CHAPTER IV:

ISLAMIC REPUBLIC OF IRAN’S FACTIONS

Factions

On June 6, 1989, the founder of the Islamic Republic died. On that tumultuous day when the guardians of the revolution gathered to bid farewell to their departed leader an uneasy future lay ahead. The simmering conflicts that had been held in check by Ayatollah Khomeini’s authority now became all too evident, his disciples soon lapsed into an intense factional struggle as contending interpretations of Islam, differences over economic policy, and Iran’s role in the international community dissolved the unity of the clerical elite. In essence, the tensions between the regime’s revolutionary ideals and its practical requirements burst to the surface, bedeviling Iran’s new rulers. Without Ayatollah Khomeini available to resolve these disputes, stalemate and deadlock became the new currency of Iranian politics.

Three political tendencies now emerged in the struggle for the leadership of the Islamic Republic, all led by very different clerical politicians. The hard-liners, united by their contempt for democratic pluralism and their determination to sustain Ayatollah Khomeini’s divisive legacy, would ultimately settle on Ayatollah Ali Khamenei as their standard-bearer. The more moderate and pragmatic elements within the clerical hierarchy would coalesce around Iran’s ultimate political insider, Ayatollah Akbar Hashemi Rafsanjani. These more tempered clerics believed that the perpetuation of
Islamic rule mandated a greater attention to the economic deficiencies of the state and integration into the global economy. The pragmatists would press for a degree of cultural freedom and normalized relations with states that Ayatollah Khomeini had long castigated. Finally, the Islamic Republic featured a dynamic cadre of clerical and intellectual reformers who stressed that the legitimacy of the state was contingent on the vitality of its representative institutions. Also drawing on Ayatollah Khomeini’s legacy, they emphasized the elected branches of the state and the importance of popular will in charting the national course.

Muhammad Khatami would emerge as the most important, but by no means the only, representative of this cohort. These factions would now battle one another for influence and power, as the Islamic Republic’s institutions were increasingly pitted against each other. The intriguing aspect of Iran that tends to persistently puzzle Western observers is that these political factions never completely lose their influence despite their electoral performance. The fact remains that they all represent important constituencies and have a presence in the complicated web of informal and formal institutions that govern the Islamic Republic. For example, Ayatollah Rafsanjani’s failed bid to capture the presidency in 2005 has not necessarily lessened his influence, as he is still in command of the powerful Expediency Council, which is responsible for mediating disputes between Iran’s institutions. It is now fashionable to suggest that the reform movement is all but dead, given its recent string of electoral failures. But in the early 1990s the reformers were similarly excised from the ruling establishment, only to come back in force a few years later. Through the adroit use of their newspapers, intellectual circles, and supporters within the bureaucracy, the reformers managed to make an astonishing return to prominence under Khatami in 1997. The point remains that these three broad factions are likely to challenge one another for control of the Islamic Republic, and despite the ebbs and flows of their political fortunes they will determine Iran’s future. Thus, it is important to have a better understanding of their
ideological precepts, sources of support, successes, and failures if we are to better appreciate Iran’s internal political dynamics.

CONSERVATIVES

The figure that has come to dominate the conservative bloc since the death of Ayatollah Khomeini is the Supreme Leader, Ayatollah Ali Khamenei. After the removal of Bani-Sadr from the presidency in 1981 and a wave of terrorism that decimated the top echelon of the Islamic Republic, Ayatollah Khamenei was elevated to the presidency, an office whose powers at that point were largely symbolic. After Ayatollah Khomeini’s death, learned Ayatollah Hussein Ali Montazeri proved politically unacceptable, Ayatollah Khamenei emerged as the consensus choice within the clerical estate to be the new Supreme Leader. Despite the skepticism, if not derision, that greeted Ayatollah Khamenei’s appointment among the more traditional senior clergy, he would prove an adept political survivor. By temperament, Ayatollah Khamenei was cautious and conservative, uneasy about radical solutions and self-defeating crusades. Over the years, the new Leader would become more conservative, undergoing a subtle transformation into a harsh, uncompromising ideologue. At its core, Ayatollah Khamenei believes that the mission of the Islamic Republic is to uphold religious norms and resist popular attempts to alter the regime along democratic lines.

