The Political History of Modern Iran: From Tribalism to Theocracy*, (Westport, Connecticut, London: Praeger, 1992), p. 92.

responsibility of implementing the Constitution and acting as the head of the executive, except in matters directly concerned with (the office of) the Leadership. Article 114 of the constitution states that he is to be elected directly by the people for a four-year term of office. But this does not mean that people are free in their choice. One reason that is stipulated in the Article 115 is that the president must be a (male) religious or political personality who must profess loyalty to the principles of the Islamic Republic and the official religion of the country. This puts the first restriction that anyone who is not a believer of Shiite Islam cannot be elected. Moreover, the fact that the Guardian Council has the power to examine, accept and dismiss the candidates for the elections of the president (Art. 118) puts a great barrier on people's freedom of choice due to the fact that they dismiss vast number of candidates mostly on ideological grounds. Also, the President must take the oath and affix his signature to it at a session of the Islamic Consultative Assembly in the presence of the head of the judicial power and the members of the Guardian Council (Art. 121).

Article 122 states that the President, within the limits of his powers and duties, which he has by virtue of the Constitution or other laws, is responsible to the people, the Leader and the Islamic Consultative Assembly. He is responsible for national planning and budget and state employment affairs and may entrust the administration of these to others (Art. 126). He or his legal representative has the authority to sign treaties, protocols, contracts, and agreements concluded by the Iranian government with other governments, as well as agreements pertaining to international organizations, after obtaining the approval of the Islamic Consultative Assembly (Art. 125). He approves the appointment of ambassadors upon the recommendation of the foreign minister, signs the credentials of ambassadors and receives the credentials presented by the ambassadors of the foreign countries (Art. 128).

The president is not only subjected to the approval of the Leader, among whose duties involve signing the decree formalizing the election of the President of the Republic by the people, but also he shall submit his resignation to the Leader (Art. 130). This stipulates the superiority of the Islamist dimension of the regime over the republican dimension in the constitution in that the election of he president,

which is through the popular mandate, can only be valid if it is approved by the unelected Supreme Leader.

To sum up, the period from February 11, 1979 to the acceptance of the constitution by the referendum on December 2-3 1979 witnessed harsh debates over the structure of the new Iranian state. There occurred a vehement rivalry between the Islamism, which advocated for a system based on Islamic rules, and the republicanism, which advocated the republican elements, tendencies. As a result, both of them achieved to secure considerable power in the system. The designers of the constitution assumed that the religious and popular sovereignties could function together in the unique system of the Islamic Republic of Iran. They did not intend to create theocracy, although in the end the religious elements of the system acquired more power than the people. However, they also did not incline to create a republic in favor of the people and left only a limited space for the realization of the popular will. As it can be expected this dual –but unequal- structure of power later posed serious problems regarding the functioning of the system.

CHAPTER 3

EMERGENCE OF ISLAMIST AND REPUBLICAN TENDENCIES IN KHOMEINI ERA

Having surveyed the role of the *ulama* in shaping the Iranian politics in the aftermath of the revolution and in the establishment of the Islamic Republic, then the question arises how the different currents in the political landscape of Iran settled following the revolution. The 1980s witnessed emergence of different factions from the body of radical Islamists as well as the emergence of conservative groups. Indeed, the contest among these groups in policy-making in the Islamic Republic dominated the political landscape in Khomeini era. This chapter will deal with how the political landscape in Iran settled after the revolution. This question is particularly important in the sense that this survey will display the premises for the focus of debate between the Islamism and republicanism in Iran. In this regard, the establishment of political factions and their rivalries among themselves, transformation of Iranian political structure with special emphasis on constitutional restructuring, and ideological evolution of political groups will be analyzed in this chapter. Moreover, the role of Khomeini as the founder of the system and his arbitration in politics as the Supreme Leader will be evaluated.

3. 1. Reflections of Dual Sources of Legitimacy in the Process of Consolidation of the Revolutionary Regime in Iran

In the aftermath of the structural consolidation of the clerical power in the post-revolutionary Iran with the approval of the Constitution of the Islamic Republic by the people, the dual sources of legitimacy of the Islamic Republic has culminated in the emergence of two main political and ideological tendencies. The first one may be defined as the elitist tendency, which can be characterized by belief that ultimate sovereignty belongs to God, and those people who are the most learned in the religious law, that is the *ulama*, are God's representatives for implementing divine

law and driving new legislation from them.¹ Those who are inclined to the elitist tendency have been commonly referred as conservative or traditional right. Owing to the fact that they regard the Islamic laws and the rule of the *mujtehid*s superior to the rule of the people, they are Islamists. In parallel, in socio-cultural sphere they argue for the strict implementation of the *Shari'a*. In economics they defend the allegedly Islamic position that the private property is sacred since it is accumulated through hard working, which is one of the good deeds for the citizens that the state has to encourage. Thus, the Islamic state must protect the private property and must not interfere with it. Consequently, they opposed heavy state taxation of the private sector, and nationalization of industry and trade.

The second general tendency among the revolutionary people was a populist one which advocates that the basis of the Islamic state is the consensual contract among the citizens and the state, materialized above all in the referendum on the type of the new state after the revolution. Therefore, the citizens transfer their sovereign rights to the elected representatives whom will enact legislation. Those who inclined to the populist tendency in the post-revolutionary Iran can be named as the radicals. Since they make a bold emphasis on people's right to govern in a –so called– constitutional republic, they can also be referred as the republicanists. By advocating the cause of the poor, they regard extreme degrees of wealth and poverty as social evils and argue that the Islamic state must redistribute wealth equitably through various means such as subsidizing food and fuel for the poor, providing public-funded education and health care, implementing a progressive income tax.² In socio-cultural matters they are more tolerant than the conservatives.

These different political tendencies in Islamic Republic of Iran have been summarized according to their approaches vis-à-vis ideological, economic and socio-cultural issues. However, the primary differentiating point among these different interpretations of the Islamic state is in fact the interpretation of *fiqh*, the Islamic jurisprudence. As Schirazi pointed out, there are two interpretations of *fiqh*: one is *fiqh-e sonnati* that is the traditional interpretation of Islamic jurisprudence, and the

¹ For a detailed analysis of the ruling elites in post-revolutionary Iran see Shahrough Akhavi, "Elite Factionalism in the Islamic Republic of Iran", *The Middle East Journal*, Vol. 41, No. 2, Spring 1987.

² Eric Hooglund, "Khatami's Iran", *Current History*, vol. 98, no. 625, (February 1999), pp. 59-60.

other is *fiqh-e pooya* or the dynamic interpretation of the Islamic jurisprudence. Those who follow the traditional *fiqh* believe that the primary ordinances (*ahkam-e avvaliyeh*) which are derived from the two traditional sources of Islam, Qoran and the *Sunna*, are sufficient to govern an Islamic society. Thus, the religious jurists should not issue secondary ordinances (*ahkam-e sanaviyeh*) unless there is an overriding necessity in the society. On the contrary those who follow the dynamic *fiqh* believe that the *Shari'a* must be changing in due course of time since Muslims live in a different era than that of the Prophet and the circumstances are constantly changing. Although they accept that the primary ordinances provide a solid ground for the laws governing the Muslim society, they advocate that in order to adopt the *Shari'a* to the needs of time and to produce new decrees the secondary ordinances must be intensely issued by the jurists.³

In post-revolutionary Iranian political spectrum the conservatives/traditional right represent the followers of traditional *fiqh*, whereas the radicals/Islamist left represent the followers of dynamic *fiqh*. Since the followers of dynamic *fiqh* are mostly the lay Islamists who represent the most radical positions with regard to the all social and political decisions in the legislation, the conservatives attacked them harshly. One of the major conservative dailies, *Resalat*, wrote on this group that they are a group of eclectic intellectuals who express opinions on questions of *fiqh* and Islam without any scholarly justification whatsoever. In the view of *Resalat* they were influenced by the Westernized intellectuals and in part by pro-Eastern bloc thinkers, were against the clergy, and denied the latter's legitimacy.⁴ In the view of Asghar Schirazi, this attack became very successful in that the obstruction of the development of the *fiqh-e pooya* has strengthened the stagnant powers of the traditional *fiqh* and has in part been responsible for the fact that so far the reform of *fiqh* has not occurred.⁵

Apart from the above-mentioned two major groups, there is also a third group that gradually emerged in the first decade of the revolution. This group, which is

³ Asghar Schirazi, *The Constitution of Iran: Politics and the State in the Islamic Republic*, (London, New York: I. B. Tauris, 1997), p. 270.

⁴ *Resalat*, 26 October 1989 quoted in Asghar Schirazi, *The Constitution of Iran*:....., p. 271.

⁵ *Ibid.*, p. 272.

united around the leadership of the then Speaker of *Majles*, Hojjatolislam Ali Akbar Hashemi Rafsanjani, advocated a mixed economic agenda. On the one hand they supported redistributive measures; on the other hand they supported private investment and high taxation. Moreover, their views on socio-cultural issues can be described as progressive.

3.2. Contesting Political Groups During the Khomeini Period

Throughout his lifetime and especially after the 1979 revolution, Khomeini tried to preserve a balance between aforementioned major political tendencies and factions. For the sake of this, he favored different groups at different times. In assessing Khomeini's stance regarding the factions, Rafsanjani stated that Khomeini wished the two groups "to adopt a critical stand but not to lash with or weaken each other."⁶ As Ehteshami indicated, Khomeini's intervention in order to bolster the position of an individual, an institution or a line of thought against other from time to time culminated in factionalism and competitive nature of elite politics in the Islamic Republic of Iran.⁷ Moreover, all political factions tended to interpret Khomeini's behaviors and sayings as if supporting their own line and they used Khomeini's declarations as a legitimizing force for their existence. Therefore, the diverse interpretations of his views on Islamic ideology and state led to the formation of ideological groups among the political elite and the society.

As stated above, the main ideological positions in the post-revolutionary Iranian political elite and government were the conservative and the radical tendencies. In making this categorization those who advocate for the liberal, secularist and monarchist views are not taken into account since because they were excluded from the political spectrum by the "new men of power", indicated by Ashraf as the *ulama* and the Islamist lay people,⁸ immediately after the revolution or

⁶ Maziar Behrooz, "Factionalism in Iran under Khomeini", *Middle Eastern Studies*, Vol. 27, No. 4, October 1991, pp. 599-600.

⁷ Anoushiravan Ehteshami, *After Khomeini: The Iranian Second Republic*, (London, New York: Routledge, 1995), p. 4.

⁸ Ahmad Ashraf, "Theocracy and Charisma: New Man of Power in Iran", *International Journal of Politics, Culture and Society*, Vol. 4, No. 1, 1990.

they were in opposition both during the revolution and after.⁹ Therefore, groups and organizations other than those which operate along with the conservative and radical views will not be examined here.

3.2.1. The ‘Conservative’ Organizations in Khomeini Period

Those who adhere to conservative interpretation of Islamic ideology were organized under the Society of the Combatant Clergy (*Jame'eh-e ye Rouhaniyat-e Mobarez*) since the victory of the Iranian revolution. The *Rouhaniyat* was established in Tehran in 1977 with the purpose of “gathering all pro-Khomeini clergymen, rallying the dissatisfied masses and organizing a nationwide struggle against the monarchy”.¹⁰ Ayatollah Mohammad Hosseini Beheshti (killed in June 1981 bombings of the IRP headquarters) was the coordinator of the movement and Ayatollah Morteza Motahhari (assassinated in 1979) was its ideologue.¹¹ The most prominent figures of the society who also acquired posts in the new state were Khamene'i (first the president and then the leader), Rafsanjani (Speaker of the *Majles*, the President), Javad Bahonar (Prime Minister), Ayatollah Mohammad Reza Mahdavi-Kani (Prime Minister, Minister of State), Ayatollah Beheshti (Head of Judiciary), Ayatollah Mohammad Yazdi (Head of Judiciary), Mir Karim Musavi-

⁹ Among those views that could not find an expression because of the repression of the Khomeinist forces, the liberals worth mention. The members of this camp achieved influential positions both in the revolutionary period and in post-revolutionary governments between the years 1979-1981. The Liberation Movement of Iran (*Nehzat-e Azadi-ye Iran*), which was headed by the first prime minister of the republic, Mahdi Bazargan, dominated the provisional government (the first government) of the Islamic Republic. This group was also influential in the constituent Assembly of Experts during the drafting of the Iranian Constitution. The first president Abol Hassan Bani-Sadr and Sadeq Qotbzadeh, who served as foreign minister, were other influential liberal Islamists. Grand Ayatollah Kazem Shari'atmadari (died in 1986) and the Muslim People's Republican Party, which was under his command, were also Islamist liberals since they advocate that the *ulama* should not participate or even involve in government and that they should only conduct guidance. Another group that had been excluded from political scene, usually by putting the members in house-arrest, was the movement shaped around Grand Ayatollahs who opposed the notion of the *velayat-e faqih* from a perspective of Shi'ite theology. See Anoushiravan Ehteshami, *After Khomeini*:....., pp. 10-11.

¹⁰ Mehdi Moslem, *Factional Politics in Post-Khomeini Iran*, (New York: Syracuse University Press, 2002), p. 51.

¹¹ Other original members were Mohammad Mofatteh (assassinated in 1979), Khamene'i, Rafsanjani, Bahonar (killed in June 1981 bombings of the IRP headquarters), Ayatollah Fazlollah Mahalati, Nateq-Nuri, Ayatollah Mohammad Ali Movahhedi-Kermani, Ayatollah Abbas Ali Amid-Zanjani, Hasan Rouhani, Ayatollah Mohammad Imami-Kashani, Abol-Hossein Moezzi, Mehdi Karrubi and Mohammad Doai.

Ardabili (Head of Judiciary) and Hojjatolislam Ali Akbar Nateq-Nuri (Speaker of the *Majles*, Minister of State).

There were also *Tashakkolha-ye Hamsu* of the Society of Combatant Clergy which can be described as its satellite organizations. The most important of these are the *Jam'iyat-e Mo'talefeh-ye Islami* (the Allied Islamic Society) which had been active since 1963. The Society of Qom Seminary Teachers (*Jame'eh-ye Modarresin-e Howzeh-ye Elmiyyeh-ye Qom*), the Zaynab Society (*Jame'eh-ye Zaynab*), the Society of Islamic Engineers (*The Jame'eh-ye Islami-ye Mohandesin*) and the Islamic Society of Culturists (*Jame'eh-ye Islami-ye Farhangi*) worth mention among these organizations in terms of activeness in the society to give cohesion to the groups and individuals with conservative views.

3.2.1.1. Split within Conservative Camp

Throughout the revolutionary process, the politicized *ulama*, who had adopted Khomeini's line whether being conservative or radical, were coalesced under the *Rouhaniyat* in order to keep solidarity among themselves and struggle against those allegedly counter-revolutionaries. However, the organization was divided when some of its members who have more leftist views split from the society in April 1988 and established the Association of the Combatant Clergy (*Majma'e-ye Rouhaniyoun-e Mobarez*). It was just before the third *Majles* elections that Mehdi Karrubi, Mohammad Musavi-Khoeiniha, Mahmud Doai, Mohammad Tavassoli, Mohammad Khatami, Mohammad Jamarani, Ayatollah Hasan Sane'i and Ayatollah Sadeq Khalkhali announced the establishment of *Rouhaniyoun*. They reasoned their split from the *Rouhaniyat* that they had differences of opinion with other respected clergymen of the organization and they decided to form another organization to serve the Imam and the people better. Khomeini gave his blessings to the new organization. He went further and tried to present this split as an indicative of pluralism in the Islamic society rather than being a power struggle or conflict. In Khomeini's view: "The clergy are united and there are not two fronts. Of course, there are two groups and two views; it must be [like that]. A society that does not

have differences of opinion is imperfect. If difference of opinion does not exist in the *Majles*, this *Majles* [is also] imperfect.”¹²

Despite the amicable attitude of the regime to this split, it in fact occurred as a result of the power struggle between the traditional right and the left that had begun in mid-1981. It was also the first and foremost indication of the existence of two prominent camps with different opinions in Iran after the revolution, which were the conservative and elitist traditional right, and the populist-revolutionary left or the radicals.

3.2.2. The ‘Radical’ Organizations in Khomeini Period

Another major line of thought in Iranian political landscape was mentioned as the radical interpretation of Islamic ideology. The radicals, who were more left-leaning people, were also represented by a number of organizations during the leadership of Khomeini. The most important of these are the Crusaders of Islamic Revolution (*Mojahedin-e Enqelab-e Eslami*) and the Islamic Republican Party (*Hezb-e Jomhuri-ye Eslami*). The *Mojahedin-e Enqelab-e Eslami*, which was a union of six Islamic militia groups (*Ommat-e Vahed*, *Tohid-i Badr*, *Tohid-i Saaf*, *Falq*, *Mansorun*, and *Mohedin*) was active since April 1979. Prior to the revolution their members were the staunch supporters of the armed struggle against the Shah both inside and outside Iran. After the revolution they appeared as the guardians of the principles of the Islamic revolution and they carried the aim of spreading them.

The second radical organization was the Islamic Republican Party (IRP). Its original members were Ayatollah Mohammad Hosseini Beheshti, Hojjatolislam Ali Khamene’i, Hojjatolislam Rafsanjani, Hojjatolislam Mohammad Javad Bahonar and Ayatollah Mir-Karim Musavi-Ardabili, Ayatollah Mahdavi Kani. Prominent lay-members of the IRP were Hassan Ayat, Hassan Habibi, and Mir Hossein Mussavi. However, since in those years where the new regime was trying to consolidate itself and the factional positions did not have clear-cut differences, excluding the secularists, the central committee of the IRP was composed of both conservatives

¹² Mehdi Moslem, *Factional Politics*....., p. 69.

and radicals.¹³ The conservatives within IRP, who were associated with the *hojjatiyeh* association, had much in common with traditional *ulama*. They held more orthodox views of the imamate and the state, adhered firmly to the sanctity of ownership. The *hojjatiyeh* continued to question the concept of *velayat-e faqih* believing that only the twelfth Imam, Mehdi, who has been in occultation can claim power in the name of Islam.¹⁴ They were accused by the radicals for having quietist tendencies, favoring *ulama*'s retreat from politics, and seeking a wider support from conservative *ulama*, the *bazaar* and the land-owners.¹⁵ When the best known government members of the *hojjatiyeh*, Habibollah Asghar-Owladi and Ahmad Tavakkoli were both ousted from the cabinet as a result of attacks from the *maktabi*-dominated *Majles* and the cabinet, it became clear that the political attitude of the IRP was being shaped by the radicals. The radicals among the ranks of IRP named themselves as *maktabi*, meaning the followers of the school of Islam, with the purpose of distinguishing themselves from other groups and particularly to challenge the conservatives' claim to a religious-revolutionary position.¹⁶ They were the supporters of dynamic *fiqh* as it "provided new solutions for new occurrences [*havades-e vage-eh*] and pondered issues [*masael-e mostahde-se*] in society".¹⁷ The IRP believed that the people accept the rule of the *faqih* by consent and they

¹³ Maziar Behrooz further elaborates on the different groups that shared IRP's leadership as such: a. a part of the clergy who had an anti-Shah political background and were loyal to Ayatollah Khomeini during the revolution; b. the *bazari* merchant supporters of Ayatollah Khomeini; c. some individuals who had alleged by associated with conservative *Hojjatieh* society such as Ali Akbar Parvaresh and Ali Akbar Velayati (although he always denied this); d. some supporters of Dr. Mozaffar Baqa'i (the rightist head of the Toilers' Party who supported the 1953 coup) such as Hassan Ayat and Ahmad Kashani; e. individuals who had previously belonged to religious groups and had some followers such as Jalaloddin Farsi, Abbas Poshtbani, Mir Hossein Musavi. Maziar Behrooz, "Factionalism in Iran.....", p. 601.

¹⁴ Anoushiravan Ehteshami, *After Khomeini:.....*, p. 9.

¹⁵ Homa Omid, *Islam and the Post-Revolutionary State in Iran*, (USA: St. Matrin's Press, 1994), p. 134.

¹⁶ The name *maktabi* came from a newsletter, which was edited by Hassan Ayat and circulated among the party. Those who called themselves *maktabi* wanted to emphasize that they were the followers of Quran and they rejected any argument that the *ulama* should not directly involved in the affairs of the state. They advocated a strong centralized economy, the total nationalization of major industries, and a comprehensive land reform, and they viewed the Islamic revolution as a movement to benefit the *mostazafin*. For them, the social and cultural Islamization was central to the Islamic revolution. Hence, they were trying to direct the IRP to a more radical position. Bahman Baktiari, *Parliamentary Politics in Revolutionary Iran: The Institutionalization of Factional Politics*, (USA: University Press of Florida, 1996), p. 81.

¹⁷ Mehdi Moslem, *Factional Politics.....*, p. 61.

participate in the affairs of the country which will be expressed through Islamic channels. In foreign policy and economics the IRP pursued radical path strictly. According to the IRP the export of revolution must be a foreign policy goal. In economics they maintained that in an Islamic economic system all exploitation by the capitalists must be destroyed. Government should be directly involved in foreign trade and commerce, and should implement direct taxation. The party expressed these views through its media organ, *Kayhan* newspaper. Essentially, as Mohsen Milani argued, the IRP seemed to be designed to form a bridge between the intellectuals and the *ulama*, and to build an Islamic society.¹⁸ This became very clear given the fact that IRP weakened the nationalist and secularist opposition groups and it resolved the Islamist-republican dualism in favor of the former in the first years of the Islamic Republic.¹⁹

3.2.2.1. Split within Radical Camp

The two organizations that represent the radical views in the regime, the *Mojahedin-e Enqelab-e Eslami* and the IRP were also subject to internal conflicts. The spiritual guide of the *Mojahedin-e Enqelab-e Eslami* was the ultra-conservative Ayatollah Hossein Rasti-Kashani, who was appointed by Khomeini in 1979. However, after the revolution, the ideological differences between the radical members and the conservative leadership of Rasti-Kashani became clear in 1982 when some of the radical members were split from the organization. Similarly, the ideological conflicts within the IRP became evident in 1983 and ultimately paralyzed the IRP. The *hojjatiyeh-maktabi* contestation within the party culminated in Khomeini's intervention in July 1983. He warned the *hojjatiyeh* by declaring that the quietism prolonged the rule of injustice and the period of occultation. Upon Khomeini's this intervention, the *hojjatiyeh* announced the closure of the society and seizure of the activities of its members. Nevertheless, continuing ideological differences reached a peak in four years and in 1987 Rafsanjani and Khamene'i asked Khomeini to give permission to dissolve the party arguing that the party had

¹⁸ Mohsen M. Milani, *The Making of Iran's Islamic Revolution: From Monarchy to Islamic Republic*, (Boulder, London: Westview Press, 1988), p. 244.

¹⁹ Mehdi Moslem, *Factional Politics*....., p. 61.

served its purpose of defeating the challengers of *Velayat-e Faqih*. IRP dissolved in May 1987. Despite its success, the party suffered from weaknesses that can be mentioned as the party's lack of necessary skills to run a government and the rejection of *ulama's* direct rule by the ultra-conservative *ulama* as well as the Islamic secular and nationalist groups.²⁰ Prior to the dissolution, the radicals within IRP began to advocate that the party "lost its usefulness since it was under the control of conservatives" whereas the conservatives were arguing that "the IRP became a paralyzed body which could not function but was a scene of constant confrontation which could damage the whole system."²¹ Therefore, the dissolution of the party became inevitable for both wings within IRP. Moreover, it should be kept in mind that the party has lost many of its talented leaders as a result of different attacks by the opposition groups.

3. 3. Khomeini as the "Final Arbiter" (*Faslol-Khetab*)

In the first decade of the Islamic Republic, Khomeini shaped the course of Iranian politics through his occasional and commanding interventions. He tried to keep himself above all different views and groups and successfully dealt with the ideological tensions between them.

There are mainly two arguments as the role of Khomeini in managing the political groups. According to some writers, Khomeini was the source of factionalism as a result of his interventions that were in favor of distinct groups on varying occasions. Some others, however, argue that Ayatollah Khomeini's leadership style and his populism; and the common educational background and ideological homogeneity of a large number of radical *ulama* led to strong cohesion and unity rather than elite factionalism in the Islamic Republic during his leadership.²² Both arguments seem to be valid in that on the one hand Khomeini's support for different political views and groups paved the way for the factionalism of politics; on the other hand his conciliatory approach with regard to these competing groups and his admitted role as the final arbiter led to unity in his personal authority.

²⁰ Mohsen M. Milani, *The Making of Iran's*....., p. 245.

²¹ Maziar Behrooz, "Factionalism in Iran.....", p. 602.

²² Mohsen M. Milani, *The Making of Iran's*....., pp. 306-307.

It is in no doubt that, as Chehabi states, his position as a *marja' e taqlid* endowed the regime with a greater degree of legitimacy.²³ Besides his personal charisma and the aura attached to him as the architect of the revolution, he enjoyed vast institutional powers vested in him by the constitution and the prerogatives deriving from his status as the leading religious figure in the country.²⁴

In the first year of the revolutionary regime, Khomeini directly controlled the state by selecting Mahdi Bazargan as prime minister of the Provisional Revolutionary Government. He had the right to choose the head of the national radio and television, thus he controlled the propaganda machinery of the state. He appointed the Friday Prayer leaders to major cities and he created a new post to strengthen his control by appointing "Imam's Representatives" to every city, government agency and paralegal revolutionary institution, who reported directly to Khomeini. Although he seemed to keep himself distanced from the administration of the state through granting great autonomy and decision-making power to various institutions and factions within the ruling elite, he was at the top of the whole machinery and had the final say by the help of this strong personal network within the state. He remained the final arbiter among the clerical community and the government officials as well as the two main factions. However, as Mehdi Moslem argues, by repeatedly oscillating and changing his views on major issues, Khomeini presented different, sometimes conflicting, views about the "true" Islamic political, economic and socio-cultural policies.²⁵ This is because in the process of institutionalization and consolidation of the Islamic Republic, Khomeini and his supporters who claim authority through religious and ideological means now are faced with ruling a mundane government whose main task is to deal with worldly political matters. Thus, Khomeini was aware that "revolutionary-religious rhetoric had to be superseded by more judicious and expedient methods of governance".²⁶ Khomeini himself became the impetus for change in the Islamic Republic.

²³ H. E. Chehabi, "Religion and Politics in Iran: How Theocratic is the Islamic Republic?", *Daedalus*, V.20, No. 3, Summer 1991, p. 84.

²⁴ Shaul Bakhash, *The Reign of the Ayatollahs*:....., p. 241.

²⁵ Mehdi Moslem, "Ayatollah Khomeini's Role in the Rationalization of the Islamic Government", *Critique*, No. 14, Spring 1999, p. 78.

²⁶ *Ibid.*, p. 79.

3.3.1. The Doctrine of *Maslahat* - *Zarurat* as the Tool of Legitimation

In order to solve mundane problems stemming from the daily politics and to decide on the critical issues that seemed to be against the Islamic precepts, Khomeini and his disciples leaned toward the doctrine of *maslahat-zarurat*. The validity of this doctrine comes from the idea that the purpose of legislation in Islam is to secure the welfare of the people by promoting their benefits and by protecting them against harm.²⁷ According to this doctrine when there is an overriding necessity (*zarurat*) or as long as the best interest of the Islamic community is concerned (*maslahat*), the Islamic jurists can suspend the primary injunctions and can issue new ordinances. However, this doctrine can be implied if it is harmonious with the *shari'a* and if no explicit rulings about the issue are provided by the *shari'a*. Moreover, the necessity should be certain, the public should have the benefit totally, not partially and hardships should be prevented or removed from the public. In the Islamic Republic of Iran, Khomeini's rulings which broke with the traditional Islamic jurisprudence were legitimized in the framework of this Islamic doctrine of *maslahat* or *zarurat*.

3.3.2. Instances of the Factional Rivalry in the 1980s and Khomeini's Arbitration

As previously mentioned, the major political groups in Islamic Republic rivaled among themselves in certain matters. As they were identified in below, these matters usually aroused between the conservatives, who were dominant in the Guardian Council, and the radicals that controlled the *Majles*. In a number of issues that competing factions could not adopt a conciliatory approach, they resorted to the arbitration of Khomeini.