Over the past few decades, Ayatollah Khamenei and the militant conservatives essentially ensured their political hegemony by dominating Iran’s powerful non elected institutions. Through their control of the Supreme Leader’s office, the Guardian Council, and the judiciary, they sought to ensure that the prerogatives of the elected institutions and the demands of the public could be effectively negated. Clerical stalwarts such as Ayatollah Ahmad Jannati and Ayatollah Mahmoud Hashemi Shahroudi headed these organizations and openly acclaimed the virtues of despotic rule. The hard-liners
took full advantage of Ayatollah Khomeini’s constitutional manipulations, which granted clerical watchdog organizations ample power to thwart popular aspirations. In the name of Islamic salvation, the reactionary elements of the state obstructed a range of initiatives that would have made the Islamic Republic a more tolerant and inclusive polity. Beyond the formal institutions of the state, the hard-liners also came to dominate the coercive instruments of power, particularly the Revolutionary Guards. The Revolutionary Guard force is commanded by ideologues that are committed to the values and philosophical outlook of the clerical militants. Throughout the 1990s, they called for suppression of the reform movement and denounced its attempts to expand the political rights of the citizenry. The Guards were unleashed to deal with student protests and often pressed the leadership to violently dispense with pro-democratic forces. As they gained stature and wealth, the Guards have increasingly emerged as an independent pillar of the state whose predilections and demands cannot be ignored by the ruling authorities. Today the Guards are not just enforcers of the regime’s determinations but active participants on issues ranging from internal security to the nuclear program. ¹

In recent years, the demographic complexion of the militant Right is beginning to change, with a young generation coming to assume important leadership positions. President Ahmadinejad and the parliamentarians organized in the new political party Abadgaran are the future of the conservative movement. ² The younger rightists have been molded not by the revolution but by the prolonged war with Iraq in the 1980s, leading them to be suspicious of the international community and treaties as a means of preserving Iran’s interests. ³ Although committed to the religious pedigree of the state, the callow reactionaries have at times been critical of their elders for their passivity in the imposition of Islamic cultural restrictions and the rampant corruption that has engulfed the state. As Iran’s revolution matures and the politicians that were present at the creation of the Islamic Republic gradually recede from the
scene, a more dogmatic generation is beginning to take hold of the reins of power.

Iran’s conservatives, both young and old, are imbued with an ideology that views the essential purpose of the state as the realization of God’s will on earth. Such an exalted task mandates the assumption of power by clerics or by laymen who are religiously devoted. They see themselves as a vanguard class that retains loyalty to Ayatollah Khomeini’s revolutionary vision and best understands the intricacies of religious jurisprudence, and for that reason they hold that their authority should neither be infringed upon by representative bodies nor challenged by popular will. In a defiant tone, one of the champions of the Right, Hojjat-ol-Islam Val Moslemin Ghavarian declared, “In my view a despotism which is rational must be accepted. Genuine despotism means obeying the divine decree.” True to Ayatollah Khomeini’s example, his disciples reject the Shiite traditions, pressing the clergy to remain aloof from politics and preoccupy themselves with theological disquisitions.

Given such ideological inclinations, the hard-liners are utterly contemptuous of democratic accountability and pluralistic precepts. Ayatollah Khamenei has led the chorus in condemning liberal rule by insisting that the Islamic Republic is not “prepared to allow flawed and non-divine perspectives and ideas that are aimed at enhancing the power of the individual to dictate its social and political lives.” Ayatollah Muhammad Mesbah Yazdi, the spiritual adviser to Ahmadinejad and many within the Revolutionary Guards, captures this totalitarian sentiment by claiming, “The Prophets of God did not believe in pluralism. They believed that only one idea was right.” Assured of their ideological verities and still in command of powerful institutions, the hard-liners are unconcerned about loss of popularity and widespread dissatisfaction with theocratic rule. After all, as Hamid Reza Tariqi of the Islamic Coalition Society noted, “The legitimacy of our Islamic establishment is derived from God. This legitimacy will not wash away even if people stop supporting it.”
The politics of the conservatives is complemented by a stringent view of cultural rights and the necessity of the imposing Islamic strictures on a reluctant populace. The conservatives spend much time anguishing about Western cultural influences and are puzzled why younger Iranians do not want to spend their time reading their ponderous theological tracts. The segregation of the sexes, the enforcement of female dress codes, and the control of the media and the film industry are still the preferred methods for preventing cultural decadence. After twenty-nine years of struggle, the attempt to control Iran’s youth is a losing battle that the conservatives nonetheless insist on waging. Following Ayatollah Khomeini, a degree of contempt characterizes the clerical militants approach to their constituents. They believe that the nation’s citizenry has to change, purify it, adhere uncritically to their ideological exhortations, and obey their commands. Only then will Iranians be worthy subjects of the divine public. Ayatollah Ahmad Azari-Qomi reflected this sentiment, stressing, “The Leader was analogous to the head of the family and has the right to interfere in the house where he has delegated the housework.” Similarly, the hard-liners dismiss the notions of individual sovereignty and an empowered citizenry as a means of forging a new political community.

The economic perspective of the Right is as flawed and retrogressive as its political platform. The conservatives’ economic policies stem from competing demands of their constituents in the bazaar and their revolutionary pledge to uplift the downtrodden. The clerical hard-liners have acclaimed the sanctity of private property and routinely assert Islamic injunctions endorsing commerce and free enterprise. After all, they say, the Prophet of Islam was a trader and the mullahs themselves have proved shrewd businessmen. However, in practice the hard-liners’ economic conception does not entail the creation of a modern economy with its calls for transparency, the rule of law, and accountability. To such traditionalists, private economy has implied allowing their merchant allies to operate with limited state scrutiny.
In a paradoxical sense, the hard-liners’ celebration of commerce militates against fostering a modern industrial economy. Indeed, the creation of such an infrastructure is at times explicitly rejected in favor of the merchant class with its trade monopolies and unregulated practices. Muhammad Reza Bahonar, the deputy speaker of parliament, noted, “In the commercial sector, our country has a great potential for becoming an international merchant. I don’t have high hopes that our industry or agriculture can meet the country’s expenditures.” A modern economy with its rational bureaucracy, cohesive administrative institutions, and a viable banking system are dismissed in favor of the existing opaque arrangements with their traditional means of exchange.

However, the conservatives face a contradiction in their attempt to reconcile the mandates of the private economy and the inequalities it produces with their revolutionary pledge to lift up the dispossessed. The notion of economic justice and egalitarianism still has a powerful resonance for a segment of the Right that is offended by the persistence of class cleavages and the inequality in the distribution of wealth. These themes mobilized the lower classes on behalf of President Ahmadinejad in the 2005 election as his message of equality of sacrifice proved alluring to the foot soldiers of the revolution. The conservative response to this conundrum has been massive subsidies on critical commodities such as bread, fuel, and sugar. The results have been predictably disastrous, and subsidies today consume approximately 20 percent of the country’s GDP. A viable structural reform package would entail dispensing with these onerous subsidies and reducing the size and scope of the bloated bureaucracy. However, such reforms may cause short-term disruptions that a regime with a limited popular base is unwilling to countenance. Given its ideological commitments and its fear of antagonizing its lower-class constituents, the Right has jealously guarded the existing stagnant state with all its pathologies and deficiencies.
Hovering over all this is the reality that the hard-liners today are one of the few segments of Iranian society that is actually benefiting from the current economic order. The mainstay of the right-wing power bloc remains the vast religious foundations, the bonyads, which have come to dominate the trade and manufacturing sectors. The bonyads began in the aftermath of the revolution as religious foundations that expropriated the assets of the defunct monarchy for philanthropic purposes. However, in the intervening quarter-century they have metamorphosed into huge holding companies that dominate key industries while evading competition and state regulation. These interests are inimical to a truly free market and dissuade their beneficiaries—mostly conservative clerics and other defenders of the current system—from implementing any serious structural reforms to Iran’s economy.

Such corrupt practices are now being emulated by the Revolutionary Guards, who in recent years have steadily intruded into economic activities, establishing their own commercial firms with privileged access to contracts in key industries such as telecommunications and imported consumer goods. Through this network of companies, the Guards have enhanced their patronage power, allowing them to further cultivate their constituents. At any rate, the fundamentals of economic reform, including decentralization, free competition, and the rule of law cannot be instituted without endangering the conservatives’ lucrative power base.

In a sense, the hard-liners are offering the populace their own social compact, whereby in exchange for spiritual salvation, the public will relinquish the right to dissent. In such an order—where the task at hand is to construct a society seeking continuous conformity with God’s will as seen by an enlightened clerical corps—there is no room for disagreement. The populace should be grateful, the hard-liners assert, that it is provided with a leadership and a social arrangement leading to celestial rewards. To disagree with clerical fiats and the accumulation of power by a narrowly self-selected group of
religious is to engage in a provocative act of defiance that must necessarily be suppressed. Iran’s Right seems to perceive that it has reached “the end of history,” where an exalted order has been constructed that requires no further reform or alteration. The inflexibility of the hard-liners’ outlook stands in stark contrast to a dynamic and changing Iranian society. By the time of Ayatollah Khomeini’s death, the prolonged war with Iraq and the struggles on behalf of the revolution had convinced many social sectors that citizens have rights and are not mere actors obeying clerical dictates. Iran is also a young country, with an estimated 70 percent of the population under the age of thirty. A new demographic cohort has been evolving under the structure of the Islamic Republic, with its own demands and imperatives. Two other political tendencies have emerged seeking to accommodate such popular aspirations and balance the mandates of the revolution with the desires of its constituents.