3.3.2.1. Land Reform Issue

The contest among the radical and conservative groups in the *Majles* was outright during the debate over the land reform bill in 1981. This bill, which was prepared with the aim of distributing land among landless peasants, had previously been enacted by the Revolutionary Council in April 1980. However, upon the

²⁷ Mehran Tamadonfar, "Islam, Law and Political Control in Contemporary Iran", *Journal for the Scientific Study of Religion*, Vol. 40, Issue 2, June 2001.

distributions of land began by the committees established to investigate the field before they had taken instructions from the central office, the distribution was stopped in order to prevent disorder. In August 1981, *Majles* passed a revised form of this bill. However, it was rejected by the Guardian Council, which was composed of conservative members who had been appointed by Khomeini in July 1980.²⁸ Later on December 28, 1982, the *Majles* passed a measure called the ‘Agrarian Reform Law’. Although there was no provision of land distribution and the bill was favoring the landlords, the Guardian Council vetoed the law on January 18, 1983 since they decided that the bill was contrary to the Islamic law. The Council substantiated its decision that the content of the bill was anti-Islamic and contradicted the Qoranic verse that says “Muslims have mandate over their possessions.” Upon Rafsanjani’s demand for intervention to the matter, Khomeini responded “The enactment and execution of those laws on which the survival of the regime depends are permissible on a temporary basis and so long as there is an overriding need.”²⁹ This statement came as an early sign that the “overriding necessity” that enables the issuing of secondary ordinances would be given priority by Khomeini. Although the Guardian Council approved only some measures of the law in line with conservative arguments³⁰, the radicals found some support for their arguments regarding the priority of the dynamic *fiqh* in politics.

Although the Guardian Council and the conservative position prevailed in the land reform issue, the ruling by Khomeini about the land reform bill was his first secondary ordinance (*hokm-e sanavi*), which indicated that the realities of daily politics would force him to lean toward the dynamic *fiqh*. In addition, it signified that Khomeini would not accredit the conservative stance of the Guardian Council and this gave the courage to the radical *Majles* in formulating policies.

²⁸ The Islamic land reform bill, which imposed ceiling on the size of the landownership, encountered with sharp resistance from the commercial farmers, traditionalist and liberal Grand Ayatollahs and a majority of the *ulama*. The traditional *bazaar-ulama* alliance came to the fore and led to the vetoing of the bill by the Guardian Council. See Ahmad Ashraf, “Theocracy and Charisma:.....”, p. 122. The clerical members of the Guardian Council were Ayatollah Ahmad Jannati, Ayatollah Abdolrahim Rabbani Shirazi, Ayatollah Morteza Rezvani, Ayatollah Lotfollah Sadri, Ayatollah Yusef Sane’i, and Ayatollah Abdolqasem Khazali.

²⁹ Mehdi Moslem, *Factional Politics*....., p. 64.

³⁰ On April 7, 1983, the Guardian Council approved for compensation for agricultural losses caused by pests and plant illness, and on October 15, 1983 they allowed the government to provide a special bonus for rice farmers. See Bahman Baktiari, *Parliamentary Politics*....., pp. 84-88.

3.3.2.2. Specification of Government's Jurisdiction

In December 1987 Abolqasem Sarhadizadeh, the leftist minister of labor at that time, asked Khomeini whether the government could provide services such as electricity, telephone, and water for private sector and in turn ask the private sector to operate within the rules and regulations set by the ministry. Khomeini responded with a secondary ordinance in a way that strengthened the position of the leftists and the pro-Rafsanjani group by declaring that "the government can impose such necessary conditions."³¹ Ayatollah Lotfollah Safii, the Secretary of the Guardian Council, wrote a letter to Khomeini on behalf of the Council expressing the unpleasant position of the conservatives about the decree. He asked Khomeini to clarify that whether this decree meant that the government may replace any fundamental (traditional) Islamic law with any social, economic, labor, commerce, agriculture and etc. laws by using this decree.³² Khomeini's response was another one strengthening the hand of the leftists. He said that "In all instances where people use public services, the state is unconditionally entitled to receive compensation. This is true in all areas and not exclusive to what the minister of labor stated."³³ A few weeks later the President Khamene'i attempted to elaborate on the ruling of Khomeini during a Friday prayer sermon and told the audience what the Imam meant was that, although the state had a great deal of power, its actions were limited as it acted within the parameters of holy injunctions. But Khomeini felt the need to stress further on the authority of the state and issued his most famous decree on the next day on January 6, 1988. In that decree he declared that:

The Government that is a part of the absolute vice-regency [*velayat-e motlaq*] of the Prophet of God is one of the primary injunctions [*ahkam-e avvaliyeh*] of Islam and has priority over all other secondary injunctions, even prayers [*namaz*], fasting [*ruzeh*], and pilgrimage [*haj*']. The ruler is authorized to demolish a mosque or a house that is in the path of a road and to compensate the owner for his house. The ruler can close down a mosque if need be, or can even demolish a mosque that is a source of harm if its harm cannot be remedied without demolition. The government is empowered to unilaterally revoke any religiously lawful [*shari'a*] agreement that it has conducted with

³¹ Mehdi Moslem, *Factional Politics*....., p. 73.

³² Maziar Behrooz, "Factionalism in Iran.....", p. 603.

³³ Mehdi Moslem, *Factional Politics*....., p. 73.

people when those agreements are contrary to the interest of the country of Islam.³⁴

This decree by Khomeini served two purposes. On the one hand, religiously, it affirmed the authority of the state as the absolute interpreter and applier of the law. On the other hand, politically, it came as a total support for the radicals who were the supporters of application of *fiqh-e puya* (dynamic *fiqh*) in state policies.³⁵

According to Said Amir Arjomand, with this decree of Khomeini the “primary/secondary” distinction was finally given up since all governmental ordinances (*ahkam-e hokumat-i*) were said to belong to the category of the primary commandments and to be immediately incumbent. The absolute mandate of the jurist (*velayat-e motlaqeh-ye faqih*) has replaced the mandate of the jurist in official terminology of the rule of God in Iran.³⁶ This was a clear sign of politicization of clergy since it led Khomeini to break with the historical position of the religious establishment in Iran with regard to the state ordinances. In a speech Khomeini gave in February 1989, he explicitly expressed his support dynamic *fiqh* (*fiqh-e puya*). He said:

I believe in *sonnati* and essentials [*javaheri*] *fiqh* and agree that it is the correct and proper form of *ejtehad*. However, this does not mean that Islamic *fiqh* is not dynamic [*puya*]. Time and place are two decisive components of *ejtehad*. A thorough [*jame'*] *mojtahed* must be familiar with the ways and means of confronting the deceptions of [Western] worldly hegemonies, culture, and economic systems.³⁷

3.3.2.3. Establishment of the Expediency Council (*Majma'a-ye Tashkis-e Maslahat-e Nezam*)

During the leadership of Khomeini much of the struggle for power took place between the Guardian Council, which was composed of conservative *ulama*, and the parliament that was dominated by the radicals. Especially over the laws regarding the economic policies of the state, these two institutions were competing. To prevent any possible deadlock in the system stemming from the struggle between these two

³⁴ *Ibid.*, p. 74.

³⁵ Maziar Behrooz, “Factionalism in Iran.....”, p. 604.

³⁶ Said Amir Arjomand, *The Turban for the Crown: The Islamic Revolution in Iran* (New York, Oxford: Oxford University Press, 1988), p. 183.

³⁷ Mehdi Moslem, *Factional Politics.....*, p. 76.

institutions, Khomeini suggested institutionalization of *maslahat* and ordered the establishment of the Council for the Determination of Expediency (*Majma'a-ye Tashkis-e Maslahat-e Nezam*, literally meaning the assembly for the discretion of what is best for the regime) in February 1988.

Headed by the president Khamene'i, other members of the first Expediency Council were Rafsanjani, Mohammad Tavassoli, Mir-Hosseini Musavi, Abdolkarim Musavi-Ardabili and Mohammad Musavi-Khoeiniha. Ahmad Khomeini was a non-voting member and six clerical members of the Guardian Council were also involved in the Expediency Council.

The duty of this assembly would be to act as a final arbiter between the *Majles* and the Guardian Council. Nevertheless, this was an important blow to the conservatives since it was introduced to undermine the power of the Guardian Council to reject laws passed by the parliament. The Expediency Council gradually evolved to be the most powerful institution in the Islamic Republic since it effectively dominates five other key centers of power: the Assembly of Experts, the *Majles-e Shura-ye Eslami*, the General Command Headquarters, the Ministry of Interior, the Secretariat of Friday Prayer Leaders.³⁸ The Expediency Council became a permanent institutional entity with its incorporation into the constitution during the 1989 amendments.³⁹

3.3.2.4. Khomeini's Arbitration on Cultural Issues

Besides being a final arbiter between different political groups, Khomeini assumed the same role in socio-cultural matters between the conservative *ulama* and the more moderate groups and the public. For instance, in December 1987, some conservative *ulama* complained that Iranian TV showed Western films that contained un-Islamic material such as improperly veiled women. The Head of National Radio

³⁸ Baqer Moin, "Iran and Islam" in Martin Wright (ed.), *Iran: The Khomeini Revolution*, (Great Britain: Longman Group, 1989), p. 75.

³⁹ Article 112 – Upon the order of the Leader, the Nation's Exigency Council shall meet at any time the Guardian Council judges a proposed bill of the Islamic Consultative Assembly to be against the principles of *Shari'a* or the Constitution, and the Assembly is 'unable to meet the expectations of the Guardian Council. Also, the Council shall meet for consideration on any issue forwarded to it by the Leader and shall carry out any other responsibility as mentioned in this Constitution. The permanent and changeable members of the Council shall be appointed by the Leader. The rules for the Council shall be formulated and approved by the Council members subject to the confirmation by the Leader.

and Television (*Seda va Sima*), Mohammad Hashemi, wrote a letter to Khomeini to ask for his opinion regarding the programs in which the actresses did not wear *hejab*, and the programs male athletes appear with parts of their bodies uncovered, such as soccer. In response Khomeini declared that “such programs were permissible, and even educational, as long as the viewers do not view them with lustful eyes.”⁴⁰ In August 1988, he ruled that the game of chess and buying and selling musical instruments were also permissible so long as they were used for religiously sanctioned purposes.⁴¹

3.4. 1989 Constitutional Amendments

The 1979 Constitution, which was a hybrid of Islamist and republican elements, was full of ambiguities and contradictions. One of them was, as mentioned above, the unending and even intensifying struggle between the Guardian Council and the *Majles* over the legislation in which Khomeini intervened to end the skirmishes by ordering the establishment of the Expediency Council. Another constitutional ambiguity was about the President and the Prime Minister, both of whom were responsible for the executive and for presenting programs to the legislative, but neither could overrule.⁴² Moreover, the question of succession to *Rahbariyyat* (Leadership) became a major obstacle for the regime since after the resignation of Ayatollah Hossein Ali Montazeri⁴³ there remained no suitable

⁴⁰ Maziar Behrooz, “Factionalism in Iran.....”, p. 603.

⁴¹ Mehdi Moslem, *Factional Politics.....*, p. 76.

⁴² Although Article 87 of the 1979 constitution before amendments stated that the Prime Minister should seek for a vote of confidence from the Majles after forming the Council of Ministers, there was no clear method about the selection of the ministers. This ambiguity gave rise to serious conflicts between the President and the Prime Minister. For instance in 1989 Prime Minister Moussavi and the President Khamene'i could not reach an agreement on the selection of Ministry of Trade over a year. The constitution could not provide a solution for this problem. Homa Omid, *Islam and the Post-Revolutionary State.....*, p. 138.

⁴³ In November 1985, Ayatollah Hossein Ali Montazeri was selected as the next *Vali-ye Faqih* by the Assembly of Experts under the chairmanship of Friday prayer leader of Qom, Ayatollah Ali Mashkini. However, by 1988, Montazeri became a vocal critic of the government's poor record in economic policies, human-rights violations, continuation of executions of the members of opposition to the regime and lack of democracy. On March 27, 1989, the Assembly of Experts conveyed an unexpected meeting with Ayatollah Khomeini and decided that the difference between Montazeri and the *Faqih* was so huge that could not be restored. Then, Khomeini asked him to resign. Montazeri replied him the next day and declared himself unqualified for the position of the next leader. Daniel Brumberg, *Reinventing Khomeini: The Struggle For Reform in Iran*, (Chicago, London: University of Chicago

candidate for *Rahbariyyat* (Leadership) who was bearing the necessary qualifications of *vali-ye faqih* which had been stated in the constitution. According to Baqer Moin, this constitution was “unworkable even in Ayatollah Khomeini’s lifetime”⁴⁴, and change became an overriding necessity in order to eliminate the ambiguities.

Khomeini, being worried about the obstacles that these ambiguities in the constitution would generate in the future, ordered the establishment of the Assembly for the Reappraisal of the Constitution (*Shora-ye Baznegari*) on April 25, 1989. Khomeini pointed out that the main task of the assembly should be to deal with the executive branch to find ways for better management and administration of the country. Moreover, the Expediency Council would consult with the leadership to solve the problems of the country.⁴⁵ The Assembly was composed of twenty-five members of which twenty of them appointed by Khomeini and other five to be elected by the *Majles*. The Assembly carried on its work under four committees each of whom were responsible with different issues related to leadership, the executive branch, legislative-executive relations, and the judiciary. Between April 26 and June 15 the Assembly met 21 times and by July 11, 1989 the final amendments to the constitution was made. The revision of the constitution was approved by a referendum on July 28, 1989, nearly one and a half months later than the death of Khomeini (June 3, 1989).⁴⁶ At the same day, the presidential elections were also held and Hojjatolislam Ali Akbar Rafsanjani became the new president of the Islamic Republic.⁴⁷

Press, 2001); David Menashri, *Post-Revolutionary Politics in Iran: Religion, Society and Power*, (London, Portland, Or: Frank Cass Publishers, 2001).

⁴⁴ Baqer Moin, “Iran and Islam”....., p. 74.

⁴⁵ “Khomeini Appoints Body to Amend Constitution”, IRNA in English, 24 April 1989 in *FBIS-NES-89-078*, 25 April 1989, pp. 60-62.

⁴⁶ According to the results 97% of the people voted to accept the constitutional amendments which gave wider powers to the president; that is 16,025,459 ‘yes’ votes and 398,867 ‘no’ votes. “Voters Approve Amendments” IRNA in English, 29 July 1989 in *FBIS-NES-89-145*, 31 July 1989, p. 52.

⁴⁷ Hojjatolislam Ali Akbar Rafsanjani was confirmed as the fourth president of the Islamic Republic and received 94.5% of the vote. He secured 15.54 million votes from a total of 16.44 million. Rafsanjani’s opponent Majlis deputy Dr. Abbas Sheybani won 3.8% of the vote, which corresponded to 632,583. “Mohtashemi Announces Results”, IRNA in English, 30 July 1989 in *FBIS-NES-89-145*, 31 July 1989, p. 55.

3.4.1. *Velayat-e Faqih* in the Constitution after 1989 Amendments

According to Ehteshami, the main function of the amendments was to formalize the division of power in the Islamic Republic.⁴⁸ The most dramatic change as a result of the constitutional amendments was about the necessary qualifications for the *velayat-e faqih*. In the 1979 constitution, according to the article 107, the *vali-ye faqih* had to be a *marja'e taqlid* (source of emulation). However, in the amended constitution of 1989, the *vali-ye faqih* no longer has to be a *marja'e taqlid*.⁴⁹ With this change the office of the Leader, whose main task was the spiritual guidance of the society, was very much politicized. Moreover, according to the amendment, *vali-ye faqih* came in charge of determining the general policies of the state in consultation with the Expediency Council (Art. 110). The article ends with the stipulation that “the Leader is equal with the rest of the people of the country in the eyes of law.”

These amendments were interpreted by many analysts as a shift from ideologically-oriented Islamic Republic to a politically-oriented one, which was very disturbing for the conservatives. Contrary to the weakening of ideological-religious position of the *vali-ye faqih*, he was granted new and enormous institutional powers. The duties and the powers of *faqih* in the revised constitution are (as stated in Article 110):

1. Delineation of the general policies of the Islamic Republic of Iran after consultation with *Majma'-ye Tashkis-e Maslahat-e Mezam*.
2. Supervision over the proper execution of the general policies of the system.
3. Issuing decrees for national referenda.
4. Assuming supreme command of the armed forces.
5. Declaration of war and peace, and the mobilization of the armed forces.
6. Appointment, dismissal, and acceptance of resignation of:
 - a. the *faqihs* of the Guardian Council.

⁴⁸ Anoushiravan Ehteshami, *After Khomeini*:....., p. 37.

⁴⁹ The necessary qualifications and attributes of the Leader stipulated in Article 109 after 1989 Constitutional amendments: a. scholarship, as required for issuing decrees in different fields of *fiqh*. b. Justice and piety, as required for the leadership of the Islamic *Umma*. c. right political and social perspicacity, prudence, courage, administrative facilities and adequate capability for leadership.

- b. the supreme judicial authority of the country.
 - c. the head of the *Sazman-e Seda va Seema-e Jomhuri-e Islami-e Iran* (National Radio and Television).
 - d. the Chief of the Joint Staff.
 - e. the Chief Commander of the Islamic Revolutionary Guards Corps.
 - f. Chief Commanders of the Armed Forces and Police Forces.
7. Resolving disputes and coordinate relations between the three powers.
 8. Resolving the problems, which cannot be solved by conventional methods, through the Expediency Council.
 9. Signing the decree formalizing the election of the President of the Republic by the people. The suitability of candidates for the Presidency of the Republic, with respect to the qualifications specified in the Constitution, must be confirmed before elections take place by the Guardian Council; and, in the case of the first term [of the Presidency], by the Leadership;
 10. Dismissal of the President of the Republic, with due regard for the interests of the country, after the Supreme Court holds him guilty of the violation of his constitutional duties, or after a vote of the Islamic Consultative Assembly testifying to his incompetence on the basis of Article 89 of the Constitution.
 11. Pardoning or reducing the sentences of convicts, within the framework of Islamic criteria, on a recommendation [to that effect] from the Head of Judicial Power.

Article 107 of the amended constitution eliminates the Leadership Council and stipulates the ‘single *Faqih*’ by stating that “... [T]he task of appointing the Leader shall be vested with the experts elected by the people.”⁵⁰ The experts will

⁵⁰ Article 107 – After the demise of the eminent *marja'e-ye taqlid* and great leader of the universal Islamic revolution, and founder of the Islamic Republic of Iran, *Ayatullah al-'Uzma* Imam Khomeini - *quddisa sirruh al-sharif* - who was recognized and accepted as *marja'e* and Leader by a decisive majority of the people, the task of appointing the Leader shall be vested with the experts elected by the people. The experts will review and consult among themselves concerning all the *fuqaha* possessing the qualifications specified in Articles 5 and 109. In the event they find one of them better versed in Islamic regulations, the subjects of the *fiqh*, or in political and social Issues, or possessing general popularity or special prominence for any of the qualifications mentioned in Article 109, they shall elect him as the Leader. Otherwise, in the absence of such a superiority, they shall elect and

review and consult among themselves concerning all the *fuqaha'* possessing the qualifications specified in Articles 5 and 109. In the event they find one of them better versed in Islamic regulations, the subjects of the *fiqh*, or in political and social issues, or possessing general popularity or special prominence for any of the qualifications mentioned in Article 109, they shall elect him as the Leader. Otherwise, in the absence of such superiority, they shall elect and declare one of them as the Leader.” The purpose of this amendment was obviously to prevent instability since differences of opinion in the Leadership Council might lead to indecision. Moreover, this kind of a council would fuel up the rivalries and lead to an establishment of domination by those whose ranks were ayatollah.

3.4.2. The Executive Branch in the Constitution after 1989 Amendments

As to the executive branch, the new constitution strengthened the powers of the executive. The post of the prime minister was eliminated while the legal powers of the president were increased. In addition, diminishing the independent authority of the Guardian Council with the institutionalization of the Expediency Council and the separation of the position of *marja'* from the *faqih* further reinforced the authority of the president. The *Faqih's* power to dismiss the president was removed. Instead, the president can now then be dismissed only by vote of no confidence by the *Majles*.

Article 113 after the 1989 constitutional amendments declared that the president should be highest official state authority who is responsible for the implementing of the constitution. Article 126 empowered the president to be directly in charge of the country's financial, economic, and bureaucratic affairs. Articles 133, 134 and 136 gave the power to appoint and dismiss Cabinet Ministers to the President and appointed him as the head of the cabinet. Moreover, Article 178 declared the establishment of the National Security Council (*Showra-ye Amniyat-e Melli*) that was charged with setting and coordinating the overall foreign policy of the Islamic Republic and would be headed by the president. Consequently, by

declare one of them as the Leader. The Leader thus elected by the Assembly of Experts shall assume all the powers of the *velayat al-amr* and all the responsibilities arising therefrom. The Leader is equal with the rest of the people of the country in the eyes of law.

augmenting the republicanism of the regime, all these changes led to further centralization of the state.⁵¹

3.4.3. The Judiciary Branch in the Constitution after 1989 Amendments

The judiciary was also subject to change in the 1989 amendments. The five-member High Judicial Council was dissolved and replaced by the Head of the Judiciary (Chief Justice) as the highest judicial authority, who would be a *mujtahed*, appointed by the *faqih* for the periods of five years to supervise the judiciary and the Minister of Justice (Art. 157). The Head of Judiciary was empowered to select the Head of the Supreme Court and the National Public Prosecutor General, both of whom had been selected by the *faqih* previously among the *mujtaheds* (Articles 160, 162). The Head of Judiciary was also in charge of employment and removal of the judges, their appointment, transfer and promotion after consultation with the Head of the Supreme Court (Article 158). Minister of Justice, who is responsible to the Head of Judiciary, is to be chosen by the President from among those proposed to the President by the Head of Judiciary. According to the first Head of Judiciary after the amendments appointed on August 15, 1989, Ayatollah Mohammad Yazdi, the aim of these changes was to achieve centralization in judiciary in order to speed up the process of investigation.⁵²

To make a summary of the first decade of the revolution where Khomeini was the Leader, the coordinator and the moderator of the Iranian regime, it can be argued that contrary to the wishes of the Islamists, be they conservative or radical, religion and politics did not merge. On the contrary, “politics became religious and religious became politicized.”⁵³

⁵¹ Mehdi Moslem, “Ayatollah Khomeini’s Role.....”, p. 84.

⁵² “Yazdi Message to Khamene’i”, IRNA in English in *FBIS-NES-89-157*, 16 August 1989, p. 50.

⁵³ H. E. Chehabi, “Religion and Politics in Iran:.....”, p. 78.

3.5. The Islamist and Republican Viewpoints on the Features of the Regime after Khomeini

Developments in the late 1980s not only caused certain transformations in the structure of the Islamic Republic, but also they were instrumental in shaping the post-Khomeini Iranian politics. The debate among the conservatives and the radicals during the 1989 constitutional amendments revolved around the two major issues. One was about the Islamist leg of the system that is the qualifications and the powers of the future *faqih*. The other was about the republican institutions, namely the weight of presidency and the prime minister basically, and the *Majles* in the system.

On the issue of extending the powers of the *faqih*, the conservatives relied on the *motlaqeh* discourse. Their main point of argument was that the *faqih* must not have any restrictions since he is responsible neither to the people, nor to the *Majles* but only to God. Therefore, they claimed, he must have such a strong position in the system that no other power (such as the executive and the *Majles*) can confront him and he would be able to say the last word. The left and the radicals, however, were suspicious of the fact that leaders after Khomeini would carry the same qualifications and the people would accept his mandate. Moreover, since the only institution the left had influence was the *Majles*, they strongly opposed the idea that put forward by the conservatives that the *faqih* would have the power to dissolve the *Majles*.

Regarding the place of the president and the prime minister, the conservatives advocated the elimination of the post of prime minister and argued for a strong president who would be the head of the executive. He would present the ministers to the *Majles* for vote of confidence and he would be empowered to remove any of the ministers. Conversely, the radicals argued for a strong prime minister who would be presented to the *Majles* by the president and whose removal would be upon the proposal from the president. The prime minister would propose the ministers to the *Majles* for the vote of confidence and he would remove the ministers.

At the end of these debates, the Committee for the Reappraisal of the Constitution came to terms with the proposals of the conservative camp. The fact that the Committee itself had been dominated by the conservative members played a significant role in the final proposal.

During the Leadership of Khomeini, Islamist and radical elements of the regime coexisted together, mainly due to the arbitration of Khomeini. Although he himself favored the radical positions, this did not lead the factions to conflict or domination of one another. However, during the debates about the new constitution, all political groups aimed to strengthen the institutions they already had or were about to control since the ‘final arbiter’ no longer exists. Furthermore, these debates shaped the current positions of the groups, since their views on important issues had reversed in this process. For instance, the conservatives, who had been opposing the single *faqih* and had been advocating for a collective leadership of *mujtehid*s, changed their stance and became staunch advocates of individual leadership and a powerful *faqih*, since Khamene’i, their favored candidate had been about to assume power. Indeed, the fact that Khamene’i, who was closer to the conservatives, became the new *Rahbar* was a clear signal of the shift in political balance in Iran in favor of conservatives. The most likely possibility of Rafsanjani’s presidency had led this group to support a strong and highly centralized government, which they had opposed before. When Rafsanjani was elected as president, his alliance with Khamene’i became crucial in curbing the early radical policies of the Islamic Republic. Conversely, the left began to support the position of the Prime Minister and the *Majles*, where they dominated. Moreover, by objecting to the increase in powers of the *faqih* in the post-Khomeini order, they left their *Maktabi* views.⁵⁴

⁵⁴ Mehdi Moslem, *Factional Politics*....., p. 83.

CHAPTER 4

STRUGGLE BETWEEN THE ISLAMISTS AND THE REPUBLICANS UNDER RAFSANJANI'S PRESIDENCY

4.1. Changing Landscape of Iranian Politics in the 1990's

The developments in the late 1980's have not only caused certain transformations in the structure of the Islamic republic, but also in the political groups that operate in the Iranian scene. The political factions have experienced a transformation both in their ideological positions and composition. Whereas those who advocate free market economy, support strict social rules and oppose export of revolution are usually categorized as "conservative", "moderate" or "pragmatic", the supporters of state-controlled economy, egalitarian and distributive economic policies and export of revolution are referred as the "left" or "hard-liners". However, this categorization does not fit the Iranian politico-ideological spectrum after 1989. This is because there are some people who rank with the conservatives but they also advocate the policies attributed to the left such as land reform, nationalization and government taxation. Likewise, the leftists are regarded as hard-liner in economic issues but they are moderate in socio-cultural issues. The term "pragmatic" is also cannot be applied since because both of those who are referred as "conservatives" and "moderates" in much of the literature pursue pragmatic approach especially in foreign policy issues in post-Khomeini Iran. Therefore, regarding the post-Khomeini Iranian politics, we do not use this categorization in this thesis. Instead, we will prefer to define the political factions as the Iranians define, particularly the definition of Behzad Nabavi that inspired many analysts. These are the traditional right and the modern right within the rightist group; and the Islamic left and the neo-radicals within the leftist group.¹ Although these groups represent distinct sides of the

¹ This categorization was made by Behzad Nabavi, the minister of heavy industry from 1981 to 1988 and advisor to Khatami. He is one of the most active members of the radical organization *Mojahedin-e Enghelab-e Eslami* and a prominent ideologue of the Islamist left. He published his views on the political landscape of Iran as a series of articles in the left-leaning biweekly *Asr-e Ma* between December 1994 and May 1995. "Asr-e Ma Looks at Political Factions", *Asr-e Ma* in Persian in *FBIS-NES-96-064-S*, 2 April 1996, pp. 1-40.

political spectrum, it should not be forgotten that all of them believe that the practical commitment to the notion of *veleyat-e faqih* should be the criteria for any form of political participation.²

4.1.1. The Right

Behzad Nabavi argues that after the 1992 elections for the fourth *Majles*, the differences between the members of the right faction, that were the conservatives and the pro-Rafsanjani camp, on the issues and policies became evident. The group led by Rafsanjani was in favor of dynamic *fiqh*, more loose socio-cultural policies and establishment of a modern industrial economy that required high taxation, foreign borrowing and structural adjustment policies. In post-Khomeini Iran, groups and individuals who were inclined to these views were named as the “modern right”. The traditional conservatives, however, maintained their position which was in favor of traditional *fiqh*, the free market economy controlled by the *bazaaris*, and a strict implementation of Islamic law in socio-cultural life. They oppose all kinds of state intervention in the economy, modern banking and nationalization of industries. This group of people constitutes the traditional right.