PRAGMATISTS

A politician who defies easy characterization leads the pragmatic wing of the clerical elite. Ayatollah Akbar Hashemi Rafsanjani was a longtime disciple of Ayatollah Khomeini, one of the architects of the revolution, and a politician who has held nearly every important office in post revolutionary Iran. Ayatollah Rafsanjani reached the apex of his career in 1989 when he assumed the office of the presidency for two successive terms. A mixture of realism and self-interest would perennially lead Rafsanjani to embrace economic and cultural policies that contravened established orthodoxies and even theological norms. For him, the legitimacy of the state and the prolongation of Islamic rule were contingent on its economic performance. As such, he would spend much of his presidency, indeed his entire career, seeking to build strong institutions, buttressed by a competent and expanding bureaucracy to realize his vision of change and reform.¹⁰
Soon after Ayatollah Khomeini’s death, Rafsanjani and his technocratic protégés began to assert their identity and political platform. They had risen to critical positions in the professional associations, the modern business community, and state bureaucracies. By 1996, they went one step further and established their own political party, the Servants of Construction (Kargozaran-e Sazandegi), whose declared mission was “the use of experts and creation of a domestic environment where ideas flowed.” Using China as a model, they hoped to conceive a new order that would be economically efficient, culturally tolerant, and politically autocratic. It is important to note that the aim of the pragmatists was never the creation of a democratic polity, but rather a stable society that would meet the economic needs of its constituents.

Given their preoccupation with economic rejuvenation, Rafsanjani and his allies pressed for tempering the Islamic revolution in terms of how Iran defined its priorities and formulated its policies. The conservatives’ opaque economic practices and their emphasis on social justice were seen as militating against judicious economic planning. A technocratic cadre would have to displace the revolutionary loyalists in key ministries and private economics would have to assume priority over the revolutionary pledge to lift up the dispossessed. For Rafsanjani, Iran could best preserve its revolution only “under the aegis of rational and logical policy.” The pragmatists would seek to transcend Ayatollah Khomeini’s populist policies by emphasizing private initiatives and attracting foreign investments. This would entail borrowing from the World Bank and agreeing to partial foreign ownership of domestic industries. The Islamic Republic would no longer seek to challenge the prevailing international norms but would participate in the global economy. Foreign Minister Ali Akbar Velayati noted these sentiments in 1991 by stressing that “economic considerations overshadow political priorities.” Once a modern industrial economy was created, then not only would the regime’s legitimacy be enhanced but problems of economic inequality would be similarly alleviated.
Although their economic focus precluded tackling issues of representation and pluralism, the pragmatists did stand against the totalitarian Islam of the Right. In the interest of stability they thought it necessary to accommodate at least some of the populace’s political aspirations and thereby strengthen the republican pillar of the state. It was important, they believed, to grant the public a stake in the political process and national planning through competitive politics with elections among diverse choices of candidates and platforms. In their conception, the Supreme Leader was not just the guardian of a restrictive view of Islam, but an important politician with the responsibility to tackle thorny issues such as population growth and institutional decay that had obstructed Iran’s development. All this is not to suggest an emerging appreciation for the collective will—Rafsanjani and his allies were not beyond manipulating the electoral process to achieve their desired results. Nonetheless, unlike the Right the pragmatists saw a rigid political order as detracting from the essential task of rehabilitating the economy.

On cultural issues, the pragmatists sought to avoid the coercive imposition of Islamic ordinances on the country’s restive youth. Their focus was not on creating a more liberal society but a stable one that would lessen tensions. Such stability was unlikely to be fostered with a sullen, alienated generation resentful of the persistent and onerous state intrusions into their lives. Given their devotion to the essential institutions of the Islamic Republic, such enterprising moves would have distinct limits, as notions of equality of the sexes and gender emancipation were still dismissed on religious grounds. Despite such inhibitions, the pragmatists acknowledged that the relaxation of cultural restrictions and a degree of social freedom could provide a useful safety valve for Iran’s youthful populace.

Despite their lofty pledges of creating an industrial economy, the ambitions of the pragmatists soon fell victim to the vicissitudes of Iranian
politics. During Rafsanjani’s presidency from 1989 to 1997 his initiatives inevitably began to encroach on the ideological imperatives and the power base of the conservatives. As we have seen, for Iran’s hard-liners privatization meant a merchant class free of state regulation and intervention. The task of creating a coherent economy with a modern infrastructure, rule of law, and uniform tax policy manned by a technocratic bureaucracy was abhorrent to the conservative bloc. Given the right wing’s paranoia about Western cultural influences, they were averse to opening the system to foreign investments, much less implementing the structural measures mandated by the World Bank. For them, the sanctity of private property implied empowering the bazaar and its opaque economic arrangements and not creating a modern economy integrated in global markets.

Beyond his economic measures, Rafsanjani faced an open rebellion on his attempt to loosen the suffocating cultural impositions. Supreme Leader Ayatollah Khamenei led the chorus by claiming, “Some mock religious virtues, but if we spend billions on development projects and ignore moral issues, all achievements amount to nothing.” The head of the Guardian Council, Ayatollah Ahmad Jannati, similarly admonished Rafsanjani, stressing that the role of the state is to support “true Islamic culture by reinforcing religious bedrock of the people and fighting all those who are anti-Islamic and Western – stricken.” 14 For the Right, the mission of the revolution remained the rigorous enforcement of Islamic tenets. Despite Rafsanjani’s professions, moral police and law enforcement officials continued to harass and arrest those seeking a degree of personal and intellectual freedom. In a pattern that would prove all too familiar, the hard-liners employed their institutional power to thwart reform measures systematically undermined Rafsanjani’s initiatives. Not for the first time Iran was paralyzed by the core contradiction between factions professing ideology and those pressing the cause of national interest.
In the end, Rafsanjani’s presidency failed to achieve its main objectives. Despite some success in denationalization measures, the so-called Era of Reconstruction did not liberalize the economy or resolve its inherent distortions. Borrowing from the international markets placed Iran in the unenviable position of having a huge debt burden. The resulting inflationary pressures eroded the standard of living of the poor and the middle class. The inability of the state to reduce its heavy subsidies, the periodic declines of the petroleum market, and an inability to attract foreign investment curbed the potential of Iran’s growth. The triumph of the Right had much to do with Rafsanjani being unwilling to challenge the fundamental power of the hardliners. Every time he met resistance, he quickly retreated, shielding himself in a barrage of religious rhetoric. Despite his advocacy of reform and moderation, Rafsanjani reigned over a state that was economically stagnant and socially repressed. And his quest for power led him to abandon his own convictions and betray the nation that had invested so much hope in his presidency.

At first glance it is easy to dismiss Rafsanjani and his pragmatic allies as a fading and unsuccessful phenomenon. However, in a perverse manner, the pragmatists contributed to the long-term transformation of Iran by altering the legitimacy of the republic. During Ayatolla Khomeini’s reign, the basis of the regime’s authority was its Islamic ideology and the Supreme Leader’s overpowering charisma. More than any of his clerical counterparts, Rafsanjani appreciated that the populace that had suffered so much hardship and loss of life during the prolonged war with Iraq would no longer be satisfied with the rhetoric of martyrdom and sacrifice. Rafsanjani’s emphasis on economic performance and cultural freedom altered the nature of the relationship between state and society. The declared mission of the government was no longer provision of salvation but delivering on its practical pledges. Thus, Rafsanjani’s tenure served as the midwife of the reform movement, which sought to fundamentally alter the political topography of Iran.
REFORMERS

The Iranian regime in the post-Khomeini years was nothing if not fractious, as a third group, the reformers, also emerged, pressing their own claims and ideological template. 15 The politician who would capture the imagination of the reformers and indeed the larger Iranian society was a midlevel cleric, Hojjat-ol-Islam Seyyed Muhammad Khatami. Despite his position in the clerical establishment, Khatami had long distinguished himself from it, both in his politics and in his intellectual enterprises. In 1992, the future president, who was then the minister of culture, broke with the Rafsanjani administration over his liberal tendencies and his willingness to grant licenses for publications and plays that defied the strictures of the regime. After he was ousted, he immersed himself in Western philosophy as a complement to his Islamic training. In his subsequent writings, Khatami dared to contravene the ruling consensus, declaring that “state authority cannot be attained through coercion and dictatorship. Rather it is to be realized through governing according to law, respecting the rights and empowering people to participate and ensuring their involvement in decision making.” 16 Themes of civil society, rule of law, and individual sovereignty permeated his speeches and writings.