4.1.1.1. The Traditional Right - *Rast-e Sonnati (Osulgarayan)*

The traditional right makes a bold emphasis on the Islamicity of the Islamic Republic. In their view the republicanism or the populist dimension has a secondary role. They maintain that the *vali-ye faqih* is the central pillar of the Islamic Republic since it is the symbol of the Islamicity of the regime. All other powers must emanate from this center. The statement by the members of *Rouhaniyat* before the 1992 *Majles* elections, who were also candidates for the election, clearly presents this understanding. In their statement they said “the *vali-ye faqih* as the representative of the almighty on earth must be obeyed by all and it is he who must draw up the ways and means of the *ommat*.” Another influential member of the traditional right faction, Hojjatolislam Ali Akbar Nateq-Nuri, argued that “During the occultation, the *vali-ye faqih* enjoys the same right and powers [over the society] as those of imams and the

² Farhang Rejaee, “Reflections on Religion and Politics in Iran”, *Discourse: An Iranian Quarterly*, Vol. 2, No. 3, Winter 2001, p. 127.

prophet, and his wishes are the commands and duty for all.” By emphasizing that the *faqih* is above everything in the system, they downplayed the role of the republican institutions in the system to a secondary one. Having this position, Ayatollah Ahmad Azari-Qomi suggested that “The powers delegated to the Leader in the constitution are the [extension of the] monopoly of the leader in his duties and responsibilities and do not impose restrictions on his powers.”³ Because of their emphasis on Qoran, Islamic tradition (*sonnat*), and religious jurisprudence, this faction can be categorized as “orthodox” (*osulgara, bonyangara*).⁴

In the economic sphere the conservative right is in support of a free market economy with less government control. They are against nationalization of industries, high taxation by the government and land regulations. They defend the sanctity of private property on the bases of *fiqh-e sonnati*. One influential member of this group, Ahmad Azari-Qomi from the *Jame'eh-ye Modarresin-e Howzeh-ye Elmiyye-ye Qom* (The Society of Qom Seminary Teachers), expressed the views of the traditional right with regard to economics through a series of articles published in daily *Resalat* (Mission). There he wrote that “a proper Islamic economic system is one in which individuals are provided with the freedom to produce and enjoy the fruits of their labor.” He advised the government to allow greater freedom for people to engage in commerce that will take a heavy burden off the shoulders of the government and he urged the government to abandon the redistributive-egalitarian policies.⁵ Later in November 1990, Morteza Nabavi published a series of editorial articles where he criticized the statist measures of the first decade of the revolution regarding the economy which in his view led to high bureaucratization and unemployment as a result of centralization. Regarding the cause of the “*mostazafin*”, the traditional right claims that the only way to prevent the spread of poverty and clear class differences is to pay charity, and the religious pledges such as alms

³ Mehdi Moslem, *Factional Politics in Post-Khomeini Iran*, (New York: Syracuse University Press, 2002), p. 100.

⁴ “Asr-e Ma Looks at Political Factions”, *Asr-e Ma* in Persian Part 3: January 25, 1995, pp. 6-7 in *FBIS-NES-96-064-S*, 2 April 1996, pp. 1-40.

⁵ Mehdi Moslem, *Factional Politics*....., p. 105.

giving. They think that when individuals engage in commerce and make profit through religiously-sanctioned means, they will in turn help the poor in the society.⁶

The traditional right preserved its strict socio-cultural views of the first decade of the revolution after Khomeini's death. Their socio-cultural views are shaped with their animosity towards what they called "cultural onslaught" (*tahajjom-e farhangi*) of the West. They put special emphasis on the role and the position of the women in the society as a symbol of Islamic piety and honesty. They symbolized the women as good mothers, whose role models were the famous female Islamic figures. The proper veiling of women (*hejab*) is not only an Islamic norm for the women but is also a symbol of the Islamicity of the regime since the beginning of 1980s. *Heyatha-ye Mo'talefeh-ye Eslami* (the Allied Islamic Society) appeared as the most influential conservative organization in shaping the socio-cultural policies of the state between the years 1992-1997 since Ali Larijani, an influential *Mo'talefeh* member, was Minister of Culture and –then- the Head of the *Seda va Sima* (National Radio and Television). In the same years, another Minister of Culture was Mostafa Mir-Salim, who was also a *Mo'talefeh* member.

4.1.1.2. The Modern Right - *Rast-e Modern (Kargozaran-e Sazendegi)*

Until the emergence of the "*Kargozaran-e Sazendegi*" (Executives of Reconstruction), the "modern right" faction was lacking any sort of political organization as well as a single, strong leadership. With the emergence of the *Kargozaran*, the modern right clearly split from the traditional right. On January 17, 1996, sixteen members of the Rafsanjani cabinet (the G-16) announced that they were running for the next parliamentary elections.⁷ Although they initially called

⁶ "Asr-e Ma Looks at Political Factions", *Asr-e Ma* in Persian Part 3: January 25, 1995, p. 7 in *FBIS-NES-96-064-S*, 2 April 1996, pp. 1-40.

⁷ The names and governmental posts of the signatories of the first memorandum of *Kargozaran-e Sazendegi* in the fourth *Majles* are as follows: Ataollah Mohajerani (Presidential Deputy), Mohammad Hashemi (First Deputy Foreign Minister), Mostafa Hashemi-Taba (Presidential Deputy), Reza Amrollahi (Presidential Deputy), Mohammad Ali Najafi (Minister of Education), Ismail Shusteri (Minister of Justice), Morteza Mohammad-Khani (Minister of Economy and Financial Affairs), Isa Kalantari (Minister of Agriculture), Akbar Torkan (Minister of Roads and Transportation), Seyyid Mohammad Garazi (Minister of Post, Telegraph and Telephone), Bijan Namdar Zanganeh (Minister of Energy), Gholam Reza Foruzesh (Minister of Construction Jihad), Gholam Reza Shafe'i (Minister of Cooperatives), Mohammad Reza Ne'matzadeh (Minister of Industry), Gholam Hossein Karbaschi (Mayor of Tehran), Mohsen Nurbakhsh (Central Bank Governor). "Senior Officials Issue Statement

themselves as *Khedmatgozaran-e Sazendegi* (Servants of Reconstruction), after ten ministers withdrew from the group because of the constitutional ban on the members of the executive to involve the affairs of the legislative, the group changed their name to *Kargozaran-e Sazendegi* (Executives of Reconstruction).⁸ This group, which was composed of mostly technocrats, declared that their goal was “to continue the post-war accomplishments of Rafsanjani’s reconstruction efforts aimed at the political and economic developments of Iran.” They stated that they would achieve these goals under the direct guidance and direction of Ayatollah Hashemi Rafsanjani, who was praised as “*Serdar-e Sazendegi*” (Leader of Reconstruction). One prominent member of the group, the former Tehran mayor Gholam-Hossein Karbaschi stated that “their stated course is that of the Imam and the Leader” and maintained that their religious-revolutionary credentials stemmed from their post-war efforts, a period which they were a part of the government and dedicated themselves to reconstruction of Iran ruined by the war. Their main theme was “*towse-‘eh*”, that was economic and political development. They claimed to provide the welfare of Iran through “creating social justice, economic development without the rule of the capital, expansion of international relations based on the principles of the revolution, use of experts and expertise, and creation of an environment where ideas can flourish.”⁹

In the cultural issues, the main elements of the modern right are receptiveness to modernism, lack of sensitivity to the weakening role of traditions and the social manifestations of religion in society, gradual omission of the role of religion in the society, creation of a liberal culture with relations based on tolerance, leniency and freedom.¹⁰

The political current that this group presented is located on the right side of the spectrum because of their emphasis on the free market economy, which is similar to the traditional-conservative thinking. However, because of their claim to rely on

on Parliamentary Polls”, IRNA in English, 17 January 1995 in *FBIS-NES-96-012*, 18 January 1996, pp. 82-83.

⁸ Stephan C. Fairbanks, “Theocracy versus Democracy: Iran Considers Political Parties”, *Middle East Journal*, Vol. 52, No. 1, Winter 1998, p. 23.

⁹ Mehdi Moslem, *Factional Politics*....., p. 128.

¹⁰ “Asr-e Ma Looks at Political Factions”, *Asr-e Ma* in Persian Part 6: March 7, 1995, p. 16 in *FBIS-NES-96-064-S*, 2 April 1996, pp. 1-40.

the modern methods of development through expertise with the ultimate aim of integration with the world system, and their promotion of cultural freedom led them to be named as “modern”.

Since the emergence of *Kargozaran*, the views of the modern right faction are expressed mainly in two dailies closely affiliated with Rafsanjani: *Hamshahri* (published by the Tehran municipality) and *Iran* (published by Islamic Republic News Agency-IRNA). Apart from them, *Bahman*, which was first published in January 1995 and closed shortly after in April 1996, and *Ettela'at*, whose editor Mahmud Doai has been very close to Rafsanjani, have been the platforms where the views of modern right has been expressed.¹¹

The major impact of *Kargozaran* regarding the Iranian regime is not only that they tried to increase the Islamicity of the republic in line with their advocacy for the *fiqh-e puya* (dynamic *fiqh*) but also they also promoted the republicanism, thus popular legitimacy, as the founding principle of the Islamic Republic. They tried to achieve this aim by opening the Islamicity of the regime into debate through press. In the newspaper articles, the progressiveness of Islam and Shi'i *ijtihad*, and the need to issue new decrees and free thinking were promoted. Moreover, through their support for the constitutionalism, free elections and pluralism, which are the republican principles and ensures popular legitimacy, they also tried to deemphasize the religious dimension of the state. They introduced the modern concepts such as “civil society” (*jame'eh-ye madani*) and “human rights” (*hoghugh-e bashar*) to the Iranian politics. They urged the regime to adhere to these contemporary universal principles in order to maintain the popular legitimacy. They are adamant defenders of press freedom and declared that ensuring the freedom of press is an Islamic necessity. Such as this, they claim that the participation of women into socio-economic and political spheres is a fundamental principle of the Islamic Republic since *Qoran* and the words of the Imam show that Islam believes equality of sexes.¹² In general, it can be argued that they had an understanding of change; however, their starting point is the preservation of the existing system rather than alteration.¹³

¹¹ Mehdi Moslem, *Factional Politics*....., p. 129.

¹² Sami Oğuz, Ruşen Çakır, *Hatemi'nin İranı*, (İstanbul: İletişim Yayınları, 2000), pp. 52-54.

¹³ Ray Takeyh, Nikolas K. Gvosdev, “Pragmatism in the Midst of Iranian Turmoil”, *The Washington Quarterly*, Vol. 27, No.4, Autumn 2004, p. 37.

4.1.2. The Left

In the first decade of the Islamic Republic those who advocate the left-leaning policies were the radicals. This argument is also valid for the first half of the 1990s. However, similar to the right camp, the evolution in revolutionary politics after the death of Khomeini sowed the seeds of transformation within the left camp. Although unified as the radicals until 1995, after then the leftist camp in Iran experienced splits as well as transformation of early radical thinking. Among the leftists, those who adhere to the republican and populist credentials of the Islamic Republic are regarded as the populist-Islamist revolutionaries or simply “the Islamist left”. Conversely, those who give the priority to the Islamist dimension of the state formed the “neo-radical” faction.

4.1.2.1. The Islamist Left

The main features of the Islamist left is their adherence to *fiqh-e puya* (dynamic *fiqh*), a strong centralized and redistributive state, command economy, export of the revolution and tolerance in both socio-cultural and political spheres. The major groups that represent the views of this faction are the early radicals that are *Majma'e-ye Rouhaniyoun-e Mobarez* (The Association of Combatant Clergy), *Mojahedin-e Enqelab-e Eslami* (The Crusaders of the Islamic Revolution) and the *Daftar-e Tahkim-e Vahdat* (The Office of Strengthening of Unity). However, their ideology is differentiated from the radical discourse since they demonstrate a more liberal stance on economic and socio-cultural policies.

The *Majma'e-ye Rouhaniyoun-e Mobarez*, which was established in April 1988 as a result of its split from *Jame'eh-ye Rouhaniyat-e Mobarez*, expressed its views through its official daily, *Salam* (Peace). Mehdi Karrubi was its secretary general. Other prominent members in the central committee were Mohammad Musavi-Khoeiniha, Ali Akbar Mohtashemi, Mahmud Doai, Asadollah Bayat, Majid Ansari, Mohammad Ali Abtahi, Mohammad Hossein Rahimian, Rasul Montajabnia, Mohammad Tavassoli, Mohammad Khatami, and Abdolvahed Musavi-Lari. The *Rouhaniyoun* temporarily ceased its political activities after 1992 parliamentary elections and resumed its activities in October 1996. This group became particularly

important with the ascendancy of Khatami to the presidency in 1997 and they constituted the core of the “reformists” in the Islamic regime.

The *Mohajedin-e Enqelab-e Eslami*, Moslem argues, has been the ideological think-tank for the left in post-Khomeini Iran through the writings of the members, such as Behzad Nabavi, Mohsen Armin and Mohammad Salamati, in their publication *Asr-e Ma* (Our Era) since 1994. In their manifesto, the goals of the organization were stated as:

... (a) guarding of the principles, values, goals, and achievements of the Islamic revolution that include the Islamic system and the constitution, (b) perpetuation, expansion, and deepening of the Islamic revolution in Iran and the world, (c) increase in the ideological-political awareness, moral attitude of the masses and their mobilization for their active participation in revolutionary matters, the society, and their destiny, (d) acceptance of the constitution as the principles and pillars of the system of the Islamic Republic that is manifested in the three branches of government.¹⁴

The *Daftar-e Tahkim-e Vahdat* (The Office of Strengthening Unity) was established in the beginning of 1980s. At the beginning of the Cultural Revolution on May 1980, an organization named as *Anjomanha-ye Eslami-ye Daneshjuyan* (The Islamic Associations of Students) were established by the regime to prevent the spread of Marxist views in the universities. However, there were differences among these associations from the beginning. Some of them, like *Jihad-e Daneshgahi* (University Jihad), held conservative and Islamist views whereas some others held more revolutionary views. *Tahkim-e Vahdat* emerged from the union of those associations who adhere to the revolutionary thinking and their divergence from the conservative organizations happened gradually. Since 1991, *Tahkim-e Vahdat* has been propagating the revolutionary and populist views through its publication, *Mobin*. Ibrahim Asgharzadeh, Ali Mohammad Gharibani (editor of *Mobin*) and Hashem Aqajari have been the most influential individuals in the activities of *Tahkim-e Vahdat*.

Mehdi Moslem argues that the views of the Islamist left have experienced three transformations.¹⁵ They had been in a radical position within the regime in the

¹⁴ *Asr-e Ma*, October 19, 1994 quoted in Mehdi Moslem, *Factional Politics*....., p. 112.

¹⁵ Mehdi Moslem, *Factional Politics*....., p. 113.

Khomeini period. In the middle of 1990s, especially in the second term of Rafsanjani's presidency, they softened their hard-liner position especially in foreign policy and economy and made a de-facto alliance with the modern right. However, the election of Khatami to presidency in 1997 led to a huge transformation in the Islamist left that they clearly diverged from their earlier radical-revolutionary strategy. For this reason, the views of the Islamist left that will be mentioned in this part of the study comprises of the period after the death of Khomeini till the election of Khatami.

The Islamist left claims loyalty to the core concept of the system, the *velayat-e faqih*, like all other political groups that operate in Iranian political system. However, while the conservatives or the traditional right adheres to the *motlaqeh* interpretation of *velayat-e faqih*, the Islamist left accept a different interpretation that is *velayat-e entesabi* or divine-populace (*Elahi-mardomi*). This interpretation stipulates that besides the religious, thus sacred, dimension of the legitimacy and sovereignty of the Iranian regime, it also emanates from the populist dimension. They are very much critical of the *velayat-e motlaqeh* and they claim that this concept has been misinterpreted by the traditional right in that providing the *faqih* absolute power is some sort of despotism. In their view, the *faqih* shares his rule with the people. This interpretation of the concept of *faqih* implies their adherence to the *fiqh-e puya* and support for the populist, revolutionary and republican dimensions of the Islamic Republic. Furthermore, they held the Islamist dimension of the state secondary to the populist dimension by arguing that the legitimacy, authority and power of the *faqih* emanates from the populace, not from God. In a statement, the *Rouhaniyoun* declared that:

In a constitution, the pillar of legitimacy and acceptance of the regime is the popular will. A review of the constitution reveals how the populace and their opinions have been taken under consideration. In fact, all pillars of the regime, even *velayat-e faqih*, draw [legitimacy] from republicanism. ... In the constitution, the primary role of managing the country is relegated to the people, and it is the people who bestow these responsibilities on the officials.¹⁶

¹⁶ *Salam*, March 17, 1992 quoted in Mehdi Moslem, *Factional Politics*....., p. 117.

The Islamist left's advocacy for populist dimension of the Islamic Republic can be observed in the words of Mohammad Khoeiniha who stated that: "The more the people are involved in making and preservation of the regime, the stronger and more sovereign the regime becomes. We can have a religiously sanctioned regime only when people can criticize the regime." He further maintained that "... one would not claim to be guardian [*vali-ye ne'mat*] of the people. Rather, he would perceive the people to be his guardian."¹⁷ As a matter of fact, according to the constitution the *vali-ye faqih* is subject to the election by the people no matter directly or indirectly.

In the post-Khomeini political spectrum, the Islamist left was the only faction who gave priority to the pluralism and political parties. In the first decade of the revolution, the pluralism of ideas and political parties were regarded as a threat by the regime although the official reason for the non-existence of the political parties was the war conditions.¹⁸ However, coming to the middle of 1990s, the Islamist left began to advocate that the people must be empowered to govern themselves through political parties, civil society associations, and a free media. Mehdi Karrubi from *Rouhaniyoun* maintained that "the political parties guarantee the [survival of the Islamic] system."¹⁹

The socio-economic views of the Islamist left are very much similar to the earlier radicals. They held the achievement of social justice through egalitarian distribution of the wealth as the most important tasks of the revolutionary state. They envisaged an interventionist role for the state to protect the *mostazafin* (the oppressed) and to redistribute wealth in the society. Although in time they softened their radical stance in line with the transformations of the Islamist leftist thought in Iran, they tolerated the private ownership so long as it did not undermine social justice.

¹⁷ *Salam*, May 13, 1992 quoted in Mehdi Moslem, *Factional Politics*....., p. 118.

¹⁸ For example, the regime has suspended the 'Political Parties' and Groups' Activities Act of 1981' for seven years. Although early in 1988 the implementation of the act was considered, there was still a cautious approach to the political parties in the aftermath of Khomeini's death. Anoushiravan Ehteshami, *After Khomeini: The Iranian Second Republic*, (London, New York: Routledge, 1995), p. 43.

¹⁹ Mehdi Moslem, *Factional Politics*....., p. 119.

Regarding the socio-cultural issues, the Islamist left adhered to the *fiqh-e puya* (dynamic *fiqh*). The words Mohammad Khatami, who had been serving as Minister of Culture and Islamic Guidance since 1980, indicated: “The future belongs to logic, rationality, legitimate freedom, and enlightenment. No force can stop thinking and logic.”²⁰ They are also very much critical on the regime’s policies with regard to women and they particularly criticize the limited political and cultural rights of women under the Islamic Republic. Apart from these, the Islamist left endorse the post-revolutionary generation and the students with their appeal to more freedom, less limited socio-cultural and political space.

4.1.2.2. The Neo-Radicals

The neo-radicals are those who take the religiousness of the state as the main reason of its existence and independence. Their struggle of top priority is against what the traditional right called as “cultural onslaught of the West”. They dedicate their efforts to purification of the Islamic culture from Western influences and they deem the use of force as a necessary tool for this aim. They take obedience to the Leader and his absolute mandate as the main pillars of the Islamic regime. These views of the neo-radicals bring them closer to the conservative camp. But in economic matters they appeal to the radical discourse of statism and socio-political egalitarianism. Thus, they advocate a populist discourse in economic issues. However, their economic populism is not associated with republicanism, since on socio-political realm they are ardent supporters of the Islamicity of the Iranian regime.

Although all the political groups in Iran are loose entities without a clear membership and a unified platform to express their views, the neo-radicals show a much looser structure. In addition to this, there are members of conservative right who share the views of the neo-radicals on cultural issues and they are the ones who strengthen the position of both theirs and the neo-radicals at the same time. Still, we can mention some individuals and groups who clearly represent the neo-radical position as a distinct political path. The most important of these individuals is Mehdi Nasiri, who had been in the editorial board of *Keyhan* from 1988 until 1994. He then

²⁰ *Salam*, May 2, 1992 quoted in Mehdi Moslem, *Factional Politics*....., p. 122.

began to publish *Sobh* (Morning) in March 1995 as a weekly, and then it became monthly. In an editorial named “Why *Sobh*?”, Nasiri maintained that “*Sobh* aims to play its part in guarding the principles of the revolution and to spread [religious] ‘orthodoxy’ [*osulgarai*] and fight heterodoxy.” In the same editorial, he attacked the alliance of the modern right and the Islamist left by denouncing the cultural policies of Khatami. He stated that “... I am against the actions of the former ministry of culture and Islamic guidance [Khatami] and its sponsoring of Western-infected liberal intellectualism as a cultural model, especially in media and cinema.”²¹

Another group that pursues neo-radical goals is the *Ansar-e Hezbollah* (the comrades/patrons of Party of God). Masud Dehnamaki, Hossein Allah-Karam, and Mehdi Shoja’i are the eminent members of this group. Dehnamaki and Allah-Karam publish the bi-weekly *Shalamcheh* and Shoja’i publishes the monthly *Neyestan*.

The *Basijis* are located at centre of the neo-radical formation. The feeling of marginalization in post-war reconstruction period on the part of the poor and highly Islamist-revolutionary segments of the society, such as *Basijis*, has become a great impetus behind the spread of neo-radical thought. The transformation in revolutionary politics, which was started with Khomeini and then continued with more cultural liberalization during the presidency of Rafsanjani, led them claim that the values and principles of the revolution have been weakened and therefore, the revolution is in danger.²² They particularly attack Rafsanjani’s core concept, *towse-‘eh* since because the term implies economic opening to the West and less strict cultural life. They also attack those who claim freedom and more rights for women. The daughter of Rafsanjani, Faezeh Hashemi, has become the target of their attacks since she became a member of parliament in 1995 and struggled for women rights. The Sisters of *Ansarollah*, the women who are in line with *Ansar*, joined this fight against feminist sentiments. They are also very much critical of the Islamist left since they regard this group deviated from Imam’s line.

The *Jam’iyat-e Defa’ az Arzesh-ha-ye Enghelab-e Eslami* (the Society for the Defense of the Revolutionary Values) constitute the first real organizational nucleus of the neo-radicals. It established in early 1996 under the leadership of the former

²¹ *Sobh*, March 6, 1996 quoted in Mehdi Moslem, *Factional Politics*....., p. 136.

²² Farhang Rejaee, “Reflections on Religion.....”, pp. 126-127.

intelligence minister Hojjatoleslam Mohammad Mohammadi Reyshahri. After the defeat in 1997 presidential elections, Reyshahri announced the temporary dissolution of *Arzeshha* in November 1998.²³

4.2. Debates between the Islamists and the Republicans on Policy Issues

The struggle between the Islamist and republican tendencies within post-revolutionary Iranian polity that were solidified in the Constitution of the Islamic Republic marked the two-term presidency of Ali Akbar Hashemi Rafsanjani from 1989 until 1997. The newly-elected *Vali-ye Faqih* or *Rahbar* of the Islamic Republic after the death of Khomeini in 1989, Ayatollah Ali Khamene'i, was not competent both religiously (he was in the lower echelons of the clerical rank and not an "ayatollah" when he became the *faqih*) and politically (unlike Khomeini, he was not in control of the all political groups and factions in the country). Therefore, the President Rafsanjani emerged as a powerful figure in directing the politics in Iran after the death of Khomeini. As a result, the post-Khomeini politics came to be determined by the alliance of Khamene'i and Rafsanjani, while Rafsanjani was the man who initiated policies and Khamene'i was giving his blessings to him. Although Khamene'i was more close to the traditional right and Rafsanjani had stronger relations with the modern right, they were united against the possible threats to the stability and the survival of the regime facing a structural transformation with the constitutional amendments and an ideological transformation with the death of Khomeini. Moreover, Khamene'i needed the support of Rafsanjani to establish his charismatic authority and Rafsanjani needed the support of Khamene'i in implementing his modernist policies. Until 1994, this alliance was more or less firm and got much support from the traditional and modern right. The traditional right had been critical of the radical policies of Khomeini in the first decade of the revolution, thus they supported Khamene'i who was more prone to the conservative stance. The liberal economic policies of Rafsanjani which were in line with the conservative claim for a free-market economy and his moderate foreign policy attitude led the

²³ Wilfried Buchta, *Who Rules Iran: The Structure of Power in the Islamic Republic*, (Washington: The Washington Institute for Near Eastern Policy and Konrad Adenauer Stiftung, 2000), p. 20.

traditional right to support the Khamene'i-Rafsanjani leadership. Therefore, during the first term of Rafsanjani's presidency, it can be argued that the Islamist and republican viewpoints legitimized the existence of each other. However, this began to change in the second term of Rafsanjani's presidency. Although he challenged the conservatives with his firm anti-*bazaar* policies, the radical-revolutionary elements of the regime were left out of the political scene and a domination of Islamism over republicanism was observed until 1996 parliamentary elections.

On the other side of the spectrum, the radicals remained critical of the traditional right. They questioned whether the conservatives were the true followers of the Imam's line (*khatt-e Imam*) since they were in direct confrontation with Khomeini in his lifetime.²⁴ They perceived the Khamene'i-Rafsanjani leadership as monopolization of power by the traditionalist conservatives. To fight against this monopolization, they tried to challenge the new administration in *Majles*, where the radicals had a say, and in promoting republican credentials of the system against the Islamists.²⁵

In the Islamist-republican debate, the conservatives maintained their support for the *motlaqeh* interpretation of the *velayat-e faqih*. They argued that the *velayat-e faqih* institution is above the law. In the words of Azari-Qomi printed in *Resalat*, the *faqih* is infallible and the fallible wisdom of people may not be equal to that of the *faqih*. He further stated that "We must obey the *faqih* even though we are aware that his ruling is wrong."²⁶ Therefore, the source of legitimacy was the *velayat-e faqih*, not the popular vote. The radicals, however, opposed this blind obedience and argued that the people were capable of deciding for themselves. Ibrahim Asgharzadeh stated that in the Islamic Republic's divine system, the power emanates from bottom to top; therefore, the regime was based on popular rule. They opposed the idea of infallibility of the *faqih*. It was argued in *Salam* that "the legitimacy of the regime

²⁴ See Chapter 3.

²⁵ After Rafsanjani was elected as the president, the government board of the *Majles* came under the complete control of the radicals. The radicals gained the control of chairmanships of the important committees such as budget and planning, finance, bylaws, and defense and military affairs. The only significant committee controlled by the Rafsanjani camp was the foreign affairs committee headed by the former UN envoy S. Raja'i Khorasani. In addition, the speaker of the *Majles*, Mehdi Karrubi, was among the ranks of the radicals. Bahman Baktiari, *Parliamentary Politics in Revolutionary Iran: The Institutionalization of Factional Politics*, (USA: University Press of Florida, 1996), p.193.

²⁶ *Resalat*, November 18, 1990 quoted in Mehdi Moslem, *Factional Politics*....., p. 162.

was based on the will of the people and all institutions in Iran, even the *velayat-e faqih*, had their nucleus in republicanism.”²⁷

During Rafsanjani’s two-term presidency, the debates between the political factions that revolved around the question whether the priority would be given to Islamist or republican dimension of the Iranian state can be observed in two arenas. One is the struggle through state institutions which was manifested during the elections for the Assembly of Experts in 1990 and the parliamentary elections of 1992. The second one is the struggle through domestic policy issues, which are economic and socio-cultural policies.

4.2.1. The Struggle between the Islamists and the Republicans through State Institutions

4.2.1.1. Elections of the Assembly of Experts (*Shora-ye Khobregan*)

The institutional implications of the ideological struggle between the conservatives and the radicals can be observed evidently in the elections of the second term of the Assembly of Experts (*Khobregan*) in the Islamic Republic. On July 15, 1990, just before the elections for the second Assembly of Experts, the Assembly decided to change two of its fundamental principles in the procedural law. One of them is that eligible candidates had to be “fully acquainted with the basis of *ijtihad* and educated at prominent *howzehs* to the degree of being able to discern the competency of candidates for the *marja’iyat* and leadership.” This changed as to be eligible for candidacy of Assembly of Experts, candidates “should have reached the status of *ejtehad* to the degree of being capable of deducing some jurisprudence issues and of discerning necessary qualifications for the *vali-ye faqih*.” The second law that changed was that “the eligibility of the candidates is discerned through the attesting of three well-known preachers in *Howzeh*. However, those candidates about whom the leader explicitly or implicitly testified regarding their *ijtihad*, and those *ijtihad* is recognized and accepted in religious circle, do not need the above mentioned attestation by the leader.” This was changed into “the source of assertion for the ... [eligibility of the candidates] is the *foqaha* of the Guardian Council. Those

²⁷ *Salam*, March 18, 1992 quoted in Mehdi Moslem, *Factional Politics*....., p. 162.

candidates whose *ijtihad* has been explicitly or implicitly approved by the leader do not require the approval of the Guardian Council.”²⁸

The purpose of this move was seemed to exclude the radicals from the Assembly of Experts and to assure the conservative dominance in the second assembly since there were no high-ranking *ulama* within the leftist camp. Moreover, the inclusion of the conservative Guardian Council into the election process came as a blow to the radicals in that their candidates would not be qualified to run for the elections by the Council. The radicals responded to this move by declaring the elections illegal. The conservatives, however, defended the new provisions by referring to the Article 108²⁹ of the constitution and argued that the Assembly of Experts was a divinely inspired supervisory body with autonomous power. They accused the radicals with creating conflict and organized a nationwide opposition together with street demonstrations to de-legitimize the radicals through blaming them as agents of America and Israel. In their opposition, the conservatives emphasized the *motlaqeh* discourse and undermined the populist legitimacy of the Islamic Republic.³⁰

At the end of this fierce struggle, the conservatives managed to get their candidates elected to the Assembly of Experts. Out of one hundred and seventy eight candidates applied for the elections, sixty-two failed to run and seven withdrew their candidacy.³¹

²⁸ “Eligibility of the Assembly Ratified”, Tehran Television Service in Persian, 15 July 1990 in *FBIS-NES-90-137*, 17 July 1990, p. 53 and “Experts to Discern Leader Qualifications”, Tehran Domestic Service in Persian, 16 July 1990 in *FBIS-NES-90-137*, 17 July 1990, pp. 53-54.

²⁹ Article 108 – The law setting out the number and qualifications of the experts, the mode of their election, and the code of procedure regulating the sessions during the first term, must be drawn up by the *fuqaha* on the first Guardian Council, passed by a majority of votes and then finally approved by the Leader of the Revolution. The power to make any subsequent change or a review of this law, or approval of all the provisions concerning the duties of the experts is vested in themselves.

³⁰ Mehdi Moslem, *Factional Politics*....., pp. 157-158.

³¹ Among the prominent figures of the leftist camp, Mehdi Karrubi, Mohammad Khatami, Mohammad Tavassoli, Abbas Khorasani and Mohammad Musavi-Khoeiniha did not submit their applications. Ali Akbar Mohtashemi, Asadollah Bayat, Sadeq Khalkhali and Hadi Khamene'i were disqualified by the Guardian Council to run for the elections. David Menashri, *Post-Revolutionary Politics in Iran: Religion, Society and Power*, (London, Portland, Or: Frank Cass Publishers, 2001), p. 53.

4.2.1.2. Guardian Council's Expansion of Power and the 1992 Parliamentary Elections

The approval power that was granted the Guardian Council regarding the elections for the Assembly of Experts alarmed the radicals in the *Majles*.³² What added the radicals' concerns was that at the end of the 1991, the supporters of Rafsanjani asked the Guardian Council to clarify the ambiguities regarding their interpretation of Article 99 of the constitution, according to which the Guardian Council has a supervisory position over the elections of the Assembly of Experts, the President and the *Majles*. However, they argued, this was an interpretation of the Guardian Council, but not a law; and the government should act upon the decisions of the *Majles*, not on the interpretation of the Guardian Council.³³ In line with their demands, in December 1991, the Guardian Council announced that "its supervisory role was "approval supervisory", (*nezarat-e estesvabi*), which meant that all the candidates had to be accepted by the Guardian Council regardless of the approval of the Ministry of Interior (whom the left controlled)".³⁴

This evidently unconstitutional ruling of the Guardian Council had two important consequences that shaped the future political debate in Iran. Firstly, the Council, which had been working as if a fourth power besides legislative, executive and judiciary with its veto right over all the laws of the parliament, enhanced its role within the system by controlling the elections. This meant that an unelected institution had the final say on the election of the people's representatives. In other words, the decision of the Council undermined the republican dimension of the system and damaged the populist legitimacy of the republic. Secondly, it assured the supremacy of the traditional right over all other political groups in the parliamentary

³² This process of self-empowerment of the Guardian Council had started on August 2, 1986 when the role of the Interior Ministry in the elections had been weakened by the amendments to the election law for the third *Majles*. The amendments called the "Legislation for the Supervision of the Guardian Council over Elections" stated that the supervisory committee has total jurisdiction over the process, including that of the Ministry of Interior. Moreover, in another amendment, the Ministry of Interior was required to submit a candidate file for review by two governmental bodies, that were the office of the prosecutor-general and the central registration administration. The new law also disempowered the Ministry of Interior to initiate criminal proceedings against the violators during the elections. Bahman Baktiari, *Parliamentary Politics*....., p.145.

³³ "Majles' Bayat Explains Constitution Article 99", Abrar in English, 5 December 1991 in *FBIS-NES-91-241*, 16 December 1991, p. 83.

³⁴ Bahman Baktiari, *Parliamentary Politics*....., p. 217.

elections since the conservative Guardian Council rejected the candidacy of majority of the radical and leftist personalities.

The immediate implication of this all-inclusive legal authority of the Guardian Council was the defeat of the leftists in the 1992 parliamentary elections. The Guardian Council disqualified many prominent figures from the left to run for the elections.³⁵ When Behzad Nabavi asked the reasons for his refusal, Ayatollah Ahmad Jannati expressed that the main reason for the rejection of the candidates by the Guardian Council was “financial wrongdoings and moral corruption”, but he did not provide any details.³⁶ Khamene’i’s support for the conservative right and the decisions of the Guardian Council also played an important role in this situation.³⁷

The refusal of leftist candidates escalated the struggle between the Islamist conservative right and the populist left. Whereas the conservatives and pro-Rafsanjanites ran on a platform of “Loyalty to the Imam’s Line, Fidelity to the Leader, Support for Rafsanjani”, the *Majma’e-ye Rouhaniyoun-e Mobarez*, the *Mojahedin-e Enqelab-e Eslami* and the *Daftar-e Tahkim-e Vahdat* came together and formed the “Grand Coalition” (*E’telaf-e Bozorg*) chanting the slogans that were “the Islamicity of the regime, full implementation of the constitution, support for the disinherited, and confrontation with reactionaries.”³⁸ They nominate thirty candidates from Tehran for the elections.³⁹ Against the Grand Coalition of the radicals, the *Jame’eh-ye Rouhaniyat-e Mobarez* stood with a list of another thirty candidates from

³⁵ The Deputy Speaker Asadollah Bayat, Hadi Ghaffari, Ibrahim Asgharzadeh, Atefeh Reja’i (the wife of former Prime Minister Masud Raja’i), Ayatollah Sadeq Khalkhali, Abolhasan Haerizadeh and Behzad Nabavi were some of the disqualified candidates from the left wing. David Menashri, *Post-Revolutionary Politics in Iran*:....., p. 54.

³⁶ “Behzad Nabavi’s Open Letter to Rafsanjani”, Resalat in Persian, 30 April 1992, *FBIS-NES-92-117*, 17 June 1992.

³⁷ On a meeting with the members of the central committee of the Guardians Council on March 10, 1992, Ayatollah Khamene’i stated that “durability of our Islamic system depends on the conformity to its laws and regulations. No corrupt person should be allowed to enter an institution that has the function of legislating. ... The criteria for judging the eligibility of candidates must include practices of moral, economic, and political corruption.” According to Bahman Baktiari, with this statement, Khomeini clearly exposed his ideological preference in factional fighting. Bahman Baktiari, *Parliamentary Politics*:....., p. 218.

³⁸ *Keyhan*, April 6, 1992 quoted in Bahman Baktiari, *Parliamentary Politics*:....., p. 218.

³⁹ Mehdi Karrubi, Mohammad Musavi-Khoeiniha, Mohammad Tavassoli, Ali Akbar Mohtashemi, Abdolvahed Musavi-Lari, Morteza Alviri, Sa’id Hajjarian, Abbas Dozdouzani, Morteza Katirai, Abolqasem Sarhadizadeh, Mohammad Salamati and Mahmud Doai were the most prominent figures in the 30-member list of the coalition among the Islamist left.

its satellite organizations such as the *Mo'talefeh*, Society of Islamic Engineers, the Zaynab Society, and the Society of Islamic Guilds of Tehran. Besides their main slogans, which were being the true followers of the Imam's line, obedience to the *Rahbar*, and support for Rafsanjani, they also set about a confrontation with the Western cultural onslaught⁴⁰ and the pseudo-intellectuals.

The severest response to the radical action came from Ayatollah Abolqasem Khazali. After threatening that they [the conservatives] would open the file of the minister of state Ali Akbar Mohtashemi in order to investigate if he was a mouthpiece of the USA or the *Monafeqin* [the *Mojahedin-e Khalgh* and all other anti-revolutionary or communist groups], Khazali warned that they would not let those who wanted to weaken the leadership and the regime to enter to the *Majles*. By humiliating the leftists as insects, Khazali said that they would spray DDT over those people.⁴¹

Although there were many election improprieties claimed by the left after the first round of the elections on April 10, 1992, the conservative campaign against them bore fruit. After the second round was completed on May 8, 1992, even those radical candidates who were qualified to run for the elections, such as Mohtashemi, Karrubi, Hadi Khamene'i, could not enter to the *Majles*. The balance of power among the political groups in the *Majles* shifted in favor of the traditional right.⁴² This faction had the power to determine the Speaker of the Parliament that they chose Ali Akbar Nateq-Nuri. Hasan Rouhani and Ali Akbar Parvaresh from the *Mo'talefeh* became the deputy speakers. While Hossein Hosseini-Shahrudi became the chairman of the budget and planning committee, Ali Asghar Baqani came to the

⁴⁰ In the words of Nateq-Nuri, what is meant by Western Cultural onslaught is that: "Spreading corruption and obscenity; ridiculing sacred Islamic terminology, sanctities and divine traditions; propagating debauchery, raunchiness, and homosexuality; consuming alcohol; insulting clerics; instilling the impression that girls who are outwardly chaste and noble are in reality extremely profligate; and mocking religious chanting and so on." *Resalat*, February 8, 1993 quoted in Bahman Baktiari, *Parliamentary Politics*....., p. 222.

⁴¹ "Iran: Majles Sessions", *Resalat* in Persian, 17 February 1992 in *FBIS-NES-92-057*, 24 March 1992.

⁴² The Third *Majles*, which had been elected in May 13, 1988 (second round) under the presidency of Khamene'i, was composed of mainly radical members. A radical political, Musavi, was the Prime Minister of the time. The core radical leadership, who were Mohammad Asgharzadeh, Hadi Ghaffari, Mehdi Karrubi, Sadeq Khalkhali, Asadollah Bayat, Hadi Khamene'i, had been elected to the third *Majles*. Bahman Baktiari, *Parliamentary Politics*....., p.149.

top of the legal and judicial affairs, and Hassan Rouhani became the chairman of the foreign affair committee.

4.2.2. The Struggle between the Islamists and the Republicans through Domestic Policy Issues

4.2.2.1. The Economic Policy

The First Five-Year Plan of 1989/90 – 1993/94 prepared by the Rafsanjani government passed both the parliament and the Guardian Council on January 31, 1990. The plan envisaged to reconstruct the war-torn economy and to achieve economic, political and social welfare through privatization of state-owned industries, reducing the role of the state in the economy from an interventionist position to a supervisory one and the dependence on oil revenues, increasing the investment in infrastructure and industrial output, and the state revenues through taxation. Bahman Baktiari summarizes the overall goal of the five-year plan as “to decentralize government coordination of economic policy.”⁴³

These policies were welcomed by the conservative right, especially the *bazaaris*, since they promote the free market economy. They expected higher profits from the decentralization in the economy. The only matter for discussion that they were not pleased was state taxation. Inevitably, the radicals criticized the economic liberalization policies of Rafsanjani on the grounds that the plan did not care about social justice, but it only dealt with economic output. However, due to some reasons, the opposition from the left could not be strong enough to change the direction of economic policies. Firstly, the traditional and modern right made a firm alliance on the economic policy and the left could not build a coalition with any other force in the country. Secondly, the discourse of the mismanagement in the economy marked the previous period and the left could not be able to justify its claims on the basis of redistributive-egalitarian and statist policies. Lastly, the left suffered from lack of a powerful monetary base in Iran. The *bazaaris*, the tradesman, big landowners, the industrialists were all in support of the conservatives and the modern right. As a

⁴³ *Ibid.*, p.194.

result of these reasons, struggle among different factions in Iran could hardly be observed in economic policies during the first term of Rafsanjani's presidency.

Although the traditional right had not been fully comfortable with Rafsanjani's some statist measures in economy and liberalism in socio-cultural issues during his first term in presidency, they still supported him in the 1993 presidential elections. They used their slogan of 1989 elections, "Support for Hahsemi (Rafsanjani)" again in 1993.⁴⁴ Mehdi Moslem argues that the continuation of the support for Rafsanjani was due to three reasons. Firstly, Rafsanjani was the only credible candidate to support for the traditional right. In addition to this, they anticipated that he could resist any challenges from the left. Secondly, his leadership was necessary for the survival of the system and the traditional right was aware of that. Lastly, the conservatives were preserving their traditional stance with regard to politics and they did not have a desire to control the executive directly.⁴⁵

In the second term of Rafsanjani's presidency, the radicals were very much excluded from the politics. In order to get vote of confidence from the *Majles*, which was dominated by the conservatives after 1992 parliamentary elections, Rafsanjani had to introduce a cabinet composed of the members of the right. However, thereafter, the axis of political struggle in the second term of Rafsanjani's presidency was determined by the struggle between the traditional and modern rights.⁴⁶

The 1993/1994 budget proposal created discomfort within the *Majles*. The main objectives of the proposal were increasing revenue through taxes, initiate

⁴⁴ The Iranian presidential election of 1993, which took place on June 11, 1993, resulted in the re-election of the incumbent president, Akbar Hashemi Rafsanjani. Out of the 16,796,787 votes cast, the following numbers were won by each candidate: Akbar Hashemi Rafsanjani 10, 566, 499; Ahmad Tavakkolli 4,026,789; Abdollah Jasbi 1,498,084; Rajabali Taheri 387,655. (http://en.wikipedia.org/wiki/Iranian_presidential_election,_1993).

⁴⁵ Mehdi Moslem, *Factional Politics*....., p. 202.

⁴⁶ The first conflict between the traditional and modern rights occurred immediately after the presidential elections. In August 1993, the conservative fourth *Majles* refused to give vote of confidence to the proposed Ministry of Finance, Mohsen Nurbaksh, whom they held responsible for the economic crisis. Rafsanjani had to change Nurbaksh with Morteza Mohammad-Khan in order to receive vote of confidence for his cabinet. In fact, The real reasons behind the assault of the fourth *Majles* against the government were the policies instigated by Rafsanjani including high taxation, an export rather than import oriented economy through integration in the global market, and the modernist views of the architects and executors of these policies (such as Nurbaksh, Adeli, and Alviri) in the economic realm. In a move to respond the *Majles* refusal, Rafsanjani reappointed Nurbaksh as the vice president overseeing economic and financial matters. Mehdi Moslem, *Factional Politics*....., pp.195-204. 202.

export-oriented policies and enhance the role of the banks in the system by allowing them to issue government bonds and to offer competitive interest rates for savings. This last objective was very much challenging for the *bazaaris*, since they would lose their hold on capital; thus their autonomy.

The discontent in the *Majles* was so intense that Rafsanjani had to submit a proposal to ensure the approval of the new budget proposal for 1994/1995. For this purpose, on November 29, 1993, he introduced “Procedures for Considering the National Budget and the Five-Year Plan” to shorten the number of days the *Majles* deputies have for submitting revenue proposals from two weeks to five days, and to limit the time for overall consideration from the committees to the whole *Majles* to thirty days. After many objections and debates, this motion approved and became law on December 4, 1993.⁴⁷

The budget proposal for the 1994/1995 fiscal year and the second five year plan became another major source of controversy between the traditional and the modern rights. Rafsanjani submitted the budget proposal and the second five year plan at the same time on December 21, 1993. The *Majles* approved the budget proposal within two months, but the five year plan, which was began to be debated on August 1994, was not approved until December.

According to the new plan, tools for economic development would be investment, industrial production and growth rather than distribution and consumption. The government projects would be provided by raising customs duties, tariffs, tolls and taxes. Asghar-Owlati, who was the chairman of the budget committee in the *Majles*, began criticizing the policies of Rafsanjani in his pro-*bazaari* and anti-statist articles in *Resalat*. In his view, high taxes were a form of state despotism.⁴⁸ In the face of deep state involvement in the economy, the conservative members of parliament managed to raise taxes first on state-run enterprises. They proposed that any budgetary change for the banks must first be approved by the *Majles*. By this way, the *Majles* gained some control over the actions of the executive. Moreover, due to the objections from the *Majles*, the prices of kerosene, gasoline and fuel were not increased except the price of electricity.

⁴⁷ Bahman Baktiari, *Parliamentary Politics*....., p. 230.

⁴⁸ *Resalat*, September 23-25, 1993 quoted in Mehdi Moslem, *Factional Politics*....., p. 208.

In criticizing the economic policies of the modern right, the traditional right appealed to the “leftist” discourse of social justice, but of course from a different perspective. They argued that state control in economy would destroy social justice, especially raising fuel costs and decreasing subsidies led them to argue for the cause of the poor and fixed-income populations. The budget committee claimed that development would be provided not through industrial growth but through agricultural growth.

During the parliamentary debates, the *Majles* accomplished to revoke all exemptions of customs, tariffs, and taxes of ministries, government companies, and state-run enterprises. While purchases from foreign markets were limited to the goods that were not available in the country, the import monopoly of the state on essential goods were lifted. Moreover, the *Majles* was successful in limiting the budget for industrial projects and canalizing the money to agricultural development, supported by the appeal to social justice by the conservatives.

The struggle among the traditional and modern rights further intensified when, in response to the *Majles*, Rafsanjani initiated a campaign against the *bazaar*. He created the “Committee for Adjustment of Bazaar” (*Komiteh-ye Tanzim-e Bazaar*) in May 1994. The targets of the committee were to control price fluctuations in the market and to combat brokers and middlemen involved in the distribution and selling of goods. Under the direction of Rafsanjani as the head of the committee, it first ordered all guilds, importers and producers to issue price tags on their products. Against this move, while Ashgar-Owlati was criticizing the government’s actions as the causes of the inflation, the director of the Society of Islamic Guilds of Tehran’s Bazaar, Sa’id Amani wrote in *Resalat* that the price control needed long-term planning and the cooperation of the guilds. When the government introduced a bill to the *Majles* on May 23, 1994 that would severely punish overcharges, Asghar-Owlati further argued that “We will solve nothing by controlling the prices – the government, which controls 85 percent of the economy, must make the people in charge of buying and selling of goods.”⁴⁹

⁴⁹ *Resalat*, May 11&May 24, 1994 quoted in Mehdi Moslem, *Factional Politics*....., p. 210.

This time, Rafsanjani did not step back and in September 1994, the Ministry of Commerce was capacitated by the government to supervise and control goods in the market with the responsibility of arresting and punishing the hoarders. In fall of the 1994, the government created a special committee made up of ministers from economics and finance, oil, industry, agriculture, and construction jihad. The committee bore the task of “supervision of the provision and distribution of essential goods for the public factories, organizing and regulating distribution channels, providing sufficient funds for creating government-run chain stores for direct supply of goods to customers⁵⁰, controlling overpricing, and determining the fair prices of goods.” Moreover, to redirect the flow of capital from the *bazaar* system into public sector bodies such as banks, on May 1994 the government announced that purchasing of all goods from abroad had to be registered. The banks would be in charge of ordering, receiving and custom clearance of the goods.⁵¹ By this way, the government aimed to contain the autonomy of the *bazaar*.

With these moves against the demands of the traditional right that dominated the *Majles*, Rafsanjani displayed his firm stance in vivification of the objectives of *Towse-‘eh* and his power as the head of the executive. Moreover, he explicitly split from his earlier power base and paved the way for the formation of the modern right as a separate political group.

4.2.2.2. The Socio-Cultural Policy

The socio-cultural policy is the major area of controversy among the traditional and the modern rights. The regime’s principles and guidelines were determined by the High Council for Cultural Revolution⁵² headed by the president.

⁵⁰ These chain stores, named as *Refah* (welfare), were created to provide and distribute goods that the public needs and do away with the unnecessary middle man and protect domestic producers and consumers. The founders of the *Refah* were the National Bank, Bank of Commerce and Export Bank, municipal government of Tehran and the state-run insurance companies, *Alborz* and *Asia*. The government began competing with more traditional retail shops with the creation of *Refah*. In the opening ceremony of *Refah*, Rafsanjani stated that “If we open one store for every 100,000 people, the distribution and supply of goods will be fundamentally transformed”. *Salam*, December 5, 1994 quoted in Mehdi Moslem, *Factional Politics*....., p. 211.

⁵¹ “Regime’s New Efforts to Oust the Brokers”, *Keyhan-e Havai* in Persian, 11 May 1994 in *FBIS-NES-94-106*, 2 June 1994, pp. 70-71.

⁵² Created by Khomeini in June 1980, the High Council for Cultural Revolution was entrusted the task of “setting the overall guidelines for universities based on Islamic culture and principles.” It was an independent body and its laws needed no approval by the Guardian Council or the *Majles*.

Rafsanjani, who had become the head of the High Council for Cultural Revolution as the president of the republic, introduced the “Cultural Principles of the Islamic Republic” on August 24, 1992. The most important thing is that this proclamation of President Rafsanjani was based on the views of modern right, which can be summarized as “confronting superstitions, combating intellectual stagnation and pseudo-religiousness, spreading the spirit of criticism, and “Propagation of Virtue and Prohibition of Vice” (*Amr-e be Ma'ruf va Nahy-e az Monkar*) through wisdom rather than force.”⁵³ Moreover, it stated that the socio-cultural issues should be dealt by the experts, not by the *ulama*. It was also against the views and actions of neo-radicals, who were arguing for extremely Islamist cultural policies directed by the *ulama*.

The guidelines introduced by the Cultural Principles of the Islamic Republic were being carried out by the efforts of the president Rafsanjani, the Head of the Iranian Radio and TV Mohammad Hashemi (brother of Rafsanjani), and the Minister of Culture and Islamic Guidance Mohammad Khatami. Mohammad Hashemi was an influential figure since he was active in transmitting the cultural policies of the modern right through radio and TV programs. He received harsh criticisms from the neo-radical *Hizbollahis* and the *Basijis* that the radio and TV programs were liberal, not revolutionary, and not addressing to the poor segments of the society. The second most important figure in shaping the cultural policies, Mohammad Khatami, had been serving as the minister of culture and Islamic guidance since 1982. He had a moderate stance on cultural issues. The media publications were not only proliferated but were also allowed to criticize in his years. Although the conservative right had been silent on the cultural policies of Rafsanjani because of their alliance, in mid-1992 the modern right received harsh criticisms from the conservative right who joined with the neo-radicals. The two groups targeted Khatami to attack because of his views. At the end, he was forced to resign in July 1992 and he replaced by two *Mo'talefeh* members subsequently, first by Ali Larijani and then Mostafa Mir-Salim.⁵⁴

⁵³ Mehdi Moslem, *Factional Politics*....., p. 168.

⁵⁴ Upon the resignation of Khatami, analysts argued that it could signify a move by Hashemi Rafsanjani, who reportedly sought Khatami's departure, to take full control of a ministry dominated by anti-Western radicals since Khatami had allowed radicals to take charge of certain key posts in his

According to Mehdi Moslem, the new socio-cultural direction in Iran espoused by the modern right was to become a fundamental cause of split within the two rights and of physical confrontation between the officials of the central government and the *Hizbullahis*.⁵⁵ Moreover, the socio-cultural realm displayed the early signs of alliance between the modern right and the Islamist left who shared the same views in cultural issues.

In second term of Rafsanjani's presidency, the thing which determined the course of developments in the socio-cultural realm was Khamene'i's gradual siding with the traditional right.⁵⁶ The conservatives, who enjoyed the support of the neo-radical *Hizbullahis* from outside the parliament and gathered around Khamene'i, tried to weaken Rafsanjani's liberal socio-cultural policies. Therefore, the socio-cultural politics during the second term of Rafsanjani was a reflection of the conservative views espoused by the traditional right faction. Although struggle among different political groups did not occur in this period, the main thing was in fact the conservatives' endeavor to eliminate any leftist influence and prevent cultural liberalization. The traditional right managed to implement its views since because they controlled the parliament and other various governmental posts, and they enjoyed the support of Khamene'i.

To direct the cultural affairs of the country, the traditional right had first wished to replace the leftist minister of culture, Khatami, with a conservative from *Mo'talefeh*, Ali Larijani. With the help of the leader's support behind them, the traditional right had been successful to get Ali Larijani appointed as the new Minister of Culture and Islamic Guidance in July 1992. Larijani had been welcomed by the

ministry. "Culture, Islamic Guidance Minister to Resign", AFP in English in *FBIS-NES-92-117*, 7 June 1992, p. 46.

⁵⁵ Mehdi Moslem, *Factional Politics*....., p. 169.