Although Khatami was versed in Western political thought, it would be wrong to characterize him as a Western-style democrat in clerical garb. To be sure, he often acknowledged the West’s economic progress and pluralistic achievements, but he was also quick to criticize the West for its excessive materialism and insensitivity to man’s spiritual needs. In a sense, Khatami can best be seen as following the long line of Islamic reformers, seeking to revitalize their societies by relying on Islam’s own traditions and injunctions. Khatami remained a man of the system, however, and once his reforms threatened to undermine the edifice of the Islamic Republic, he quickly retreated and opted for conformity instead of confrontation. As he was
preparing to leave office in 2005, Khatami defended his reticence, stressing, “We believed that internal clashes and chaotic conditions were a fatal poison for the country’s existence and the Islamic Republic’s sovereignty.”

The other misconception about Khatami is that he was the sum total of the reform movement, and that his failings foreclosed the possibility of expanding Iran’s political parameters. The reform movement was a vast coalition of dissident intellectuals, liberal clerics, middle class professionals, and hard-pressed students. As with most coalitions, there were always tensions between those pressing for dramatic change and more establishment figures calling for caution and restraint. Given Khatami’s impeccable revolutionary credentials and liberal tendencies, he was initially seen by a cross-section of the reform movement as an ideal vehicle for its aspirations. However, there were always many rank-and-file reformers who were uneasy about Khatami’s strategy of gradualism. To properly understand the reform movement, with all its complexities and contradictions, it is important to look beyond Khatami and examine the diverse forces that shaped this important faction in Iranian politics.

By the early 1990s, an eclectic group of politicians, seminary leaders, religious scholars, and intellectuals undertook and imaginative reexamination of the role of public participation in an Islamic government. An impressive array of the regime’s own loyal soldiers- men who had fought for the clerical state and served in some of its highest posts found them increasingly marginalized by the defenders of strict Islamic orthodoxy and began subtly defecting from the official line. Recognizing that the rigid definition of religious governance was threatening the entire structure of the Islamic Republic, veteran politicians such as Abdollah Nuri, Sa’eed Hajarian, and Abdulvand Musavi-Lari mobilized a counterassault. The academic and journalistic circles they established then served as the precursors for their subsequent campaigns to capture the elections and political institutions.
The challenge for the reformers was to reconcile two competing demands. On one side stood Islam with its holistic pretensions, maintaining how society and individual lives should be governed. On the other side was the movement for political modernity with its democratic claims. The reformers, in essence, claimed that these two realms were not incompatible in principle or in practice. This was a remarkable rebuke to totalitarian Islam, which was increasingly serving as the regime’s ideology, providing the ruling clergy with a divine justification for its privileges and power. The essential basis of the reformers’ ideology was that the interpretation of the scriptures cannot remain immutable and must adjust to the changing human condition. For religion to remain vital, they said it had to address the demands of modern society. Islam was not lacking in traditions that can address this challenge, as the well-established practice of *ijtihad* (interpretation) offered the reformers a path towards an evolved understanding of the sacred texts. In the hands of the reformers, Islam was not merely a system for connecting man to his divine creator, but a force for progressive change. The scriptures call for freedom from tyranny and for human quality, and Islamic civilization’s historical legacy of intellectual inquiry was seen as the basis for reconstructing the society along pluralistic lines. Moreover, the Koran’s mandate that the community be consulted and rulers be accountable established the platform for collective action and democratic participation.