⁵⁶ According to Mehdi Moslem, it is difficult to give certain reasons for his move towards the conservatives. However, one can be sure that Khamene'i enjoyed neither the politico-economic footing of Rafsanjani nor the well-established religious and socio-economic base of other powerful conservatives. His religious credentials were weak and he did not have strong connections to the *bazaar*. Therefore, he had to choose one side in the conflict between the traditional and modern rights in order to consolidate his power. Khamene'i received much support from members of the *Jame'eh-ye Modarresin-e Howze-ye Elmiyye-ye Qom* and the *Jame'eh-ye Rouhaniyat-e Mobarez*. *Ibid.*, pp. 200-202.

conservatives both in the *Majles* and outside. He had been praised for his doctrinaire credentials and his obedience to *velayat-e faqih*.⁵⁷

With the appointment of Ali Larijani as the Minister of Culture and Islamic Guidance, the socio-cultural milieu in Iran changed completely. As Larijani noted in his speech before the *Majles*, the main purpose of the ministry became to confront the cultural onslaught of the West on the Iranian society. After maintaining that the foundation of the cultural policies must become holy Islamic learning, he continued that instead of making colorful and superficial films, the doctrinaires and *Hizbullahis* must be allowed to produce films with truly Islamic content.⁵⁸

Supported by Khamene'i, the traditional right further proceeded to implement their version of proper Islamic culture through the plan by Mohammadi Golpayegani, who had newly been appointed by Khamene'i as the deputy of High Council for Cultural Revolution. According to this plan of the "Reappraised Goals and Duties of the High Council for Cultural Revolution" presented on November 22, 1992, several dimensions of cultural onslaught such as clothes, theater, films, broadcasting, must be dealt extensively. For his purpose, the council directed the ministry of cultural affairs to employ more doctrinaire staff and to increase its guiding and supervisory roles in the society. Moreover, the council envisaged a more active role for the representatives of the *faqih* in the universities in order to strengthen the religious-revolutionary credentials among the university students. Larijani not only implemented this plan but also intensified the battle with Western cultural onslaught. In December 1992, he declared that the government would inject more funds into the mosques and use these religious centers as primary cultural headquarters. In April 1993, the mosques were made responsible to issue permits for printing and publishing houses and video clubs.⁵⁹

The traditional right, who enjoy supremacy of power in socio-cultural affairs after 1992, attempted to strengthen its grip and challenge the liberal views of the left

⁵⁷ Upon the resignation of Khatami, analysts argued that it could signify a move by Hashemi Rafsanjani, who reportedly sought Khatami's departure, to take full control of a ministry dominated by anti-Western radicals since Khatami had allowed radicals to take charge of certain key posts in his ministry. "Culture, Islamic Guidance Minister to Resign", AFP in English in *FBIS-NES-92-117*, 7 June 1992, p. 46. Therefore, the appointment of Larijani maintained this analysis.

⁵⁸ Mehdi Moslem, *Factional Politics*....., p. 214.

⁵⁹ *Ibid.*, pp. 215-216.

and Rafsanjani by appealing the concept of “Propagation of Virtue and Prohibition of Vice” (*Amr-e be Ma'ruf va Nahy-e az Monkar*). In promoting the Propagation of Virtue and Prohibition of Vice, the traditional right needed some executors and they resorted to the *Basij* as the physical force to enforce proper Islamic culture and morality among the society.⁶⁰

The support of Khamene'i that the traditional right enjoyed augmented their influence in the cultural affairs. For instance, in June 1993, Khamene'i entrusted conservative Friday prayer leader of Tehran, Ayatollah Ahmad Jannati, with the task of forming the Headquarters for Vivification of Propagation of Virtue and Prohibition of Vice (*Setad-e Ehya-ye Amr-e be Ma'ruf va Nah-ye az Monkar*). When Jannati announced that the *Setad* would instigate a nationwide effort to enforce the proper Islamic culture at the behest of the leader, it became evident that the traditional right would utilize the *basijis* as the soldiers preserving the morality of the regime. According to Mehdi Moslem, “the increasing role of the *Basij*-mosque axis, blessed by Khamene'i, became an important socio-political lever” for the traditional right.⁶¹

Another target in the cultural war of the conservatives was the universities. The conservatives viewed the universities as enemies to the cultural purification mainly because of the pervasiveness of the leftist views and the support for *Tahkim-e Vahdat* from the university students. The first thing to do was to increase the role of the representatives of the *faqih* in the universities and taking the student associations under the supervision of *ulama* in order to ensure their Islamicity. In November 1992, Khamene'i introduced a plan called “The Plan for Submission to Thy Khomeini” to be implemented in the universities. The purpose of the plan was to

⁶⁰ However, to be utilized as the guardians and enforcers of Islamic culture, the *Basijis* first need to be formally recognized. For this purpose, the *Majles* passed the “Law of Legal Protection for the *Basijis*” in November 1992, which aimed at empowering the *Basij* to assist the Law Enforcement Forces in fighting crimes in the country. According to this law, the *Basij* would be entitled to undertake appropriate measures – similar to the executive officers in judicial branch – in their confrontation with unlawful acts that have been witnessed, if other executive officials are not present or have not acted in timely fashion. The *Basij* resistance force will be enforcing this duty through individuals who have undergone the necessary training in this connection and have special permits. “Basij Resistance Group to Enforce Law, Order”, Tehran Voice of Islamic Republic of Iran in Persian, 3 November 1992 in *FBIS-NES-92-214*, 4 November 1992, p. 52.

⁶¹ Mehdi Moslem, *Factional Politics*....., p. 217.

organize and direct *Hizballahi* cells in universities in order to carry out “Propagation of Virtue and Prohibition of Vice”.⁶²

Besides the Ministry of Culture and Islamic Guidance, the second important institution for the traditional right that had to be taken over was the national radio and TV, *Seda va Sima*. They were very much critical of the administration of the institution, which had been directed by the brother of Rafsanjani, Mohammad Hashemi. The main points of argument were that the programs aired by the national radio and TV were not suitable to Islamic values and the employees were not *Hizbullahis*. Another criticism was the employment of women in the organization. In 1993, an investigation was initiated by a group led by conservative *Majles* deputies lead by Akbar Parvaresh in order to find out if the radio and television of the Islamic Republic was allocating more time to Western, anti-Islamic films and programs. In December 1993, they issued a final report regarding their investigation where they criticized the radio and television for “loosing Islamic values by showing too many Western cartoons for children and playing too much Western music.”⁶³ As a result of sharp opposition and the efforts of the conservatives in the *Majles*, Khamene’i replaced Hashemi by a *Mo’talefeh* member, Ali Larijani as the new head of *Seda va Sima*, on February 13, 1994.

Upon the appointment of Larijani as the head of national radio and TV, the post of the minister of culture was filled by Mostafa Mir-Salim, who continued with his predecessor’s policies. Mostafa Mir-Salim involved with the press cleansing business with the aim of eliminating those who did not think and write in line with *Hizbullahis*. Between the years 1994-1997 several papers and journals were found improper and closed by the ministry of culture and Islamic guidance together with the imprisonment of their editors. The weekly *Havades*, the bi-monthly *Kiyan*, the dailies *Jahan-e Eslam*, *Gardun*, *Bahman*, *Payam-e Daneshju*, and *Aineh-ye Andisheh* were some of them.

The radicals criticized the authoritarian measures regarding the cultural issues and stated that these were part of the larger political plot of a certain faction to

⁶² *Ibid.*, pp. 219-220.

⁶³ *Salam*, Feb. 14, 1994 quoted in Bahman Baktiari, *Parliamentary Politics*....., p. 233.

monopolize power in Iran. However, the criticisms did not lead any change in conservative policies since the radicals were lacking institutional power.

4.2.3. Political Groups and the Fifth Parliamentary Elections of 1996

Before the 1996 parliamentary elections the political debate in Iran warmed up. The Iranian left, who had been excluded from the political scene since the fourth parliamentary elections in 1992, returned to run on its struggle to champion the republican dimension of the Islamic Republic. Furthermore, the political environment in which the 1996 parliamentary elections took place clearly exhibited the transformation in the radical thought and the resultant emergence of the Islamist left. In addition, these elections also witnessed the appearance of the neo-radicals, who advocate for an extreme version of the early radical thought, for the first time as a separate and formal organizational entity.

What exacerbated the debate on Islamism and republicanism was the interview with Mehdi Haeri-Yazdi published in *Hamshahri* on July 6, 1995. There he explicitly rejected the *motlaqeh* version of Khomeini's *velayat-e faqih* by stating that "Governance [*hokumat*] is no more than deputyship [*vekalat*] and any time you feel that your deputy has committed treachery, you replace him. ... The kind of true democratic Islamic government that I construe is deputyship. ... After the *Hijra* of the Prophet from Mecca to Madina, the people of Madina 'elected' him as the head of the state."⁶⁴ Haeri's views were a clear deviation from the position of the traditional right, which was the dominant discourse of the Islamic Republic, that *faqih* was the sole legitimizer above the people.

The reemergence of this controversial debate in this broader extent was particularly important since it set the stage for future deliberations on the *velayat-e faqih*, which had been a taboo since the establishment of the Islamic Republic. Another implication of the debate was that the Islamist left and the modern right arrived on a common understanding on the most fundamental principle of the regime, the *velayat-e faqih*. According to Mehdi Moslem, although these two camps always shared a common ideological ground such as the belief in more political freedom and moderation in the socio-cultural sphere, what brought about this consensus by 1995

⁶⁴ *Hamshahri*, July 6, 1995 quoted in Mehdi Moslem, *Factional Politics*....., p. 227.

was “less radicalism on the part of the Islamist left, more statism from the modern right, and the newly developed shared interest in confronting the onslaught of the conservative right.”⁶⁵ Especially the emergence of *Kargozaran* group in January 1996 augmented the level of cooperation between the Islamist left and the modern right against the conservative monopoly in the *Majles*, while it challenged the dominance of traditional right. For instance, on the formation of *Kargozaran*, the Secretary of the High Council of the Free Trade Zones, Morteza Alviri, stated that the victory of the candidates of the group of Khedmatgozaran-e Sazendegi in the *Majles* elections is almost certain. He added that the idea behind the formation of the *Kargozaran* was to break the de-facto monopoly of the traditional right in the elections.⁶⁶ Mehdi Karroubi from the *Rouhaniyoun* affirmed that participation of this group to the elections would lead to greater public interest in the elections and would add to the greater vigor and excitement of the entire process.⁶⁷

To counter this challenge, the traditional right and the neo-radicals issued a campaign against the *Kargozaran*. The conservatives emphasized that the political activity of *Kargozaran* members, who held positions in the *Majles*, would undermine the constitutional principle of separation of powers between the executive and the legislative. Moreover, their campaign against technocrats questioned their religious credentials.

Accordingly, especially when the conservative right was concerned, the main problem in the debates appeared as being for or against the *velayat-e faqih*. For example, *Jame'eh-ye Rouhaniyat-e Mobarez* issued a bulletin on October-November 1995 stating that there were mainly two groups running for the election; “one comprising those in line with *velayat*, and those outside this line.” Obviously, those outside the line of *velayat* were the members of the Islamist left and liberals (those who support Rafsanjani’s views). An article in the bulletin described this group as

⁶⁵ *Ibid.*

⁶⁶ “Iran’s Alviri: Reconstruction Group Seeks to Break JRM [Jame’eh-ye Rouhaniyat-e Mobarez] Monopoly”, Tehran IRNA in English in *FBIS-NES-96-026*, 7 February 1996, p. 51.

⁶⁷ “Iran’s Karrubi Hails Emergence of Khedmatgozaran-e Sazendegi Group”, Tehran IRNA in English, 3 February 1996 in *FBIS-NES-96-025*, 6 February 1996, pp. 68-69.

those who did not believe in the religiousness of the regime and the presence of the clergy within the regime.⁶⁸

While the modern right and the Islamist left were seemed to come closer in their views, there was another striking development on the other side of the spectrum. A group among the traditional right began to espouse divergent views from the conventional rightist views. This newly-emerging group within the traditional right argued for the politicization of the *ulama* and involvement in direct political rule. However, this debate led to unrest and opposition among the *ulama*. In July 1995, Mahdavi-Kani announced his resignation from *Rouhaniyat*, where he had been serving as the speaker of the society. He stated the reason for his resignation as the politicization of the clergy in the *Rouhaniyat*. In November 1995, Azari-Qomi left his post in *Resalat*. He claimed that he was dragged in to stop writing in the newspaper by those who supported the latest ideological changes within the traditional right, such as Asghar-Owladi.

Once again, on the eve of the elections the traditional right was gathered around the *Jame'eh-ye Rouhaniyat-e Mobarez*. In November 1995, *Mo'talefeh* published its election memorandum in which Asghar-Owladi, Badamchian and Bahonar declared the organization's alliance with the *Rouhaniyat* in the elections. The *Jame'eh-ye Eslami-ye Mohandesin* (the Society of Islamic Engineers) also announced its support for the candidates of *Rouhaniyat* in February 1996. The satellite organizations of the *Rouhaniyat*, such as the Zaynab Society, The Tehran's Preachers Society, and the Society for Islamic Guilds of Tehran also announced their support for the *Rouhaniyat* against "those who were trying to separate religion from politics." The neo-radical *Ansar-e Hizbollah* group issued its own election memorandum on criterion for electing the deputies to the fifth *Majles*. According to their statement, associating with the deprived and the poor was a major criterion in entering to the *Majles*. Since the liberal policies of technocrats were criticized, they came in support of the traditional right. But, although *Ansar* and the traditional right have a common cause in their support for Islamicity of the regime and the *velayat-e*

⁶⁸ The article in the bulletin of *Jame'eh-ye Rouhaniyat-e Mobarez*, headed as "A Look at the Active Political Current in the Election", stated that the essence of the implicit alliance between the anti-*velayat* forces was disbelief in religious rule, an inclination towards Western political theories, doubting the *velayat-e motlaqeh-ye faqih*, and opposition to an active clerical role in the system. Mehdi Moslem, *Factional Politics*....., p. 231.

faqih, the *Ansar* also made emphasis on the early radical discourse of achieving social and economic justice and the rights of the disinherited.⁶⁹ The *Kargozaran* from the modern right also issued its own list of candidates. However, the 30-member list of *Kargozaran* was a mix of the candidates from traditional right and the Islamist left. On the one hand, the list of *Kargozaran* included eleven candidates from the list of *Rouhaniyat* including Hojjatolislam Ali Akbar Nateq-Nuri, Hojjatolislam Ali Movahhedi-Karmani, Movahhedi-Saveji and Hojjatolislam Mahmud Doai. On the other hand, the *Rouhaniyoun* members such as Hojjatolislam Abdollah Nuri and Hojjatolislam Majid Ansari, the Labor House candidates Abolqasem Sarhadizadeh (former labor minister) and Alireza Mahjub (Head of Labor House), and independent candidates Morteza Alviri and Faezeh Hashemi were included in the list.⁷⁰

In addition to the *Kargozaran* that was mentioned above, two other new groups participated in the elections. One of them was the *Jam'iyat-e Defa' az Arzesh-ha-ye Enghelab* (the Society for the Defense of the Revolutionary Values). Headed by the former intelligence minister (1984-1989) Mohammad Mohammadi Reyshahri, *Arzeshha* declared its goals as “setting in operation a strong organization made up of all forces who believe in *velayat-e faqih* and want to defend the revolutionary values.” Total obedience to the *faqih* and readiness to fortify the holy values of the Islamic Republic were the main themes in their election memorandum. They issued a list of candidates composed of thirty members. The majority of the candidates of the *Arzeshha* were from the list of the *Rouhaniyat*, and the rest were from the *Rouhaniyoun* and the independents. The formation of *Arzeshha* and their arguments came as an ideological support for the traditional right before the 1996 parliamentary elections. However, this group cannot be considered within the traditional right camp. This was mainly because they held the position of Islamist left such as “rigid state control paired with sociopolitical egalitarianism”.⁷¹ However, they also differed from the Islamist-left since they were opposing the republican values and argued for absolute obedience to the leader, strict implementation of

⁶⁹ “Ansar-e Hezbollah Issue First Statement on Elections”, Tehran Keyhan in Persian, 12 February 1996 in *FBIS-NES-96-037*, 23 February 1996, pp.51-52.

⁷⁰ “Reconstruction Group Lists Tehran Candidates”, Tehran IRNA in English in *FBIS-NES-96-040*, 28 February 1996, p. 48.

⁷¹ Wilfried Buchta, *Who Rules Iran:.....*, p. 18.

Islamic values and harsh repression of those who held “liberal” interpretation of Islamic values. For these reasons, they were considered as a separate group together with *Ansar-e Hezbollah* as the neo-radicals.

The third new group that participated in the 1996 parliamentary elections was Bazargan’s Freedom Movement. It declared a list of candidates that composed of eleven members from the Freedom Movement. Although the Guardian Council accepted the candidacy of four of them, others withdrew their candidacy in protest of the rejection of the rest of the members of this group. The Secretary General of Freedom Movement of Iran, Ibrahim Yazdi, attributed the decision not to take part in *Majles* elections to lack of facility to publicize the stand of his political group and its candidates.⁷²

Regarding the political groups that were participated in the elections, it should be noted that the main leftist group which had been active in Iranian political scene since the early days of the Republic, the *Rouhaniyoun*, declared on December 1995 that it would not issue an independent list of candidates for the 1996 parliamentary elections. Hojjatolislam Ali Musavi-Lari, member of the central council of the *Rouhaniyoun*, said that some of the members of the *Rouhaniyoun* might appear on in the lists of some political establishments but *Rouhaniyoun* would not issue a separate list as a political group.⁷³ The reason for this decision was the experience of 1992 parliamentary elections where the leftist candidates had been excluded from the elections by the Guardian Council as a result of the conservative efforts. *Salam* indicated that unless the faulty ways of conducting elections and other political activities were not corrected, the *Rouhaniyoun* did not wish to participate in the elections.⁷⁴ Similarly, in 1996, the Guardian Council rejected the candidacy of thirty members from the left including Hadi Ghaffari, Abbas Dozduzani, Mohammad Ali Gharibani and Mohsen Armin (the editor of *Asr-e Ma*). Upon this, the leftists such as the *Mojahedin-e Enghelab-e Eslami*, the Council for Islamic University

⁷² “Freedom Movement Not to Take Part in *Majles* Elections”, Tehran IRNA in English, 3 Mart 1996 in *FBIS-NES-96-045*, 6 March 1996, p.80.

⁷³ “MRM [Majma’e-ye Rouhaniyoun-e Mobarez] Candidates May Contest Iranian Election as Individuals”, Tehran IRNA in English in *FBIS-NES-96-025*, 6 February 1996, p.74.

⁷⁴ “Daily Addresses Militant Clerics, *Majles* Elections”, *Salam* in Persian, 16 October 1995 in *FBIS-NES-95-2006*, 25 October 1995, p. 73.

Teachers, the Council for Islamic Teachers and some members from the *Rouhaniyoun* came together and created a coalition, “the Coalition of the Line of Imam”.

At the end of the first (March 8, 1996) and second (April 19, 1996) round of the elections, the traditional right managed to win the majority of the seats in the *Majles* and sustained their dominance in the fifth parliament.⁷⁵ After the inauguration of the *Majles* in June 1996, some parliamentary alliances began to appear. The members of the modern right and the *Mojahedin-e Enghelab-e Eslami* from the Islamist left together formed “Parliamentary Union of the Party of God” (*Majma’-ye Hezbollah-e Majles*). Against this alliance, the conservatives in the *Majles* formed a group called “Parliamentary Society of the Party of God” (*Jame’eh-ye Hezbollah-e Majles*). Towards the end of 1996, a third group was formed in the *Majles* under the name of “Independent Representatives of the Party of God” (*Nemayandegan-e Mostaqellin-e Hezbollah*). They were not belonging to the two other groups and may vote with one group or the other at times.⁷⁶

In sum, the main characteristic of the Rafsanjani period is his “balanced” politics, which led him generally to be labeled as a “pragmatic” politician in the literature. This was because of the fact that unlike his firm resistance in alteration of the economic policies of the first decade of the revolution and pursuing open economy policy in the name of reconstruction and *tow’s-e-eh*, he did not pursue a clear political ideology. Instead he chose to make daily alliances with different groups. For example, when the radical *Majles* confronted his capitalist economic policies in the years 1989-1992, he made an alliance with the traditional right in the 1992 parliamentary elections. However, in 1996 parliamentary elections, Rafsanjani and his supporters deviated from the traditional right and established their own parliamentary group.

⁷⁵ According to *Kar va Kargar*, out of the total 270 seats in the fifth *Majles*, the militant clergy association took 110 seats, the *Kargozaran* took 70 seats and the Coalition of the Line of Imam took 40 seats. The remaining seats were occupied by unknown and independent individuals. Therefore, despite the fact that the traditional right occupied the highest number of seats, no group had been able to obtain an absolute majority in the fifth *Majles*. “Factions in New *Majles*, Impact on Presidential Elections Viewed”, *Kar ve Kargar* in Persian, 23 April 1996 in *FBIS-NES-96-147*, 30 July 1996, p. 80.

⁷⁶ Wilfried Buchta, *Who Rules Iran:.....*, p. 27.

Rafsanjani's balance politics can also be observed in different policy areas. While in economic realm he shared the much of the views of the traditional right, in the socio-cultural realm he had much in common with the Islamist left. Indeed, it was in Rafsanjani's presidency that the intellectual debate on the basic principles of the Islamic regime started although after 1992 it was very much curtailed.

He was not a radical Islamist and he pursued more or less tolerant socio-cultural policies. But it cannot be said that he had republican and populist tendencies. Conversely, he was a member of the clerical elite ruling the state and held elitist view that the *faqih* is the sole sovereign and he cannot be questioned since he is the most learned in Shi'ite jurisprudence and can assess the matter better than the ordinary people. Thus, he acted in accordance with Khamene'i and the conservative establishment. Indeed, it was during his presidency that the radical elements were excluded from the political scene and the existence of the conservative establishment composed of the conservative *ulama* and the religious lay people was guaranteed. Therefore, it can be argued that during the first term of Rafsanjani's presidency, Islamism and republicanism were operating together and giving legitimacy to each other. However, in the second term of his presidency, there was a domination of Islamist elements of the regime over republican ones.

Especially on the eve of the fifth parliamentary elections, the relatively tolerant cultural environment culminated in pluralization of the political scene. Not only new political groups were formed, but also the political factions began to take the shape of more united blocks and gain quasi-party structures, which was very important in a state where there are no political parties and party politics. The emergence of new political groups was also significant for two important aspects. On the one hand, it became apparent that there were differences of opinion within the rightist and the leftist groups, which led to splits. On the other hand, the political debate in Islamic Republic was heated up to such an extent that even the fundamental principles of the state became debatable in this more plural environment. In fact, one of the major reasons that facilitated the emergence of Khatami and the reformist discourse, which was one of the milestones of politics of the Islamic Republic, was this limited pluralistic environment in politics and culture.

CHAPTER 5

PRESIDIENCY OF KHATAMI: REPUBLICANISM ON THE RISE – OR – ISLAMISTS' HOLD ON TO POWER

After 1997, the main political current that was generated by Khatami was the “reform movement”. The reformists are mainly those who advocate a change in the Islamic Republic’s political system towards freedom of expression, rule of law, pluralization through creation of civil society, more transparency, but above all questioning the taboos of the Islamic system, such as *velayat-e faqih*. Then, it would be accurate to argue that main objective of the reformists has been to establish popular sovereignty and to empower republican component of the dual sources of legitimacy laid down in the constitution, as the basis of governance.¹

As it was mentioned in the previous chapter, “change” in the political system of the Islamic Republic started under the presidency of Hashemi Rafsanjani. Rafsanjani and his men differentiated themselves from the traditional right and adhered to a more dynamic interpretation in politics. Although they did not support the republican components of the system vigorously, they allowed cultural relaxation to some extent and tried to undermine the dominance of the traditional right in government. Indeed, in the first half of the 1990s, the most controversial debates on the nature of the Islamic government and the republic were begun to be voiced by lay Islamist intellectuals such as Abdolkarim Soroush and writers associated with the journal *Kiyan*. Besides Soroush, prominent intellectuals like Hojjatolislam Mohammad Mojtehed Shabestari, Hojjatolislam Hasan Yosufi Eshkevari and Hojjatolislam Mohsen Kadivar questioned the relationship between religion and politics, and the role of the *ulama* in political affairs.² However, what was being argued in these intellectual debates was reformation of Islamic understanding that

¹ Mohsen Milani, “Reform and Resistance in the Islamic Republic of Iran” in *Iran at the Crossroads*, John L. Esposito and R. K. Ramazani (eds.), (New York: Palgrave, 2001), p. 30.

² Mehran Kamrava, “Iranian Shiism Under Debate”, *Middle East Policy*, Vol. X, No. 2, Summer 2003, pp. 105- 109. Also; Mahmoud Sadri, “Sacral Defense of Secularism: The Political Theologies of Soroush, Shabestati, and Kadivar”, *International Journal of Politics, Culture and Society*, Vol. 15, No. 2, Winter 2001.

would pave the way for greater pluralism within an Islamic framework.³ In other words, in post-Khomeini Iran until Khatami, the subject of change was the Islamic component of the constitution and it remained in the intellectual level.

With the election of Khatami and the subsequent reform movement, the debate on the political nature of the regime was no more in the intellectual level but it began to be realized in political level. Mainly for this reason, the political debate under Khatami's presidency was no more a factional conflict among different groups but it became a debate between those who were for or against change. The main actors in this debate were the reformists that have tried to empower the republican elements in the Islamic regime, who were composed of mainly the members of the Islamist left, the modern right, and the groups that had been operating underground such were the nationalists and the secularists. On the opposite side of this camp, there were the conservatives. What we mean by conservatives in the Khatami's era was not the same as those conservatives or the rightist camp before the death of Khomeini. By conservative, we mean that a group mainly composed of the members of the traditional right and the neo-radicals, who were occupying the unelected institutions in the system and constituted the elites of the ruling establishment; and whose main goal was to preserve the Islamic system as it had been established in the beginning of 1980s.

Reformists could be defined as populist/republican politicians struggling against elitist conservatives. This chapter is intended to analyze the evolution of the competition between republican and Islamist forces in the new circumstances when Khatami and the reformist movement aroused to push forward the republican constituent of the political system in the Islamic Republic. After discussing the political environment that led to the emergence of Khatami, the ideological basis of the reform that the reformists advocated for will be laid down. How the Islamists and republican tendencies inherent in the Iranian system were evolved under the reformist discourse of Mohammad Khatami; to what extent the reformists were able to push the change for implementation of rule of law; how and through what means

³ Ali Gheissari, Vali Nasr, "Iran's Democracy Debate", *Middle East Policy*, Vol. XI, No. 2, Summer 2004, p. 96.

the conservative establishment opposed change are the questions that will be answered in this chapter.

5.1. The 1997 Presidential Elections: Emergence of Khatami

Before the 1997 presidential elections, the conservative right was campaigning in for the candidacy of the Speaker of the *Majles*, Hojjatolislam Ali Akbar Nateq Nuri. Especially the *Mo'talefeh* and the *Jame'eh-ye Eslami-ye Mohandesin* were trying to create a climate that the consensus of the country was upon Nateq-Nuri for the sake of the continuity at the top of the political system. However, in July 1996 the leftist faction that came as the first for official announcement, proclaimed their support for Mir Hossein Musavi (the former prime minister). One day after in July 29, 1996, *Mo'talefeh* announced before the *Rouhaniyat* that it supported the candidacy of a *Rouhaniyat* member, Nateq Nuri. However, *Rouhaniyat* did not officially express its support for Nateq-Nuri until May 10, 1997. Similarly, *Jame'eh-ye Modarresin-e Howze-ye Elmiye-ye Qom* issued their support for Nateq-Nuri in May 1, 1997. These indicate that although in the end they came out in support of the same candidate, the conservative right was no more showing a monolithic stance in that each organization decided to act independently while taking decisions. However, for the survival of the conservative camp, they once again became unified front. Even Mahdavi-Kani, who had been resigned from the chairmanship of *Rouhaniyat* to protest the politicization of the *ulama*, came out in support of Nateq-Nuri for the elections to prevent divisions among the right.⁴

Meanwhile, in October 1996 the *Rouhaniyoun* declared that it would resume its activities and reenter to political stage. Rasul Montajabnia, a prominent member of the *Rouhaniyyun*, stated that the intention of the *Rouhaniyoun* with this decision was to create a more plural environment for the presidential elections. In addition, *Rouhaniyoun* also stated that their preferred choice for election was Musavi. The *Kargozaran*, while welcoming *Rouhaniyoun's* participation in the elections, declared their support for Musavi but added that they were being interested in Hasan Habibi

⁴ Mehdi Moslem, *Factional Politics in Post-Khomeini Iran*, (New York: Syracuse University Press, 2002), p. 243.

and Hassan Rouhani if they declared candidacy.⁵ Although *Kargozaran* and the Islamist left groups had formed a coalition in the *Majles* after 1996 parliamentary elections, one could not talk about a coalition between the modern right faction and the Islamist left faction until December 1996. On December 22, 1996, Mohammad Hashemi announced that the *Kargozaran* had accepted the offer of *Rouhaniyoun* for a coalition. One reason that paved the way for the formation of this coalition was that from the beginning it was clear that they were operating on a common ideological ground. However, “the fear that [Nateq-Nuri’s] victory would institutionalize the absolute rule by an appointed *faqih* and give the conservatives monopolistic power over all the major institutions of the Islamic Republic became the glue that cemented [this] electoral alliance” can be an explanation to why the coalition occurred at that moment.⁶ Regarding the fact that before 1996 parliamentary elections *Kargozaran* had been viewed as the force which would break the monopoly of the conservatives but they could not be successful enough in doing this, the coalition between the *Kargozaran* and the *Rouhaniyoun* with the same purpose for 1997 presidential elections became more meaningful.

However, in October 1996, the agreed-upon candidate of the left, Musavi, had announced without stating any reasons that he would not run for presidency. Therefore, the *Kargozaran-Rouhaniyoun* alliance began to look for other possible candidates. In November 1996, it was written in *Jomhuri-ye Eslami* that Khatami’s name was being mentioned for candidacy in political circles.⁷ When Hojjatolislam Mohammad Khatami officially announced his candidacy in January 1997, *Rouhaniyoun*, the *Mojahedin-e Enghelab-e Eslami*, *Tahkim-e Vahdat*, *Majma’e-ye Hezbollah-e Majles* all declared their support for Khatami. From that point on, Hojjatolislam Ali Akbar Nateq-Nuri and Hojjatolislam Mohammad Khatami emerged as the two main rivals in the race for elections.⁸

⁵ “Interview with Mohajerani”, *Kar ve Kargar*, October. 15, 1996 quoted in Mehdi Moslem, *Factional Politics in Post-Khomeini Iran*, (New York: Syracuse University Press, 2002), p. 244.

⁶ Mohsen Milani, “Reform and Resistance.....”, p. 35.

⁷ Mehdi Moslem, *Factional Politics.....*, p. 245.

⁸ Mohsen Milani calls the attention to a very important point by stating that the debate between those clerics [thus; the ideologies that they represented] was not for or against Islam, for or against the *velayat-e faqih*, for or against secularism. Rather, it was a debate of Islam against Islam. In one Islam, popular sovereignty and the *velayat-e faqih* must be compatible and complementary, and in the other,

On April 1997, the *Kargozaran* came in support of Khatami and officially declared him as their candidate. They maintained that the former ministry of culture and Islamic guidance, Mohammad Khatami, was the only one who shared Rafsanjani's vision and would continue in his footsteps. Indeed, in his election campaign, Khatami told that "The constructive path of Mr. Rafsanjani must continue" and he added that similar to Rafsanjani, he also believed that there was a need to rely on experts regardless of their political inclination and credentials.⁹

According to David Menashri, Khatami was a liberal in Iranian standards in that he signaled relative openness, advocating greater political and social freedom, political flexibility, broader education for young people, women's rights, greater emphasis on social welfare, the relaxation of cultural Islamization and economic rehabilitation.¹⁰ Mehdi Moslem summarizes the messages of the election campaign of Khatami as such: "To woo the young people of Iran, and to emphasize the rule of law and the primacy of the constitution. [Moreover,] he advocated for creation of a civil society in Islamic Iran."¹¹

His other message for the election was extension of the leftists' views with regard to the importance of the republicanism of the regime. In his campaign, he put the emphasis on the rule of law that is application of the constitutional principles and safeguarding the individual rights of the citizens. According to Mehdi Moslem, Khatami accentuated the law and the constitution to open the ground for questioning their religio-political views of the conservatives; that is the absolutist reading of *velayat-e faqih*.¹²

The conservatives, who had been alarmed by the fifth parliamentary elections where their eminent figures such as Asadollah Badamchian and Habibollah Asghar-Owladi had not been elected to the *Majles*, began to advocate more tolerant views.

the *faqih* speaks the last word and limited popular sovereignty can be exercised only within the boundaries he defines. Whereas one Islam attempts to embrace modern ideas, the other is confident that its divine regulations transcend time and space. Mohsen Milani, "Reform and Resistance.....", p. 30.

⁹ Mehdi Moslem, *Factional Politics*....., p. 246.

¹⁰ David Menashri, *Post-Revolutionary Politics in Iran*:....., pp.80-81.

¹¹ Mehdi Moslem, *Factional Politics*....., p. 246.

¹² *Ibid.*, p. 247.

Although they had won a majority in the *Majles*, they were aware that the society was diverging from their conservative views. Prominent members of the conservative camp, such as Morteza Nabavi and Nateq-Nuri himself, asserted that they believed in political freedom and the need to rely on expertise. However, they continued to express their support for *motlaqeh* version of *velayat-e faqih*. During the election campaign, Nateq-Nuri was continuously mentioning about “melting into the *velayat*” (*zoub dar velayat*), which meant complete and unconditional obedience to the *Faqih*.¹³

The debate over *velayat-e faqih* entered into a new phase with the observations of Hashem Aghajari, an influential figure from *Tahkim-e Vahdat*. In an interview with *Sobh*, he stated that “Legitimacy and rightfulness are two [different] matters. Rightfulness is an inner matter. The Imam Ali of course thought himself as having the divine right [*haq*] to rule ... but he never allowed himself to impose his rule on the people without their consent. ... Political legitimacy is an exterior matter, and it stems only from people’s alliance.”¹⁴ His words obviously would receive considerable protests from the conservatives. Mahdavi-Kani reacted to Aghajari as such:

Doubting the principle of *velayat-e faqih*, its foundations, and the disbelief in its all-encompassing character, [giving] precedence to republicanism of the regime over its Islamicity, [speaking about] the sovereignty of the regime from top to bottom, abstruse religious debates, bringing to the public fore the issues of expertise [over doctrinarism] under the pretext of the support for the rule of law, suggesting that the constitution is the pivot of the regime and speaking about national covenant and championing popular sovereignty and political participation, as if people have not being partaking in the affairs of the country; all appeal to the alternative thinkers and the enemy.¹⁵

Khatami responded to this attack by appealing his discourse of civil society. He maintained that “The idea of putting the leadership and the law [constitution] face to face, which some people are trying to do, is dangerous and had its roots in not understanding civil society. ... In a civil society people must be free and no one has the right to accuse anyone of being liberal and anti-*velayat-e faqih*.” A few days later

¹³ Mohsen Milani, “Reform and Resistance.....”, p. 39.

¹⁴ *Mobin*, January 27, 1997 quoted in Mehdi Moslem, *Factional.....*, p. 248.

¹⁵ *Resalat*, April 16, 1997 quoted in Mehdi Moslem, *Factional Politics.....*, p. 248.

he went further and stated that “Anyone who has accepted the Republic has also accepted republicanism, Islamicity, and *velayat-e faqih*.”¹⁶

On the eve of the elections, the general consensus was that Nateq-Nuri, the candidate who was favored by the clerical establishment, even by the leader Khamene’i, would win. Although Khamene’i did not declare any one of the names of the candidates as his favorite, his remark as “In selecting the next president, the *ulama* are a trusted and acceptable reference for the people” led the conservatives to campaign that Nateq-Nuri was favored by Khamene’i. The modern right and the Islamist left, on the other hand, propagated that the leader had no favorite candidates. The rumors that the clerical establishment would not allow Khatami to win given his disdainful stance towards the conservatives led the fear that people would not bother to go and vote in the elections. At this moment, just days before the election date, Rafsanjani stepped in and stated that “The results [of the elections] are the people’s will, even though there may be people who might want to change the votes to get their candidates elected. This action would undermine the faith of the people in the system. ... Any action endeavoring to alter the votes of the people is the biggest crime and treachery against a system that relies on the people for [solving] its problems.” In addition, Khamene’i maintained that he would not allow any illegalities in the election. He further stated that the candidate who gained the votes of the people would enjoy the popular legitimacy and he would be the legal president.¹⁷

Partly as a result of the trustful remarks by Rafsanjani and Khamene’i but mainly because of the hope to change things through the only way that they can make use of, people went to polls on May 23, 1997 to vote for one among the four candidates who had been approved by the Guardian Council. The candidates were former intelligence minister Mohammad Mohammadi Reyshahri, former minister of culture and Islamic guidance Hojjatolislam Mohammad Khatami, the speaker of the *Majles* Hojjatolislam Ali Akbar Nateq-Nuri, and the deputy chief of judiciary Seyyed Reza Zavarei. The result was that Khatami won presidency with a landslide victory.

¹⁶ *Salam*, April 17&21, 1997 quoted in Mehdi Moslem, *Factional Politics*....., p. 248.

¹⁷ “Görkemli 23 Mayıs Destanının Değerlendirilmesi”, *Asr-e Ma*, July 7, 1997 in Sami Oğuz, Ruşen Çakır, *Hatemi’nin İranı*, (İstanbul: İletişim Yayınları, 2000), p. 100.

¹⁸ His success in the election was so glamorous that it began to be referred as the Epic of the Second of Khordad (*hamaseh-ye dovvom-e khordad* – May 23, 1997).

The 1997 Presidential election was a turning point in the political history of Islamic Republic. For the first time since the establishment of the Islamic Republic, the candidate who was not favored by the ruling establishment became president by the popular mandate. According to Gheissari and Nasr, the elections in 1997 “transformed elections in Iran from merely settling factional power struggles into expressing popular political will. This generated ... expectations [of] political change through the ballot box rather than through Islamic reform at the top.”¹⁹

5.2. The Reform Movement: Push for Republicanism

5.2.1. Ideological Fundamentals of the Reform Movement

After being elected as the president of the Islamic Republic by such a majority of the people, Khatami embarked on reforms to push through the republican dimension of the Islamic regime. The reform movement clearly showed that the persistent uneasy coexistence of the Islamist and republican elements in political system of Islamic Republic of Iran was creating tensions within the regime.

Mehdi Moslem defines the positions of the Islamist and republican camps as civil society (*jame‘eh-ye madani*) versus guardianship society (*jame‘eh-ye velai*). By resorting to the words of Mohsen Kadivar, he identifies these positions:

Hojjatolislam Mohsen Kadivar depicted accurately the dispositions of the two camps when he identified the first – those who believed in power sharing, independent grassroots associations, political parties, the rule of law, and individual rights and freedom – as supporters of “civil society” (*jame‘eh-ye madani*). He labeled the second camp – which embodied socio-cultural ossification, pretentious religiousness, reactionary-elitist tendencies, and a disregard for society’s rightful claim to power – as defenders of “guardianship society” (*jame‘eh-ye velai*).²⁰

¹⁸ Hojjatolislam Mohammad Khatami 69 per cent; Hojjatolislam Ali Akbar Nateq-Nuri 25 per cent; Mohammad Mohammadi Reyshahri 2.7 per cent; Seyyed Reza Zavarei 2.6 per cent. The voter turn out is 88%. David Menashri, *Post-Revolutionary Politics in Iran*:....., p. 86.

¹⁹ Ali Gheissari, Vali Nasr, “Iran’s Democracy.....”, p. 98.

²⁰ Mehdi Moslem, *Factional Politics*....., p. 252. For further information on Mohsen Kadivar’s thought see Farzin Vahdat, “Post-revolutionary Discourse of Mohammad Mojtahed Shabestari and Mohsen Kadivar: Reconciling the Terms of Mediated Subjectivity Part II: Mohsen Kadivar”, *Critique*, No. 17, Fall 2000.

The new president, Khatami, was obviously not the favorite choice of the political establishment in the Islamic Republic. Rather, he was the choice of the people. According to the *Mojahedin-e Enghalab-e Eslami*:

The people voted for an Islam not only does not see a contradiction between religion and freedom, democracy, human rights, and civil society, but believes that these [modern] concepts can find their true meaning in Islam. An Islam that recognizes the rights of the citizens and discerns the legitimacy of the regime to be based on their consent ... construes the *vali-ye faqih* to be an elected and lawful leader. One who is the symbol of the country's unity leads the revolution based on the wishes of the people and within the confine of the constitution. ... May 23 was a vote for such a reading of Islam.²¹

The traditional right and the conservative establishment in Islamic Republic, of which the Leader Khamene'i was a part, seemed to endorse the election of Khatami rather than alienating him. Khamene'i portrayed Khatami's election as the proof of people's loyalty to Islam, the *ulama* and the Islamic Republic's system of governance, which was based on the principle of *velayat-e faqih*. In asserting the unity of Islamism and governance in Iranian system, Khamene'i stated that it was the most progressive political system in the world since it meant rule by someone who understands both Islam and methods of government. He argued that the Western political systems, where religion and politics were separated, were based on false democracies and deceitful propaganda.²²

The May 23 Front, on the contrary, tried to weaken the *motlaqeh* interpretation of the *velayat-e faqih* by propagating for separation of political and religious spheres. They advocated for a constitutionally bound role for the *faqih* and laid down the basics of a religiously sanctioned civil society. For this aim, influential figures of the reform movement, Ataollah Mohajerani, Abdolkarim Soroush, Behzad Nabavi, Abdollah Nuri and Mohsen Kadivar embarked on an effort to adapt the Western concepts of democracy, civil society and rule of law into Islamist discourse of the Islamic Republic. They tried to sanction these concepts religiously and

²¹ *Asr-e Ma*, July 16, 1997, "The Election: Islam and the Revolution's Second Generation" quoted in Mehdi Moslem, *Factional Politics*....., p. 253.

²² Stephan C. Fairbanks, "Theocracy versus Democracy: Iran Considers Political Parties", *Middle East Journal*, Vol. 52, No. 1, Winter 1998, p. 29.

ideologically.²³ The people's right to self-rule, pluralism, the constitution, and the rule of law appeared as the core concepts of the May 23 Front in their attempt to reinforce the republican/popular dimension of the Islamic regime. The statement by the *Mojahedin-e Enghelab-e Eslami* also sustained the significance of republicanism and the constitution:

The constitution is based on Islamic thought and people's will. ... *Velayat-e Faqih* is not a post relegated from God. He is an elected official within the confines of the constitution and religion. The constitution is the only guarantee of *vali-ye faqih*'s power.²⁴

Nevertheless, in advocating the people's constitutional and religious right to determine their fate, the May 23 Front and Khatami emphasized abiding by the basic principles of Islam. He continuously affirmed his belief and loyalty to the *vali-ye faqih*, but he envisaged a supervisory role for the *faqih* whose power and legitimacy stemmed from the constitution and the society. He further maintained that the institutionalization of the rule of law was one of the most important achievements of Imam Khomeini to prevent dictatorship and despotism.²⁵ According to Reza Sheikholeslami, the masses accepted the reformists mainly because they speak the "language of Islam". However, they were also accepted by secular middle class because of their appeal to democratic ideas.²⁶

In August 1997 Khatami introduced his cabinet composed of twenty-two members. The proposed cabinet of Khatami, on the one hand, reflected the alliance

²³ Especially regarding the concept of civil society that Khatami put into political jargon, the May 23 Front faced a very much controversial job to examine the texts to find a reading of civil society that was both non-Western and in line with the Islamic-Shi'i tradition. Ataollah Mohajerani argued that Muslim rulers – the Prophet, the imams, and Khomeini – were historically legitimate leaders only inasmuch as they procured the consent of the people. Mohsen Kadivar and Abbas Abdi pronounced that an Islamic civil society would not resemble to its Western counterpart because "Iranians are religious people and thus the associations and institutions they set up will indeed be based on religious and not secular principles." Mehdi Moslem, *Factional Politics*....., p. 255. Mohsen Kadivar argued that the (absolute) guardianship of the *faqih* over the lives of the people is devoid of historical, religious precedent. Therefore, the *faqih* should be elected (*entekhabi*) and not appointed (*entesabi*). Said Amir Arjomand, "The Reform Movement and the Debate on Modernity and Tradition in Contemporary Iran", *International Journal of Middle East Studies*, 34, 2002, pp. 728-730.

²⁴ *Asr-e ma*, November 19, 1997, quoted in Mehdi Moslem, *Factional Politics*....., p. 255-256.

²⁵ Daniel Brumberg, *Reinventing Khomeini: The Struggle For Reform in Iran*, (Chicago, London: University of Chicago Press, 2001, pp. 220-221.

²⁶ A. Reza Sheikholeslami, "The Transformation of Iran's Political Culture", *Critique*, No. 17, Fall 2000, p. 115.

of the modern right and the Islamist left. On the other hand, the debates before the approval of the cabinet by the *Majles* witnessed the fierce struggle between the proponents of civil society and the guardianship society. Especially three of the proposed ministers of Khatami faced with fierce opposition from the *Majles*. Ataollah Mohajerani, the proposed minister of culture and Islamic guidance, was criticized because of his liberal views, such as criticizing the restriction of freedom, and his advocacy for renewal of relations with the United States. The other member of the proposed cabinet whose case became problematic was the proposed minister of interior, Abdollah Nuri. He was criticized especially for his opinions about *velayat-e faqih*. Moreover, his castigation of the conservatives for monopolizing power led to disaffection towards him on the part of the conservative establishment. Kamal Kharrazi, the proposed minister of foreign affairs, was US-educated and had served as ambassador to the United Nations. For these reasons, he was criticized for spending too much time in the US and being influenced by the culture of the biggest enemy of the Islamic Republic. However, Khatami campaigned vigorously to have approved all of his proposed ministers. He stressed that in selecting those twenty-two individuals, he had assured that they did not hold views opposed to those of the Leader, Khamene'i.²⁷ Despite early opposition, in the end all the cabinet members were approved by the *Majles*. Although the composition of Khatami's government, which also included conservative-centrist personalities as it can be seen below, had a significant influence in the approval of the conservative *Majles*, this was obviously a great show of strength by the new president.

²⁷ David Menashri, *Post-Revolutionary Politics in Iran*:....., pp. 87-90.

Table 1. Khatami's 1997 Cabinet

<i>Name-Surname</i>	<i>Factional Affiliation</i>	<i>Ministry</i>
Abdollah Nuri	Islamist left – modern right	Interior
Kamal Kharrazi	Islamist left	Foreign affairs
Bijan Zanganeh	Islamist left	Oil
Ataollah Mohajerani	Modern right	Culture and Islamic guidance
Gholam Reza Shafe'i	Islamist left	Industries
Morteza Hajji	Islamist left	Cooperatives
Mostafa Mo'in	Islamist left	Higher education
Ali Shamkhani	Center	Defense
Qorban-Ali Dorri Najafabadi	Center	Intelligence
Ismail Shustari	Center	Justice
Mohammad Shari'atmadar	Islamist left	Commerce
Mohammad Saidi-Kia	Islamist left	Construction jihad
Ishaq Jahangiri	Modern right	Mines and metals
Mahmud Hojjati Najafabadi	Islamist left	Roads and transport
Reza Aref	Islamist left	Post Telegraph and telephone
Habibollah Bitaraf	Islamist left	Energy
Isa Kalantari	Modern right	Agriculture
Mohammad Farhadi	Modern right	Health
Ali Abdol'alizadeh	Islamist left	Housing/urban development
Hossein Mozaffar	Islamist left	Education & training
Hossein Namazi	Islamist left	Economic affairs/finance
Hossein Kamali	Islamist left	Labor & social affairs

Source: Mehdi Moslem, *Factional Politics*....., p. 325.

The ideological support of Ayatollah Hossein Ali Montazeri, who had once been the nominee for the post of Khomeini, to the reform movement in their struggle with the traditional right, came as an important buttress from a high-ranking cleric. In a speech that he delivered on November 14, 1997, he denounced the *motlaqeh* reading of the *velayat-e faqih* and argued that it led to an un-Islamic autocratic system due to the efforts of the conservatives. He demanded the legalization of political parties in order to create a more plural political environment. Moreover, he warned Khamene'i not to interfere both in the affairs of the popularly elected president and in the affairs of *marja'iyat* given his weak religious qualifications.²⁸ Although he was charged with conspiracy and treason against the revolution and put under a more strict house arrest after the proceedings issued by the *Dadgah-e Vajah-ye Rouhaniyat* (Special Court for Clergy)²⁹ on November 16, 1997, his pro-reform stance came as a momentous support for Khatami government.

5.2.2. Performance of Khatami: Confines of Republicanist/Populist Drive

5.2.2.1. Loosening of Socio-Cultural Rules

As the minister of culture and Islamic guidance in Khatami's government, the policies of Mohajerani came under scrutiny, since the cultural views advocated by the reform movement, such as freedom of thought, formation of civil society, cultural liberalization, could be vitalized under his ministry. From the beginning he had announced that he would "transform the ministry of guidance into a ministry of culture." He rejected any censorship imposed on printed materials before they were published. In this mild environment, the writers and journalists were encouraged to form the first Assembly of Guild for Writers and Journalists of the Press in December 1997.³⁰ What marked Mohajerani's ministerial period was proliferation of

²⁸ For an extensive reading on Montazeri's views regarding Islam, *ulama* and the state see Geneive Abdo, "Re-Thinking the Islamic Republic: A Conversation with Ayatollah Hossein Ali Montazeri", *Middle East Journal*, Vol. 55, No. 1, Winter 2001, pp. 9-23.

²⁹ The Special Court for Clergy, which functions completely independently from other state judicial apparatus and is accountable only to Khamene'i, primarily handles crimes allegedly committed by clerics. These crimes include conspiracy against defamation of the Supreme Leader by a cleric, any acts or behaviors by clerics that deviate from Shari'a, all local court cases in which one of the litigant parties is a cleric. Wilfried Buchta, *Who Rules Iran: The Structure of Power in the Islamic Republic*, (Washington: The Washington Institute for Near Eastern Policy and Konrad Adenauer Stiftung, 2000), p. 97.

³⁰ Mehdi Moslem, *Factional Politics*..... p. 257.

pro-reform newspapers that obtained licenses from his ministry to operate. *Jame'eh*, *Tus*, *Neshat*, *Aftab-e Emruz*, *Khordad*, and *Sobh-e Emruz*, *Rah-e No*, *Beyan*, *Mosharekat*, *Hamshahri* were among these new newspapers and *Rah-e No*, and *Aban*, together with *Salam*, *Iran-e Farda*, *Asr-e Ma* were the pro-reform weeklies.³¹ The publication of these papers in vast numbers created a relatively free environment for debates about the nature of the Islamic system, democracy, Islamic government and reform, the authority of the Supreme Leader as well as the war with Iraq, crimes committed by the government security services, failures of the past governments, which was an environment that had never been observed before.³²

5.2.2.2. Struggle against the “Hard-Line” Elements in Security Institutions

In late November 1998, several dissidents of Iranian regime were assassinated mysteriously. On November 22, 1998, an opposition politician and the head of the secular and nationalist *Hezb-e Mellat-e Iran* (Iranian Nation Party), Dariush Forouhar, and his wife were reported to be assassinated in their home in Tehran. On November 24, 1998, a journalist who was critical of the regime, Majid Sharif, was reported to be found death. A few days later, the bodies of the two other critical writers of the regime were found death on the outskirts of Tehran; Mohammad Mokhtari on December 9, and Ja'far Puyandeh on December 12, 1998. The general opinion in the public was that these mysterious killings were conducted by the state's secret services. Thus, the parliamentary representatives asked Khatami to investigate the matter. As a result of the work of the investigation committee appointed by Khatami, in early January 1999, the minister of intelligence admitted in a surprising move that these crimes were committed by a number of members from the ministry, whom were referred as “irresponsible colleagues with deviating opinions, who had acted independently and doubtless as deceitful agents and in the interest of foreign parties”.³³ Although most of the results of the investigation were kept secret, in January 1999 the Iranian Court of Military Justice announced that a number of

³¹ Sami Oğuz, Ruşen Çakır, *Hatemi'nin İranı*, , pp. 208-213.

³² Mehran Kamrava, Houchang Hassan-Yari, “Suspended Equilibrium in Iran's Political System”, *The Muslim World*, Vol. 94, Issue 4, October 2006, pp. 495-524.

³³ Wilfried Buchta, *Who Rules Iran*:..... , p. 159.

suspects had been arrested and interrogated, without giving any information about the suspects' numbers, positions, identities, or about the details of their trials. On February 9, 1999, as a result of the efforts of Khatami, such as ordering the ministry officials not to obey the orders of the minister and excluding him from all meetings of the cabinet and the National Security Council, the intelligence minister Qorban-Ali Dorri Najafabadi submitted his official resignation. Hojjatolislam Ali Yunesi became the new intelligence minister and Ali Rabi'i the first deputy of intelligence minister. Both of these personalities were close to Khatami and had involved in the investigation committee for the murders that he had formed. With the confirmation of Ali Yunesi by the parliament on February 24, 1999, Khatami had the chance to work with an intelligence minister who swore loyalty to the "policies of the government and the president."³⁴

At the end of the whole course of events, Khatami succeeded in putting an end to the feelings of insecurity and fear in public. Moreover, in line with his everlasting appeal to transparency and rule of law, he achieved to eliminate some rogue elements within the intelligence ministry. However, the fact that extent of his power was not enough to unravel all the "secrets" became obvious after the mysterious suicide of the most suspected person for the November 1998 murders, Sa'id Emami, who worked as deputy intelligence minister under Ali Fallahiyan from 1989 to 1997. His death in prison was regarded by many as "an attempt to cover up the involvement of top officials."³⁵

5.2.2.3. Broadening the Base of Popular Sovereignty: Realization the First Local Council Elections

Perhaps the most striking achievement of Khatami in terms of enforcement of republicanism in Iranian system was the implication of municipal elections, which had been envisaged in the constitution³⁶ but could not be implemented until

³⁴ Wilfried Buchta, *Who Rules Iran*:pp. 163-164.

³⁵ Nikki R. Keddie, *Modern Iran: Roots and Results of Revolution*, (New Heaven, London: Yale University Press, 2003), p. 276

³⁶ Article 100 – In order to expedite social and economic development, public health, cultural, and educational programs and facilitate other affairs relating to public welfare with the cooperation of the people according to local needs, the administration of each village, division, city, municipality, and province will be supervised by a council to be named the Village, Division, City, Municipality, or

Khatami's presidency. The traditional right, who had experienced a severe defeat in the last presidential elections, opposed holding elections for local and municipal councils on the grounds that the people were weary of elections in previous year –the presidential election and the Assembly of Experts election³⁷ - and voter turnout would be dramatically low. However, the reformers led by Khatami insisted on the necessity of these elections and portrayed them as the real basis of republicanism and civil society that they promised to build. They advocated that the local and municipal councils could decentralize power and would allow people participate in the decision-making process. According to Buchta, elections would offer an opportunity to implement Khatami's concept of "Islamic civil society" at the grassroots level as well as the possibility for the allies of Khatami solidifying their influence at the local level and expanding their power relative to parliament.³⁸

The screening process for the local and municipal council elections was more permissive since it was not conducted by the Guardian Council but a lesser body, the Election Supervisory Board, appointed by the *Majles*. However, this could not be enough to prevent the staging of factional politics and the usual practice of exclusion

Provincial Council. Members of each of these councils will be elected by the people of the locality in question. Qualifications for the eligibility of electors and candidates for these councils, as well as their functions and powers, the mode of election, the jurisdiction of these councils, the hierarchy of their authority, will be determined by law, in such a way as to preserve national unity, territorial integrity, the system of the Islamic Republic, and the sovereignty of the central government.

³⁷ In October 1998, the elections for the Third Assembly of Experts were held in Islamic Republic of Iran. It was particularly important that they were the first national elections under Khatami's mandate. In an environment of political reform and openness, the Islamist-left or –now- the reformists of Iran demanded a more open and fair candidate screening by the Guardian Council. However, the Council did not comply with these demands. It approved only 167 of the 369 applicants for candidacy where many applicants withdrew before screening because of the humiliating process. While accepting 69 personalities among the 80-member list of *Rouhaniyat*, the Council rejected many well-known personalities from the Islamist-left, such as Mehdi Karrubi, Mosavi Khoeiniha and Hadi Khamene'i. Moreover, the Guardian Council did not explain any reasons for the rejection of the candidates. The election turn out was very low, leading discussions about the essential meaning of the elections. Since the turn out for the presidential elections had been very high, the reformists argued that for the people the president is much more important than the *Rahbar*. A prominent member of the traditional right, Ali Meshkini, argued on the contrary that the choice and the powers of the society had no effect on the spiritual leadership. The outcome of the elections with regard to the political debate in Iran was that, on the one hand, it became visible that the consensus in the ruling clerical elite with regard to the meaning of elections and participation had seriously eroded. On the other hand, the elections for the Assembly of Experts once again confirmed that the ruling clerical elite was not ready to open up the process completely regarding the political participation, which was one of the major aims of Khatami government. Bahman Baktiari, "The Impact of the Elections in the Islamic Republic of Iran", *Journal of South Asian and Middle Eastern Studies*, Vol. XXV, No.1, Fall 2001, pp. 26-29.