An intellectual who would challenge the foundations of theocratic rule most effectively articulated this re-conceptualization of Islam. Abdol Karim Soroush was a professor at Tehran University whose personal journey mirrored the evolution and contradictions of the Islamic Republic. During the initial decade of the revolution, Soroush was an ardent proponent of imposing the regime’s cultural restrictions on the universities and dismantling objectionable student organizations. He was active in revising the universities’ academic curriculum, establishing new criteria for admission that look into consideration religious commitment, and essentially reducing the university into an
ideologically reliable pillar of the state. Soroush was just another functionary of the regime, using a reactionary and exclusivist definition of Islam to combat political diversity and democratic pluralism. But by the late 1980s, Soroush appeared a changed man, his training in philosophy and science seemingly having reasserted itself, eclipsing his once militant tendencies. In the pages of his publication *Kian*, in lectures around the country, and through his university teaching, he popularized the notion that for religion to inspire devotion it had to embrace rationality, the power of scientific judgment, and the philosophical spirit of reason: “An ideal religious society cannot have anything but a democratic argument.” 20 Religious canon and Islamic jurisprudence had to be seen, he argued, as the means of ensuring individual sovereignty and governmental accountability. Through such a liberal reinterpretation of Islam, Soroush argued that it was possible to envision a political order in which religious doctrine and pluralism were reconciled. 21 The once obscure professor suddenly emerged as the backbone of an emboldened movement seeking progressive change.

In his writings Soroush propounded the notion of collective rationality, which can only be ascertained through the democratic process as the best guide for the national government, and he came to differentiate between a “religious state” and a “religious jurisprudence state.” The latter was a regime that was governed by the clerical class with its reliance on scriptural sources and indifference to popular mandates. However, a more ideal “religious state” would merely “obligate itself to create an atmosphere that defends believers’ free and conscious faith and religious experience.” 22 In essence, Soroush argued that a tolerant regime would foster conditions whereby people would wish for religion to have a continuing and important role in society and even in the administration of the state. This stands in stark contrast to Ayatollah Khomeini’s perception that the best manner of ensuring the survival of a religious order was to create institutional arrangements designed to thwart, or even subvert, the popular will. Soroush proved a more judicious observer than
Ayatollah Khomeini, as he appreciated that once religion became the instrument of an oppressive state it would only provoke contempt for the clerical estate and widespread secularization. Soroush’s writings and speeches were an unmistakable challenge to the ruling establishment, securing him the acclaim of the students and other enterprising reformers.

Not only university professors and political activists were shaping the reform movement. In one of the paradoxes of the Islamic Republic, the system was being challenged by many within the clerical community. One of Iran’s most intellectually imaginative clerics, Hojjat-ol-Islam Mohsen Kadivar, now came forth with his own rebuke of the ruling mullahs. In his critique of the Islamic Republic, Kadivar naturally relied on Shiite theology, demonstrating the extent to which Ayatollah Khomeini’s vision had departed from religious norms. Given that in Shiite Islam the occultation of the twelfth Imam in 976 had invalidated all temporal authority until his return, the notion of clerical government seemed peculiar. Kadivar insisted, “There is no blueprint for the management of the society during the time of occultation. No one has a special mission or authority to guide the society.” Given that no particular class has a divine right to monopolize political power, the government had to be an expression of the majority opinion. For Kadivar, a democratic government was the only one that can claim religious approbation.

Kadivar’s interpretation of Shiite political doctrine soon attracted the attention of Iran’s most esteemed and senior clerics. Ayatollah Montazeri joined the fray on Kadivar’s side, saying, “I believe that Islam and democracy can coexist because Islam supports freedom. What the conservative leaders are practicing today is not Islam and I oppose it.” Ayatollah Jalaleddin Taheri, who resigned in July 2002 as Isfahan’s Friday prayer leader, accused the clerical oligarchs of “Genghis-like behavior, acting against the people and the law, isolating thinkers, paralyzing government, and throwing the country in the wind which will lead to an inauspicious end.” Given the unpopularity and
corruption of the religious state, many influential segments of the clergy were searching for ways to reform and revitalize the stagnant theocratic order.26

It is important to note that along with the other factions in the Islamic Republic, the reformers were loyal to the regime and its defining institution, the *velayat-e faqih*. However, the difference between the reformers and the hard-liners was their interpretation of the prerogatives of the office and the extent to which it must accommodate popular imperatives. For the hard-liners the powers of the Supreme Leader were immune from electoral scrutiny, and Ayatollah Khamenei was essentially invested with absolute determinations. For the reformers the absolutism of the office contravened the democratic spirit of the constitution. As the main reformist clerical organization, the Association of Militant Clergy, noted, “All pillars of the regime, including the Leader, must draw their legitimacy from republicanism.” 27 In this context, the Supreme Leader may exercise a general supervisory role, but his powers must be circumscribed by the constitution and he must defer to the elected branches of the government.