³⁸ Wilfried Buchta, *Who Rules Iran:*, p. 179.

of the members of the Islamist left from running in the elections on the grounds that they had not displayed sufficient loyalty to the *velayat-e faqih*. Among the fifty-one prominent Khatami supporters who were excluded by the Election Supervisory Board were Abdollah Nuri, Said Hajjarian, Jamile Kadivar, Mohammad Salamati, A'zam Taleqani, Ebrahim Asgharzadeh, Mohammad Atrianfar, and Ahmad Hakimipour. Upon this decision, the Minister of Interior, Musavi-Lari, sent a letter to the chairman of the Election Supervisory Board, Hojjatolislam Ali Mohammad Savoji, saying that the rejection of these candidates was devoid of legal grounding and not acceptable. He further expressed that he would put the names of the rejected candidates on the ballots to allow them to run. This deteriorated the situation in that Savoji threatened Musavi-Lari to remove him from office by vote of no confidence. Khatami had to intervene into the matter and he formed a court of arbitration. In the end, the court of arbitration permitted the participation of all candidates as long as they were approved by the local governor.³⁹

In the elections on February 26, 1999, nearly 330,000 candidates, some 5,000 of whom were women, contested for 220,000 council seats. The results came as a victory for Khatami and the candidates of the coalition supporting Khatami won 75 percent of the seats on the 112 city councils.⁴⁰ The conservatives, however, won 12.5 percent, whereas the independents took the remaining 12.5 percent. The first local and municipal council elections of February 1999 was regarded as the most democratic and fairest elections held since the establishment of the Islamic Republic in Iran.⁴¹

³⁹ *Ibid.*, p. 181.

⁴⁰ In late December 1998, sixteen pro-Khatami groups joined together to form an electoral alliance for the local elections. The alliance consisted of the Islamic Iran Participation Front (*Hezb-e Mosharakat-e Iran-e Eslami* became a political party officially on December 6, 1998), *Majma'e-ye Rouhaniyoun-e Mobarez*, *Kargozaran-e Sazendegi*, *Mojahedin-e Enghelab-e Eslami*, House of the Worker (*Khane-ye Karger*), *Daftar-e Tahkim-e Vahdat*, ten other student organizations and Islamic professional associations. *Ibid.*, pp. 180-181.

⁴¹ Bahman Baktiari, "The Impact of the Elections.....", p. 30.

5.2.2.4. Securing Ideological Consistency between Executive and Legislative Powers: The Parliamentary Elections in 2000

The 2000 parliamentary elections were significant in that for the first time since the establishment of the Islamic Republic the interior ministry and the Guardian Council contested for the conduct of elections. The contest was indeed a show of power between the elected and unelected institutions that were presenting the duality of religiousness and republicanism of the state.

The contest commenced in 1998 when the Minister of Interior, Abdollah Nuri, presented a draft proposal in a cabinet meeting to amend the election laws. According to this bill, which was approved by the cabinet, “once the provincial executive committee endorsed a candidate, the supervisory board of the Guardian Council could not reject that endorsement.” Thus, the Interior Minister aimed to eliminate the approbatory supervision (*nezarat-e estesvabi*) of the Guardian Council regarding the elections. However, the fifth *Majles* which was controlled by the traditional right, refused to diminish the authority of the Guardian Council in vetting candidates. Despite some minor amendments, the *Majles* voted for the absolute power of the council. The only change in line with reformist arguments came as a result of President Khatami’s insistence on more accountability and he achieved a small concession from the members of the parliament. According to this amendment, the Council was called on to explain the reasons for its disqualification. This resulted in protestations by the Guardian Council until the Expediency Council “ruled out that the Council had to provide written explanations for its actions.” This was regarded as a victory for the reformists who were trying to enforce rule of law. The results of the elections that had held on February 18, 2000, were also regarded as the completion of the reformist grasp of power, since approximately 189 seats out of 290 was won by the reformist candidates. When the results came out it became clear that the reformists, with a substantial popular support behind, achieved to eliminate the opposition of the *Majles* in promoting change. However, it should be kept in mind that the elected institutions that are the presidency and the *Majles* have less power than the unelected ones, such as the Guardian Council and the Expediency Council; thus they have less room for maneuver.

5.2.2.5 Struggle to Enhance Presidential Authority: Confines Set Against the Republicanism Drive

This fact [the statement above] was clearly observed when the Khatami government, which had been strengthened by his reelection as president for a second term in 2001 and ensured the support of the reformist parliament, introduced two pieces of legislation, known as “twin bills” in 2002. The first of these, the bill to reform the election law, was introduced on September 1, 2002 by the Vice President for Legal and Parliamentary Affairs Hojjatolislam Mohammad Ali Abtahi. The objective of the bill was “to eliminate or at least reduce the Guardian Council’s power of approbatory supervision (*nezarat-e estesvabi*) through which the council rejects candidates for elected office.”⁴² The second bill, which was introduced to the *Majles* on September 24, 2002 by Abtahi, was to enhance the authority of the president. It included giving the president the right to warn and punish the officials in the executive, legislative, or judicial branches. Moreover, it envisaged to empower a committee of experts chosen by the legislature, the executive and the judiciary to overrule the court verdicts. Both these bills were rejected by the Guardian Council and sent back to the *Majles* in April and May 2003 respectively. The negotiations between the *Majles* and the Guardian Council that started in early June 2003 did not bear fruit and finally in March 2004, Khatami announced that he was withdrawing the bills. This event was important in that it portrayed the resistance of the conservative unelected institutions to any change in the established practices of state rule. Moreover, it showed up the limitations of the “binary system of governance”⁴³, that is the simultaneous authority enjoyed by the elected and the unelected institutions established by the constitution, in policy making within the system as well as the supremacy of the unelected institutions over the elected ones.

⁴² A. William Samii, “Dissent in Iranian Elections”, *Middle East Journal*, Vol. 58, No. 3, Summer 2004, p. 416.

⁴³ Mehran Kamrava, Houchang Hassan-Yari, “Suspended Equilibrium.....”, p. 495-524.

5.3. Conservative Backlash on the Reform Movement: Enforcing Islamism

The ideas and policies of the May 23 Front obviously posed a serious ideological and institutional challenge to the conservative establishment in the Islamic Republic who espoused to the Islamist dimension of the regime. To encounter this republican and populist challenge, the conservatives intensified their campaign to pump the Islamicity of the regime and the *motlaqeh* discourse.

The conservative attack on the republicanism of the regime acquired such a harsh tone that in May 1997, *Mo'talefeh* wrote a letter to Khamene'i demanding the removal of the "republic" from the name of the state. They offered the new name of the regime as "Islamic Justice Government" (*Hokumat-e Adl-e Eslami*). Khamene'i, who had once embraced the election victory of the reform movement as people's confidence in the regime, stated in July 1998 by toughening the tone that "The enemies of Islam are seeking to separate religion from politics. Using seductive Western concepts such as political parties, competitive pluralist political system, and bogus democracy, the Westernized are trying to present a utopic picture of Western societies and portray them as the only salvation for our Islamic society."⁴⁴

Having in mind the political spectrum of Iran before Khatami, what was remarkable regarding the struggle of power among political groups in the country during Khatami's presidency was that it became a controversy between the conservative elite establishment who constituted mostly the unelected and more powerful institutions in the state, and the people of revolutionary ideology that transformed into reformists who was occupying the elected but less powerful institutions.⁴⁵ However, before Khatami, although there had been a political debate

⁴⁴ *Resalat*, July 24, 1998 quoted in Mehdi Moslem, *Factional Politics*.....,p. 259.

⁴⁵ However, Jahangir Amuzegar argues that the sides in this battle, that were mainly the unelected conservatives and the elected reformers, were no more monolithic units. The unelected conservatives were divided into at least four distinct groups such were: "a. reactionary hard-line fundamentalists who wish to turn the back to the Prophet Mohammad's time; b. right-wing religious traditionalists backed by the bazaar and the business interests who want to preserve strict Islamic precepts in socio-cultural and judicial affairs but welcome free enterprise; c. left-leaning Islamist moderates who emphasize Islam's egalitarian creed and advocacy of social justice but favor comprehensive state intervention in the economy; d. a raft of younger theologians or seminarian rebels who are worried that the current fusion of the mosque and the state is bound to spoil the good name of Islam and deprive them of future respect." The reformist camp was also divided in four groups: "a. Islamic reformers who remain faithful to an Islamic state but believe in the fresh interpretations of Quran in the light of new scientific and technological discoveries; b. non-clerical but religion-oriented parties

going on between the rightist/conservative/Islamists groups and the leftist/radical/revolutionary groups, there had always been some kind of uniformity at the top of the state in institutional level. Nevertheless, the type of controversy in Khatami's presidency went beyond being an ideological struggle to have more share of power to implement their own views of different groups regarding the state policies. It became a struggle between the elected and unelected institutions, the state elite and the people, which was stemmed from the dual sources of legitimacy inherent in the constitution and the duality of institutions created to ensure the implementation of these dual sources. Due to the fact that the control over the supervisory bodies, the judiciary, the legislature, and the powerful revolutionary bodies such as *Pasdaran* was in the hands of the conservative establishment hostile to Khatami, he had almost any tools to enjoy institutional power to implement his policies.⁴⁶ In addition, the Expediency Council, whose centrality and effectiveness was strengthened upon the order of Khamene'i on March 17, 1997 emerged another institutional barrier in front of Khatami.⁴⁷ The Expediency Council headed by ex-President Rafsanjani, would function as an advisory body to assist the Supreme Leader in formulating general policy; therefore, would play a dominant role in administration. According to Mehdi Moslem, "Khatami's election laid the bare harsh truth that the hierarchical nature of the Iranian state, and the modus vivendi of the

who accept both the 1979 constitution and the supreme leadership but insists an opening up Iranian society to the outside world within existing broad constitutional mandates; c. Islamic modernists who believe in preserving Iran's Islamic identity but would leave the government in the hands of technocrats under an 'Islamic democracy'; d. secular groups that advocate a Western type participatory democratic system in which Islam and other faiths will be treated as personal choice and and protected as part of civil liberties and human rights." Jahangir Amuzegar, "Iran's Theocracy Under Siege", *Middle East Policy*, Vol. X, No. 1, Spring 2003, pp. 136-137.

⁴⁶ Mohsen Milani presents the disproportionate balance of power in Iranian regime since the election of Khatami as follows: "The traditional right still controlled the fifth *Majles*, the judiciary, the revolutionary courts, the special court for clerics, the Guardian Council, the Assembly of Experts for the Leadership, the National TV of Islamic Republic (*Seda va Sima*), most of the Friday prayer Imams, the leadership of the security and armed forces, the enormously rich private foundations (*bonyads*) that continue to be exclusively accountable to the *Faqih*, most of the paramilitary and vigilante groups such as the *Ansar-e Hizbollah*, which serve almost as private armies. Khatami controls the executive branch, where the *Faqih's* representatives are also visible." Mohsen Milani, "Reform and Resistance.....", p. 49.

⁴⁷ Ayatollah Khamene'i increased the membership of the Expediency Council in order to enable the Council to discharge its important task in shaping the general policies of the system and to examine all important problems that are normally faced by the country. A. William Samii, "Dissent in Iranian.....", p. 407.

Islamic polity, were powerful counters to the popular will and provided the battleground for factionalism.”⁴⁸

In their struggle with the reformists, the institutional power that the conservatives enjoyed facilitated various means. They tried to eliminate the reformist individuals through legal ways, to destroy the reformist thought through their control on media, and to repress the social actors of the reform movement by using force.

5.3.1. Through Legal Means

Gholam Hossein Karbaschi, the Tehran mayor since 1990 appointed by Rafsanjani, became the first target of the conservative elite establishment in their attempt to eliminate the members of the reform movement. He was very successful in restructuring the administration and building infrastructure due to his financial independence. His introduction of “property tax” based on increases in property values with the aim of financing his development projects was clearly against the interests of the traditionalist *bazaar*, who usually invest in property.⁴⁹

Karbaschi had been the target of accusations, such as corruption, before Khatami’s presidency. After the 1997 elections, he was further accused by misdirecting the public funds to Khatami’s election campaign. On March 16, 1998, a Tehran court announced that it had completed official indictment against Karbaschi for embezzlement, mismanagement and misconduct and had summoned him as defendant on April 4, 1998. Upon the order of Head of Judiciary, Ayatollah Mohammad Yazdi, he was arrested on the same day. As a result of negotiations of Khatami with Yazdi, Rafsanjani and Khamene’i, he was released on April 14, 1998 with Khamene’i’s order.

Karbaschi’s case was publicized by the conservative establishment in that the public hearings against him were televised. In the first of his public hearings on June 7, 1998, where he was charged with “misappropriating funds from the city’s treasury to finance the 1996 parliamentary electoral campaign of the *Kargozaran-e Sazendegi* candidates, as well as Khatami’s 1997 presidential campaign”, he denied all these charges that they were based on testimony of his colleagues forced by torture. He

⁴⁸ Mehdi Moslem, *Factional Politics*....., p. 259.

⁴⁹ Wilfried Buchta, *Who Rules Iran*:....., p. 140.

said that the former president, Rafsanjani, had been informed all of his activities and he sanctioned them. In the end on July 23, 1998, he was sentenced to five years in prison, nearly \$6 million fine, and ban from political activities and state employment for twenty years. Later in December, a court of appeal reduced his prison sentence to two years, the ban from state employment to ten years, and imposed a lesser fine. After Karbaschi's sentence in jail began in May 1999, 146 members of parliament had signed a petition to Khamene'i seeking clemency for Karbaschi. However, he refused to back Karbaschi stating that the only authority for resolving these issues were the courts.⁵⁰

Karbaschi's trial created conflicts with his proponents and opponents, stimulating the division between the Islamist-conservative establishment and the populist pro-reform politicians. The opponents of Karbaschi accused his supporters of politicizing the case. Mohammad Reza Bahonar, *Majles* deputy, stated that those who chanted slogans about rule of law should be tolerant when the rule of law was applied to the case of the mayor. His supporters, however, argued that because of Karbaschi's prominent role in *Kargozaran-e Sazendegi* and in Khatami's election, the traditional right arranged this trial to take the revenge of their electoral defeat.⁵¹ Moreover, his trial showed that the role of the judiciary, especially Mohammad Yazdi, was increased in the conservative efforts against the reform movement. The fact that the institution which had organized the trial against Karbaschi was the judiciary, namely the religious courts, but not the republican government institution of ministry of justice demonstrated this.⁵²

The second target of the conservative establishment to eliminate through legal means was the interior minister, Abdollah Nuri. As the minister of interior, he was occupying a sensitive post that was in charge of elections, political activities and licensing demonstrations. Besides his critical views regarding the centrality of the *velayat-e faqih* in the Iranian political system, the fact that he had obtained his

⁵⁰ *Ibid.*, p. 141.

⁵¹ David Menashri, *Post-Revolutionary Politics in Iran*....., p. 97. Behzad Nabavi from the Islamist left group stated that "the defeated faction wants to emotionally mutilate and dishearten the executive and the May 23 Movement." *Salam*, October 28, 1997 quoted in Mehdi Moslem, *Factional Politics*....., p. 260.

⁵² Mehdi Moslem, *Factional Politics*....., p. 260.

religious certificate from Hossein Ali Montazeri, declared by the ruling clerical elites as one of the most dangerous persons for the survival of the regime, and his support for Karbaschi that he refused to dismiss him, put Nuri at odds with the traditional right.

On December 12, 1997, he was accused with having approved a student demonstration where the legitimacy of the *Rahbar*, Khamene'i, was questioned. In June 1998, thirty-one members of parliament, headed by Mohammad Reza Bahonar, asked for Nuri's impeachment. They accused Nuri of dismissing the officials who had worked under Ali Besharati, the former minister of interior, and replacing them with "ideologically unreliable" officials, inability to maintain social peace during the Montazeri case, causing unrest and destabilizing the situation in the country through his support for Karbaschi. Khatami could not prevent the afflux of events and on June 22, 1998 Nuri experienced a public hearing in the parliament. As the result of the vote of confidence for Nuri, the members of the parliament, who were mostly among the ranks of traditional right, forced him to resign.⁵³ As a countermove, Khatami appointed him on the same day as vice-president in charge of social and developmental issues, which did not require parliamentary ratification.⁵⁴

In place of Nuri, Khatami choose Hojjatolislam Abolvahed Mosavi-Lari as the new minister of interior and on July 22, 1998 he got the vote of confidence from the parliament to begin his job. However, the attacks on Nuri did not end after this event. In October 1999, a judicial campaign was started against him when the Special Court for Clergy began its proceedings. Among the twenty charges that the court brought against him were "vilifying the Prophet Mohammad, defaming Ayatollah Khomeini, endorsing relations with the USA and Israel, and defending Grand Ayatollah Hossein Ali Montazeri." Moreover, he was questioning the right of the Special Court for Clergy to try him in the daily that he was publishing, *Khordad*. In his resonant speech of defense, he maintained that nobody stands above the law and the constitution, not even the supreme leader. In late November, he was found guilty by the court of attacking Islam and foundations of the Islamic Republic. He was

⁵³ 137 MP's voted for his removal, 117 voted against his removal, 11 abstentions. Mehdi Moslem, *Factional Politics*....., p. 261.

⁵⁴ Wilfried Buchta, *Who Rules Iran*:....., p. 142-143.

sentenced to five years in prison and his newspaper was banned for five years. His imprisonment was seen as the traditional right's elimination of the most possible candidate for the post of Speaker of Parliament after the coming parliamentary elections in February 2000.⁵⁵

The Minister of Culture and Islamic Guidance in Khatami's government, Ataollah Mohajerani, became the third reformist target of the traditional right. Similar to the case of Abdollah Nuri, the traditional right made use of their majority position in the fifth parliament and attempt to impeach him in May 1999. Although Mohajerani escaped impeachment as a result of the vote of confidence,⁵⁶ the move against him also indicated that the conservative-oriented *Majles* opposed to the cultural policies and reform of Khatami government. Because of Mohajerani's policies that were favoring a free press, cultural relaxation and tolerance, he was continuously criticized by the members of the conservative establishment.

5.3.2. Through Pressurizing Media

In mid-1998, the attacks on the activities of the reformist minister of culture and Islamic guidance were directed to the press, where a considerable proliferation of the reformist publications had been observed. In a state where the political parties were not regarded as the usual channels to influence and direct the daily politics as well as ideological grouping, the newspapers began to play the role of the political parties and became quasi-parties following the 1997 presidential elections.⁵⁷ In 1998 Khamene'i warned the reformist press by stating that: "Freedom is not absolute and is confined by the rules set by Islam. I warn against misuse of freedom by certain sections of press. Prevention of such devious acts is not difficult but I wait and see what responsible organizations will do. This is another warning on my part and officials must find out and punish newspapers that are crossing the line". These words of the Supreme Leader were interpreted as a declaration of war by the conservative establishment regarding the press. Moreover, the conservative *Majles* passed a bill in September 1998 which called for journalists who criticized Islamic

⁵⁵ *Ibid.*, p. 194.

⁵⁶ David Menashri, *Post-Revolutionary Politics in Iran*:....., p. 99.

⁵⁷ Sami Oğuz, Ruşen Çakır, *Hatemi'nin İranı*....., p. 207.

principles to be charged with threatening national security, and a press court was set up by the judiciary for trying the journalists.⁵⁸ The first example of the reformist press, *Jame'eh*, was closed down by a court edict on July 24, 1998. The next day, the same staff that had published the *Jame'eh* began to publish *Tus*. However, it was accused with threatening national security on September 15, 1998 and four of its writers were arrested the next day. On December 7, 1998, the monthly *Iran-e Farda* was banned suspending its publication for one year with the reason that it insulted the Iranian armed forces.⁵⁹ In the beginning of 1999, the form of violence took a different shape when the *Hizbollahis* attacked the daily *Khordad*, edited by Abdollah Nuri, in January 1999. On January 5, 1999, *Sobh-e Emruz* reported that Abdollah Nuri and Atollah Mohajerani were beaten up of *Hizbollahis*, and in February 1999, Hadi Khamene'i was beaten. On February 27, 1999, Mohsen Kadivar was arrested by the Special Court for the Clergy because of his continuous advocacy for the people's right to determine their fate and that the leader was not immune from criticism. He received a prison sentence for one and a half year.⁶⁰

In July 1999, the conservatives made another attempt when a new press law which called for more restrictions on freedom of expression was passed on the conservative *Majles*. The new law placed the press under the jurisdiction of the revolutionary courts where the political and criminal offenders were tried. Moreover, it curtailed the authority of the ministry of culture and Islamic guidance in issuing licenses. Immediately after the approval of this law, the daily *Salam*⁶¹, a liberal-reformist newspaper edited by Ayatollah Mousavi Khoeiniha, published a letter from Sa'id Emami, who was in prison, in which he urged the minister to curb the freedom of the press that threatened to undermine the republic. The publication of this letter

⁵⁸ Nikki R. Keddie, *Modern Iran*:....., p. 275.

⁵⁹ Sami Oğuz, Ruşen Çakır, *Hatemi'nin İranı*:....., p. 208-209.

⁶⁰ Mehdi Moslem, *Factional Politics*:....., p. 263.

⁶¹ *Salam* began its publication on May 27, 1991 as the voice of the *Rouhaniyoun* and the radicals. In the elections for the second Assembly of Experts in 1990 and for the fourth *Majles* in 1992, most of the candidates from the radicals had been disqualified by the Guardian Council. In protest this almost total exclusion, the *Rouhaniyoun* prepared a very harsh announcement. However, not only any of the newspapers published this, but also the radio and television remained indifferent. Then they began publishing *Salam* as a ground for expressing their views. Since *Rouhaniyoun* and the radicals ceased their political activities after 1992, *Salam* played an important role in keeping the ideas of this group alive and transmitting them to people. Sami Oğuz, Ruşen Çakır, *Hatemi'nin İranı*:....., p. 207.

was not welcomed by the conservatives and Khoeiniha was brought before the Special Court for the Clergy. He was accused with publishing a confidential government document without authorization. At the end of the trial, on July 4, 1999, the court banned *Salam* for five years and Khoeiniha was punished not to engage in media activity for three years. A month later on August 4, 1999, reformist newspaper *Neshat* was closed. While its managing director Latif Safari was sentenced two and a half years in jail and a ban from engaging in publishing for five years, its editor, Mashallah Shamsolvaezin punished with three years in prison.⁶² In mid-April 2000, as a result of the conservative blow on press, sixteen pro-reform newspapers were closed down at once.⁶³

5.3.3. Through Pressure Groups: The Student Protests

The closure of *Salam* was particularly important in that it brought about unintentional but serious consequences. On July 8, 1999, many Tehran University students staged peaceful protests against the press bill and the closure of *Salam*. That night, while the local police was standing by, the armed groups of *Ansar-e Hizbollah*, the Besij militia and armed security agents violently attacked a student dormitory, killing one student and injuring and arresting many. After this, students organized large protest demonstrations that witnessed six days of violence in Tehran and many other cities. This time the students demanded greater freedom of expression, association, the relaxation of social and political restrictions, and democracy.⁶⁴

The student protests created a tense and polarized environment. For the conservative establishment, unless this brutal clash of the Islamist elements within the regime and the “civil society camp” was stopped, it would endanger the security of the regime and the Islamic system. In order to stop the events, they first had tried a violent way by allowing the vigilante forces such as *Hezbollah* to attack the students. However, this had resulted in soaring of clashes. Then on July 12, 1999, the *Sepah-e Pasdaran* (Islamic Revolutionary Guards Corps), which was constitutionally

⁶² Adam Tarock, “The Muzzling of the Liberal Pres”, *Third World Quarterly*, Vol. 22, No. 4, 2001, pp. 590-592.

⁶³ Jahangir Amuzegar, “Khatami: A Folk Hero in Search of Relevance”, *Middle East Policy*, Vol. XI, No. 2, Summer 2004, p. 82.

⁶⁴ Adam Tarock, “The Muzzling of.....”, p. 591.

entrusted with guarding the revolution and its achievements, entered into the scene. Twenty-four commanders from *Pasdaran* wrote a letter to Khatami, whose reform discourse they regarded responsible for the current situation in the country, and demanded him to suppress the riots immediately. After admitting that the attack on dormitories was wrong and ugly, they insisted that “the violation of sanctities and insulting the principles of this system should also be investigated.” They urged Khatami to stop the violence and warned him that they could not tolerate this situation any longer.⁶⁵ In the face of these threats, on the same day Khatami was intimidated to reach a consensus with the ruling conservative elite and he denounced the protestor students as being the emissaries of foreign enemies. He stated that “What had started as a peaceful protest by students had degenerated into a riot led by the people with ‘evil aims’ who intended to foster violence in society.”⁶⁶ In addition, the conservative forces also enjoyed popular support which was evident in the large counterdemonstrations on July 14, 1999, where the demonstrators expressed their support for Khamene’i and the Islamicity of the regime.

According to Menashri, the riots exposed the gap between the initial ideals and prevailing realities after two decades of the Islamic Republic. Moreover, they showed that advancing fundamental reforms within the system of Islamic Republic was very difficult.⁶⁷ The student events brought the country on the edge of an armed coup against Khatami with the pretext that he could not be able to sustain security and protect the regime. However, Khatami and the reform movement successfully survived this event, and give the impression to his followers that he would pursue reforms in peaceful means.⁶⁸ In addition, both Khatami and his supporters realized

⁶⁵ The ideological justification for use of violence came from the conservative clerics. In a Friday sermon delivered on July 23, 1999, Ayatollah Mesbah Yazdi stated that “The heads of those acting against the Islamic regime, or speaking out against its basics tenets, chanting slogans against the Supreme Leader, should be cut by a sharp sword.” David Menashri, *Post-Revolutionary Politics in Iran:.....*, pp. 147-148.

⁶⁶ *Ibid.*, p. 150.

⁶⁷ *Ibid.*, p. 151.

⁶⁸ The government of Khatami removed 12 top police chiefs including the Commander of *Niruha-ye Entezami* in Tehran General Farhad Nazari from office and sued them. With this attempt, the government engaged in a show of power that it could do something against those “corrupt forces within the system” and by keeping his promise to fight against government-sponsored violence Khatami regained the support of the students. Nevertheless, that most of these officials were released without receiving any punishments created anger in the reformist camp and interpreted as another

how fragile his position was as the popularly elected president of the country and vis-à-vis the unelected conservative ruling establishment.

In conclusion, the extensive popular mandate that Khatami enjoyed support from demanded a structural change in the Islamic system, which would place the popular sovereignty on the basis of governance. However, the discourse of civil society brought about questioning the foundational basis of the Islamic regime. As it can be observed in the murders of intellectuals or in the student protests, the ideological transformation led to acts of violence in the society. In an environment of unrest, Khatami as the president of the country, faced with “the dilemma of reforming the system without destabilizing it.”⁶⁹ In the end, the system in which he had to operate was designed in a way that there could be no challenges to the power and the position of the *Vali-ye Faqih*. Likewise, the makers of the constitution had been heavily concerned with preventing any radical change. But Khatami’s reformist policies led to crisis frequently since they resulted in confrontations with the executive and the conservative establishment, even with the institution of *velayat-e faqih*.

During Khatami’s two-term presidency, a conflictual relationship between the Islamist and republicanist features of the Islamic Republic was observed, which created many problems in governing the state. In many of the crisis situations, Khatami chose to side with Khamene’i and the ruling elites for the sake of not to destabilize the system. He was aware that the Islamic Republic can function when Islamic and republican components of the regime operate in harmony. Moreover, as Mohsen Milani pointed out, it is a simplistic view that Khamene’i sides with the conservatives and against the reformists.⁷⁰ He has many concerns such as

example showing that the Judiciary was favoring the conservatives. Sami Oğuz, Ruşen Çakır, *Hatemi’nin İranı.....*, p. 246.

⁶⁹ Mohsen Milani, “Reform and Resistance.....”, p. 52.

⁷⁰ An example comes in support of this argument. In March 2002, when Khamene’i increased the number of members of the Expediency Council, he appointed four conservative members (former education minister Hossein Mozaffar, former speaker of parliament Hojjatolislam Ali Akbar Nateq-Nuri, former economic minister Mohammad Javad Iravani, parliamentarian and Khamene’i’s son-in-law Gholam Ali Haddad Adel) and two reformists (Parliamentarian Majid Ensari and Vice President Mohammad Reza Aref-Yazdi) in order to preserve his neutrality in politics as well as the institutional representation of different political trends and groups. A. William Samii, “Dissent in Iranian.....”, p. 408.

maintaining factional equilibrium among the governing elites, remaining accountable to the clerical establishment, maintaining his own popularity and legacy. Therefore, he acted cautiously in supporting the reforms of Khatami, and as long as they did not destabilize the system he gave his blessings.

Khatami did not possess the necessary means to meet the expectations of the people to initiate an extensive reform of the Islamic. This was because his powers were constitutionally limited vis-à-vis the unelected institutions of the regime; thus, he had a very small room to maneuver. The subsequent reformist majority in the 6th parliament (2000-2004) and support of the reformist press emerged as the very few tools in his hand to initiate reforms in government and to canalize his reformist ideas to the people. However, parliament decisions were consistently vetoed by the Guardian Council, press was heavily pressured by the conservative courts, and supporters of Khatami, be they were intellectuals, ministers or students, were brutally suppressed.

Khatami's emphasis on the rule of law without constitutional change, the conservative backlash against his policies through judicial means, media and pressure groups, his incompetence in making laws vis-à-vis the Guardian Council and the Expediency Council led to a dismay among the supporters of the reformist discourse.⁷¹ As an indication of this, the slightly loss of popular mandate behind Khatami in the election for his second term of presidency can be mentioned. Although he received 78% of votes, which was higher than the 69% in 1997, the election turnout was lower this time, signaling people's loss of belief in change.⁷² In

⁷¹ Between 1997 and January 2004, when reformists lost control of the parliament, the Guardian Council vetoed 111 of Khatami's 297 legislations. Ali Gheissari, Vali Nasr, *Democracy in Iran: History and the Quest for Liberty*, (New York: Oxford University Press,2006), p. 137. In the wake of ongoing controversy between the Guardian Council and Khatami's government, the Expediency Council interfered in legislation frequently through utilizing its institutional authority above the *Majles* and the Guardian Council. For example, Khatami's August 2001 inauguration was delayed when Khamene'i cancelled in the ceremony upon the refusal of the reformist *Majles* to elect the conservative jurists to the Guardian Council. Khamene'i based his decision to delay on the Art. 121 of the constitution which states that the President must take his oath at a session of the Islamic Consultative Assembly in the presence of the head of the judicial power and the members of the Guardian Council. In resolving the dispute the Expediency Council rewrote the law and ruled that only two-thirds of the Guardian Council had to be present for presidential inauguration. By this way, Khatami was able to start his job. In another debate, in March 2003, the Expediency Council used its institutional authority and approved a budget for the Guardian Council which was more than two times what the *Majles* had approved. A. William Samii, "Dissent in Iranian.....", pp. 408-409.

⁷² Ali Gheissari, Vali Nasr, *Democracy in Iran:.....*, p. 139.

addition to this, the reformist camp was plastered in 2004 parliamentary elections, where the Guardian Council disqualified many reformist candidates and blessed an easy election victory to conservatives and further constrained the reformists. Apart from this, the unification of the conservatives against reformist camp under the *E'telaf-e Abadgaran-e Iran-e Islami* (The Alliance of the Developers of Islamic Iran), headed by the father of Khamene'i's son-in-law Gholam Ali Haddad-Adel, was a major factor in the success of conservatives in the 2004 *Majles* elections.⁷³

Nevertheless, Khatami initiated major changes in the political discourse of the state. He changed the former debate of “American Islam” versus “Mohammadan Islam” to a debate about humane, peaceful, egalitarian Islam versus violent, austere, autocratic Islam.⁷⁴ In doing this, he popularized the terminology of democracy and civil society as a component of political discourse in Iran. Moreover, at the end of the two-term presidency of Khatami, politics was no more shaped merely by intra-elite relations, but became a matter where the people also involved extensively through open debates in media.

⁷³ In 2004 Parliamentary elections, the voter turnout was 51% (23,725,724 out of 46,351,032). Nearly 156 conservatives were elected in the first round of the elections, 39 seats went to reformists, 31 went to independents and 5 went to religious minorities. The members of *E'telaf-e Abadgeran-e Iran-e Eslami* (the Alliance of the Developers of Islamic Iran), who also enjoyed success in the February 2003 local council elections, were declared as the winners of the first round of elections. A. William Samii, “Dissent in Iranian,”, p. 421.

⁷⁴ Nikki R. Keddie, *Modern Iran:.....*, p. 280.

CHAPTER 6

CONCLUSION

The political regime in Iran that was instituted after the 1979 revolution is an Islamic Republic. The founders of the regime, who were mostly also the framers of the constitution, believed that the divine sovereignty, which belongs to God, would be exercised through the popular will. However, they also believed that the knowledge of the most-learned among the people on divine law, the *mujtaheds*, had to be involved in government since they were thought to be the best capable of implementing divine law. These divine and popular bases of sovereignty have provided the Islamic Republic with dual legitimacy. The dual legitimacy of the political regime of the Islamic Republic found their political expression in the Islamist and republican features of the regime. The main argument of this thesis has been that Islamism and republicanism appear as the duality inherent in the political system of the Islamic Republic. Secondly, it has been argued throughout the thesis that the duality of Islamism versus republicanism created obstacles in formulation and implementation of policies of the state, whose end-result was very much determined by the strength of appeal to any one side in this duality within the power structure at that particular time. Therefore, Islamist and republicanist features of the Islamic Republic were observed in coexistence, conflict or domination in different periods of political history of Iran. Moreover, sometimes, these two notions were utilized as legitimizing each other.

At the end of this study, there are some points to be mentioned which have come into prominence in the debate of Islamism versus republicanism in the Islamic Republic of Iran. Firstly, it should be mentioned that although the Iranian society possessed a strong religious texture in the 20th century, the notion of popular will has been existed in the political terminology of Iran since 1905. Apart from the anti-constitutional movement of Sheikh Fazlollah Nuri during the constitutional revolution which suppressed in a short time, and Ayatollah Kashani's turning against Mosaddeq in 1953, *ulama* and the constitutional forces, mostly the intelligentsia, did not experience any confrontation with each other. Conversely, the *ulama* not only

gave his support to the demands for a constitution, but also the political groups operating with the purpose of proper implementation of the constitution throughout the 20th century used Islamic beliefs as the basis of their work and enjoyed the backing from the prominent *ulama*. Even the Marxist leftist currents that appeared after the victory of the 1917 revolution in Russia never engaged in an open confrontation with religion. This means that the notions of religion and popular will were standing together and also cooperating in the political scene in Iran since the beginning of the 20th century.

Secondly, the historical bond between religion as the representative of divine law and popular will as the representative of popular mandate has continued to exist after the 1979 revolution to an extent to establish the new regime together. Due to the mobilization effect of religion against the oppressive rule of the Shah before 1979 revolution, all the political currents organized under the politically-active *ulama* and the Islamist lay-persons in order to achieve a one same purpose: dethroning the Shah and ending the 2500 years of monarchy in Iran. Stemming from the impact of the Islamist forces in organizing the revolution and also Ayatollah Rouhoullah Khomeini's leadership in the revolution and in its aftermath, the Islamists forces gained much say in the establishment of the new regime. In the aftermath of revolution and especially during the process of drafting the constitution, some mainly Marxist-leftist, nationalist and secularist groups came into opposition against the involvement of religion in politics and tried to overtake the leadership of the new regime. Despite those groups, who accepted the leadership of Ayatollah Khomeini, did not constitute a monolithic entity, they became united against the dissidents in order to ensure the internal stability and security. Therefore, in the period of consolidation until 1982, all the political currents that did not accept the religious sovereignty of the regime and the leadership of Khomeini were excluded from political scene by harsh oppression. However the new constitution of Iran was envisaged to be drafted by an assembly composed of the representatives who would be directly elected by the popular vote. Thereby, the constitution was drafted throughout the consolidation process in an environment where many diverse political currents were able to find expression. Although majority of the members in the constituent Assembly of Experts, who were drafting the constitution, were Islamist

ulama who successfully incorporated the notion of the rule of the supreme jurist, *velayat-e faqih*, into the constitution, the fiercest debate in the assembly was on the issue of limits of religious sovereignty and importance of popular sovereignty.

Thirdly, at the end of the deliberations in the constituent Assembly of Experts, the founders of the new regime incorporated two legitimacy bases for the Islamic Republic: the religious legitimacy and the popular legitimacy. Obviously, they deemed these two notions as compatible. Nevertheless, the frictions between the Islamist and the republican groups and institutions has emerged considering the ideological splits within the groups adhering to the line of Imam (*khatt-e Emam*) as well as the problems such as war with Iraq, economic hardships, the attacks by the anti-regime armed opposition forces, and most importantly the practical problems aroused from governing such a complex entity like state. These frictions have continued till today with a varying intensity.

The duality of Islamism and republicanism in Iran caused and continue to cause serious problems, if not challenges, for the Iranian regime. These are mainly the institutional problems and the practical problems. The institutional problems stem from the dual institutions of the regime exercising more or less the same powers. In fact, the main problem starts with the definition of the legitimacy sources of the regime. In the article 56 of the constitution, it is stated that “absolute sovereignty over the world and man belongs to God, and it is He Who has made man master of his own social destiny.” Hence, although attributed the ultimate sovereignty to God, the same article also empowers people to exercise this right. This poses the question whether “the rule of Islam” and “the rule of the people” are equal, or any of them have superiority over the other. Another institutional problem is that although the Islamic Republic composed of three braches of government that are the executive, the legislative and the judiciary, according to the constitution, there are also some constitutional bodies who exercise power over the three branches. The most important of them is the *vali-ye faqih*. As the most-enduring symbol of the Islamism of the regime, the *vali-ye faqih* not only enjoyed vast constitutional power, but also his decrees are regarded as having the effect of law. Also, the legislative power, that is the Islamic Consultative Assembly (*Majles*), is subjected to the control of a higher body, the Guardian Council. This council has the duty to examine the compatibility

of laws enacted by the *Majles* with the *shari'a* and the constitution. Moreover, it involves deeply in the election-screening process and accepts or rejects the candidates by assessing their qualifications. Another institutional problem is about the authority of the president. The president is regarded as the second highest official in the country whose responsibility is implementing the constitution and acting as the head of the executive (Art. 113). However, he shares his executive authority with *vali-ye faqih* and overseen by him.

The practical implications of the Islamism-republicanism duality are the factional politics in a broader sense. The unity among the political groups operating within the system in the first years of the revolution gradually broke off because of the differences in opinion on various ideological, political and economic issues. In the first decade of the revolution, there were mainly the conservative faction and the radical faction. In the first decade of the revolution the conservatives – the organizations like *Jame'eh-e ye Rouhaniyat-e Mobarez*, *Jam'iyat-e Mo'talefeh-ye Islami*, *Jame'eh-ye Modarresin-e Howzeh-ye Elmiyyeh-ye Qom*, *Jameh-ye Zaynab*, *The Jame'eh-ye Islami-ye Mohandesin* -- believed that the ultimate sovereignty belonged to God; that the *mujtaheds* were the representatives of God in implementing divine law. The radicals -- *Mojahedin-e Enqelab-e Eslami*, *Hezb-e Jomhuriye Eslami*, and later the *Jam'eh-ye Rouhaniyoun-e Mobarez*-- gave priority to the popular sovereignty and advocated that the basis of the Islamic state is the consensual contract among citizens. During his life time, Khomeini acted as the final arbiter between the different political groups and settled the rivalry on many policy issues. In order to solve the institutional crisis between the *Majles* and the Guardian Council stemming from their exercise of dual authority in legislation, he ordered the establishment of the Expediency Council. Moreover, he initiated the attempt for constitutional change in order to prevent the possible consequences of unworkable institutional setting. Therefore, he paved the way for the coexistence of the Islamist and republican elements within the regime through his arbitration.

The death of Khomeini was a turning point for the Islamic Republic. Together with the constitutional changes, the Islamic Republic was now experiencing a shift in leadership, which meant formation of new coalitions for power and redefining the rules of the game. Ayatollah Khamene'i became the new *vali-ye faqih* and Hashemi

Rafsanjani was elected as the president. In the absence of an arbiter, the factional rivalry became much more apparent. Whereas Khomeini had pursued the policies that had favored the radical ideas, the Khamene'i-Rafsanjani alliance cooperated with the conservatives both in socio-cultural policies and economic policy. They remained silent to the exclusion of the radicals from the political arena, especially by resorting mass disqualification of candidates from the elections by the Guardian Council. Thus, while the notions of Islamism and republicanism were used together by the Rafsanjani-Khamene'i alliance in the way that these two would legitimize each other, in the second term of Rafsanjani domination of Islamism over republicanism was observed.

The most important theme during the two-term presidency of Rafsanjani is *towse-'eh* (development); he focused on mainly economic development. Although Rafsanjani tried to generate a push for republicanism by putting the implementation of the constitutional principles that had been suspended temporarily during the war years into the agenda, this remained very limited. For instance, he activated the political parties' law but his attempt to implement the law of local and provincial councils was prevented by the conservatives. Thus, the political development was seen as having a secondary importance in a country that newly came out of a disastrous war. Rafsanjani was neither a conservative, nor a radical. He was the leader of a third group which would emerge as the modern right in a few years, especially with the formation of the *Kargozaran-e Sazendegi*. Rafsanjani advocated for economic restructuring. For this purpose, he implemented a mixture of liberal economics and state involvement by constituting five-year development plans. Yet, formulation and implementation of politics continued to be prevailed by the conservative and Islamist circles.

Towards the end of Rafsanjani's two-term presidency, besides the pro-Rafsanjani *Kargozaran-e Sazendegi*, neo-radical new groups have entered in the political scene such as *Arzeshha* and *Ensar-e Hezbollah*. Moreover, the *Rouhaniyoun*, who had ceased its activities after the purge of the radicals from the government by the conservatives, resumed its activities. Therefore, the involvement of these different groups in the 1996 parliamentary elections heated up the political debate and set the stage for the 1997 presidential elections.

The 1997 presidential elections were very much significant in the political history of the Islamic Republic since the ideas of reform within the system that had an appeal as an intellectual current during the presidency of Rafsanjani became the popularly supported dominant discourse with the election of Khatami. The decisive victory of Khatami in the elections against a conservative candidate supported by the ruling conservative establishment brought the importance of the popular will and the exercise of popular sovereignty back in Iranian politics. The major result of this development was that Khatami years witnessed a harsh struggle between the Islamist and republican elements of the Iranian regime. It should also be noted that Khatami's campaign emphasized the importance political development, the rule of law and proper implementation of the constitution, the development of civil society in order to ensure pluralization in the of political environment, and the human rights besides the economic development. Khatami tried to assure transparency in government, and tried to loosen the socio-cultural rules. He was favoring the decentralization of political power in a direction that the people would have much say in politics. For this aim, he successfully implemented the first local council elections in February 1999, which was regarded as a means for participation of people in the political process. But especially after 1999, he faced with serious problems posed by the conservative establishment in the form of mass closure of the newspapers, the brutal suppression of the students' movement, but most importantly the continuous rejection of the bills by the Guardian Council which were drafted by the government together with the *Majles*. By 2004, Khatami was in a position of the less powerful official of the government whose constitutional status was the second highest official after the *Rahbar*.¹

At the end of the second term of Khatami's presidency, the most significant phenomena regarding the Iranian society was the discontent with the reform movement and its -so-called- failure. Not only was Khatami unsuccessful in implementing his political reform objectives, but also the economic situation was deteriorating due to unsuccessful policies of the third Five-Year Development Plan,

¹ From June 1997 to February 2004, the Guardian Council vetoed 111 of the 297 bills that Khatami backed. Vali Nasr, "Iran's Peculiar Election: The Conservative Wave Rolls On", *Journal of Democracy*, Vol. 16, No. 4, October 2005, p. 11.

which was in effect since March, 2000.² Moreover, Khatami's movement had been defeated both in the February 2003 municipal council election, which saw a sharp drop in turnout and the defeat of almost all major reformist candidates, and in 2004 parliamentary elections, where the conservative organization *Abadgeran-e Iran-e Eslami* (Developers of Islamic Iran) gained majority of the seats. This defeat stemmed partly from the vast disqualification of reformist candidates by the Guardian Council, but more importantly from the people's indifference to elections that they did not go and vote in the face of unsatisfied demands.³

In this environment, the June 2005 presidential elections came into prominence since they would determine the course of political development in Iran at least in the near future. Also, the elections would be a test-case for the future of the reformists after eight years of power.

Although deemed unsuccessful in general, Khatami's discourse successfully led to pluralization in the political scene in Iran. The proliferation of newspapers and the increasing use of internet as a political platform generated a wave of intellectual, literary and political activism.⁴ This phenomenon had a great impact in the 2005 presidential campaign. For the first time in the history of the Islamic Republic, a presidential election witnessed so many candidates representing diverse ideologies approved by the Guardian Council. Another characteristic of the candidates for the

² See Jahangir Amuzegar, "Iran's Third Development Plan: An Appraisal", *Middle East Policy*, Vol. XII, No. 3, Fall 2005.

³ In early January 2004, the Guardian Council announced that it was disqualifying 43 percent of the candidates who had entered the election. Those disqualified included some eighty reformist incumbents, including almost all reformist leaders of parliament. These disqualifications clearly would have ended the reformists' control over parliament. The reformists denounced the disqualifications and threatened to boycott the election. Reformist members of parliament began a sit-in and declared that they would continue their protest until their colleagues were reinstated. Most cabinet members and provincial governors said they would resign if the disqualifications were not reversed. The events led the Supreme Leader Khamene'i to instruct the Guardian Council to reexamine the disqualifications and reinstate all incumbents. However, when the Guardian Council announced the final list of candidates on January 30, almost all of the eighty reformist incumbents remained disqualified and most of the other disqualifications remained in effect. After this announcement, 125 reformist members of parliament declared that they would boycott the election and resign their seats, and the reformist interior minister declared that the election would not be held on the scheduled date, February 20. However, President Khatami announced that the election would be held on time, and he rejected the resignations of his cabinet ministers and provincial governors. In the view of Gasiorowski, this confrontation between the president and the discontented members of the reform movement signaled a split in the ranks of the reformist movement. Mark Gasiorowski, "Iranian Politics After the 2004 Parliamentary Election", *Strategic Insights*, Volume III, Issue 6, June 2004.

⁴ Vali Nasr, "Iran's Peculiar Election: The Conservative.....", p. 11.

2005 elections was that in 2005 the different factions were represented by more than one candidate for the first time while in the past the every faction had united on one single candidate. According to Vali Nasr, the internal contentions among the conservative camp which had been intensified in their attempt to contain the democratic practices of Khatami, led them pursue divergent political paths.⁵

Initially, the Guardian Council had approved the candidacy of six candidates, none of whom were among the reformist ranks. These were former Iranian president and Head of the Expediency Council Ali Akbar Hashemi Rafsanjani, former *Majles* speaker and the secretary general of the *Rouhaniyoun*, Mehdi Karroubi, former Police Chief Mohammad Baqer Qhalibaf, former chief of *Seda va Sima*, Ali Larijani, the former commander of Pasdaran Mohsen Reza'i, and the mayor of Tehran since 2003 and a member of *Pasdaran* Mahmoud Ahmadinejad. However, upon the intervention of Khamene'i, later the council approved two reformist candidates, the former Minister of Education Mostafa Mo'in and deputy president of Khatami Mohsen Mehralizadeh. Among these eight candidates, the politically less known candidate, Mahmoud Ahmadinejad, became the winner of the race and the sixth president of the Islamic Republic of Iran.

The June 2005 presidential elections displayed many peculiarities. For the first time in the history of the Islamic Republic, a presidential election was held in two rounds. As a result of intense competition, none of the candidates managed to get more than 50 % of the vote in the first round of the elections held on June 17, 2005. Additionally, Ahmadinejad surprisingly managed to get more than 5,7 million votes (about 19 %) to run in the second round against Rafsanjani who got around 6,2 million votes (about 21%). In the second round of the presidential elections held in June 24, Ahmadinejad received more than 17 million that is 61,6 % of the total votes and emerged as the winner new holder of the post of the presidency, while his rival Rafsanjani received about 10 million votes that is 35,9 %.

Another peculiarity regarding the election of Ahmadinejad is that for the first time the Islamic Republic has a civilian president, meaning that he does not belong to the ranks of *ulama*, since 1981. This brought the arguments about the generation

⁵ *Ibid.*, p. 16.

change in Iran. There are three generations in Iran: the first generation are the founders of the regime and have been occupying the central positions within government. The second generation is composed of those who were the youth during the revolution and now at the age of forties. They fought in the war with Iraq and are regarded as the war generation; therefore they dedicated themselves to protect the revolutionary values that they once sacrificed themselves for. The third generation was born after the revolution and do not have a clear vision of the revolutionary struggle against the Shah and the revolutionary values. When Ahmadinejad, who belongs to the war generation, became president, this might be read as the transfer of power from the first generation to the second, signifying a return to radicalism.⁶

During the election campaign, which was generated in a colorful and lively atmosphere, it was striking that all the candidates except Ahmadinejad used the reformist terminology and tried to appeal to the demands of middle class as well as the youth. However, especially after the first round of elections, the debate shifted to “class issues and socioeconomic grievances of the lower classes and disadvantaged provinces”.⁷ Ahmadinejad’s populist views favoring the poor and disadvantaged segments of the country, his promises such as job creation, prevention of corruption, ensuring the distribution of wealth to the poor, high wages to Iran’s lower class, more development funds for rural areas, expansion of health insurances, and more social benefits for women came to the fore as the determinants of the elections results. The fact that no reformist candidate managed to run for the second round signified the large appeal of this populist terminology, which had long been advocated by the radical wing of the early days of the Islamic Republic. Moreover, it showed that the popular discontent with regard to the reform movement due to its perceived failure in resolving the daily problems of the population was very much reflected in the election results.

Ahmadinejad emphasized during his elections campaign that he defends the absolute power of the Leader and strict implementation of Islamic principles. This

⁶ Just as the revolutionary clerics had networks based on their affiliations to different theological intuitions, [the second] generation has networks based on affiliation with the Islamic Revolutionary Guards Corps, the *Basij*, and regular armed forces. A. William Samii, “Dissent in Iranian Elections”, *Middle East Journal*, Vol. 58, No. 3, Summer 2004, p. 423.

⁷ Ali Gheissari, Vali Nasr, *Democracy in Iran: History and the Quest for Liberty*, (New York: Oxford University Press, 2006), p. 150.

led him to be referred as a neo-conservative. However, this is not accurate. Apart from the implementation of Islamic rules in everyday life, he has no commonality with the conservative ideology that has been existed in the political spectrum of Iran since the early days of the republic. Conversely, his call for egalitarian economic policies and redistribution of wealth which is a clear break with the dominant private investment discourse especially since the mid-1990s, his emphasis on revitalization of Islamist-revolutionary values that his generation thinks that they have been neglected for some time, his strong ties with the radical elements of the regime such as *Pasdaran* and *Besij*, and his firm foreign policy attitude have more in common with the radical discourse. For this reason, he can be considered as a neo-radical, not as a neo-conservative. However, although the early radicals experienced a transformation and became today's reformists who has been advocating for strengthening the republicanism of the regime and whose populism on economics has been eroded with their new liberal economic attitude in favor of the private investment, Ahmadinejad, and to some extent the *Abadgeran-e Iran-e Eslami* group that backed him during the elections are defending the populist position of the early radicals.

In my view, Ahmadinajad does not have an intention to implement retrogressive policies regarding the socio-cultural issues, which have been loosened and liberated during the presidency of Khatami. Moreover, he is not able to act in such a way without the backing from the conservative establishment and mobilization of the armed forces. His statement during the election campaign that he is not interested in what the women wear when the country have more important and urgent problems also demonstrated this. However, when comes the issue of republicanism and rule of law, it is apparent that he is advocating for the supremacy of religious sovereignty over the popular sovereignty. For now, it is still too early to talk about any institutional or practical problems that he faced stemming from the contention between the religiousness and republicanism. Yet, it can be argued that if he insists on more radical policies, the history will repeat and the conservative

establishment that holds the key positions in decision-making will act to curtail his room for maneuver.⁸

One last point is that although the reform movement has lost its popularity among the masses, its essence is still alive since it has been deep rooted in the constitutional history of Iran. Achieving democracy is a long and hard process, which had started in Iran with the constitutional revolution of 1906 and has been continuing today. In the last decade, the appeal for supremacy of popular sovereignty, participation of people in politics, the rule of law etc. democratic credentials has become indispensable components of political terminology in Iran. Although the role of the external factors and conjectural developments in world politics cannot be denied in future projections, it can be anticipated by examining the course of domestic political developments in Iran that Ahmadinejad's term of presidency will accommodate the necessary time and space for the advocates of reform within the system to judge their past record and to refresh their methodology.

⁸ See Andrej Kapiszewski, "Iran's 2005 Presidential Elections and Their Impact on the Republic's Policies" in *Iranian Challenges*, Walter Posch (ed.), Chaillot Paper, No. 89, May 2006.

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Foreign Broadcasting Intelligence Service

APPENDICIES

APPENDIX A

Referendums and Elections in the Islamic Republic of Iran

Election/ Referendum	Date	Voter turnout %
Referendum for the Islamic Republic	March 1979	98.3
Constitutive Assembly	August 1979	51.5
Referendum for the Constitution	December 1979	74.0
1. Parliament	March 1980	50.1
1. Council of Experts	December 1982	77.9
2. Parliament	April 1984	62.8
3. Parliament	April 1988	58.4
Referendum for Constitutional Amendment	July 1989	56.8
2. Council of Experts	October 1990	37.0
4. Parliament	April 1992	59.5
5. Parliament	March 1996	76.0
3. Council of Experts	October 1998	46.0
1. Local Council Elections	February 1999	64.4
6. Parliament	February 2000	69.2
2. Local Council Elections	March 2003	50.0
7. Parliament	February 2004	51.0
4. Assembly of Experts	December 2006	?
3. Local Council Elections	December 2006	?

Source: Sami Oğuz, Ruşen Çakır, *Hatemi'nin İranı*, (İstanbul: İletişim Yayınları, 2000), p. 288. For the years after 2000, the information was gathered through surveying other sources.

APPENDIX B

Presidential Elections in the Islamic Republic of Iran

Year of the Election	Number of Candidates	The Winner	Voter Turnout (%)	The Votes that received by the winner (%)
1980/ 1. Presidency	8	Ebu Hassan Bani-Sadr	67.2	75.7
1981/ 2. Presidency	4	Mohammad Ali Reja'i	65.2	87.6
1981/ 3. Presidency	4	Seyyid Ali Khamene'i	74.6	95.1
1985/ 4. Presidency	3	Seyyid Ali Khamene'i	53.8	85.6
1989 / 5. Presidency	2	Ali Akbar Hashemi Rafsanjani	55.9	94.5
1993 / 6. Presidency	4	Ali Akbar Hashemi Rafsanjani	50.7	62.8
1997 / 7. Presidency	4	Seyyid Mohammad Khatami	80.1	69.0
2001 / 8. Presidency	10	Seyyid Mohammad Khatami	63.0	78.0
2005 / 9. Presidency	7	Mahmoud Ahmadinejad	62.8	19.4 (1. round)
			59.7	61.6 (2. round)

Source: Wilfried Buchta, *Who Rules Iran: The Structure of Power in the Islamic Republic*, (Washington: The Washington Institute for Near Eastern Policy and Konrad Adenauer Stiftung, 2000), pp. 36-37. The information for 2001 and 2005 elections are gathered from other sources.