In the end, for the reformers the elected institutions of the Islamic Republic were more important sources of authority than its appointed offices with their mandates from heaven. As the former speaker of the parliament, and a recent presidential candidate, Mehdi Karrubi, stipulated, “Without the vote of the people, the regime does not have legitimacy.” 28 The essential argument of the reformers was that a religious order could only retain its authority through persuasion and popular acceptance. A compulsory imposition of religious strictures and a disdain for the collective will would inexorably erode the foundations of the state. Unlike the hard-liners, the reformers exhibited ample confidence in the ability of the populace to sustain a state that was religious in character and yet democratic in its practices. Tensions and contradictions that such an order inevitably provoked would be resolved through compromises that democracies are particularly capable of forging. Such a progressive
interpretation of the Islamic Republic would prove fundamentally at odds with the despotic aspirations of the hard-liners. Into this charged atmosphere stepped Muhammad Khatami, who emerged as the presidential candidate of the reformers for the 1997 election. The hard-liners quickly accepted his petition; they perceived him as a suitable token candidate for their much better organized and funded conservative standard-bearer, Speaker of the Parliament Ali Akbar Nateq-Nuri. To the shock and dismay of the hard-liners, Khatami’s expansive vision of a tolerant Islamic government won the hearts and minds of the Iranian public. And it gained the little-known cleric a whopping 69 percent of the vote, a stunning victory over the establishment candidate. Suddenly elections seemed to matter, as they provided the public with an avenue for infiltrating the corridors of power. Khatami’s resounding triumph energized the reform movement; its adherents had to make the leap from contemplation to accountability, from theory to practice.

The moment of exhilaration, however, was marked by a degree of caution, if not trepidation. Now the reformers faced a new challenge: how to navigate the treacherous waters of Iranian politics and institutionalize their ideas. This would prove a difficult, if not impossible, task. As their ideas threatened to escape the confines of clerical politics and potentially sweep away the entire system, the reformers faced the challenge of sustaining their loyalty to the regime or joining the popular wave. They ultimately opted for conformity, disillusioning their once ardent supporters. The perennially cautious Khatami came into office with the determination to choose his battles carefully and avoid open clashes with the conservatives. This was to be the strategy of incrementalism, seeking to gradually reform the Islamic Republic from within its own institutions. Taking the dual approach-characterized by the catchphrase “pressure from below, negotiations from the top”- he responded to the burgeoning public demands for greater freedom. To turn up the pressure from below hundreds of new publications were allowed with censorship guidelines loosened, and permits for reformist groups and gatherings were
issued with ease. The reformers, however, refrained from challenging the wide discretionary powers of the Supreme Leader, which the hard-liners jealously guarded. Instead, the reformers focused on expanding their institutional power by establishing a critical media and participating in elections. The reformers’ electoral triumphs in the municipal elections of 1998 and in the parliamentary contest of 2000 initially gave credence to this strategy, since Iran’s democratic infrastructure was expanding.

During the heady days of the “Tehran Spring,” the reform movement proceeded from triumph to triumph, overwhelming bastions of reaction through electoral success. The presence of the conservatives in a variety of institutions was seen as a transient stage before the final exodus of their bankrupt ideology and stagnant movement. Such euphoric expressions engendered a sense of complacency, as the reformers never developed a grassroots organizational network to sustain their momentum and did not conceive a coherent strategy for actually dislodging their well-entrenched nemeses. The reform movement remained a closed circle of intellectuals without connection to other disaffected communities. Labor unions, trade organizations, and the modern business sector, which are the backbone of change in most developing societies, were largely absent from Iran’s emerging political struggles. The debates were scintillating, and the innovative attempts to reconcile tradition with modernity were though-provoking and imaginative. However, the movement did not undertake the organizational effort of institutionalizing its power.

Beyond the constitutional impediments, the reformers mistook the public’s patience with approval. The reformers’ lofty rhetoric and expansion of civil society had convinced average citizens that they should be the arbiters of important national debates. Once those expectations remained unfulfilled, a more disillusioned public began to question the utility of the reformers’ strategy, and eventually the reform movement itself. The fact that Khatami and his cohort confined themselves within the redlines established by the theocratic
elite and retreated when confronted by conservative intransigence further estranged them from their constituents. In the end, the reformers simply lacked the courage of their endlessly refined convictions. The reform movement won the battle of ideas, but then had no strategy for the implementation of those ideas.

While the reformers dithered and debated, the hard-liners had a well-delineated stratagem for assuring their political hegemony. The conservatives cynically deployed the judiciary and the security services to close down newspapers and imprison key reform figures on contrived charges, while the Guardian Council systematically voided parliamentary legislation. The hard-liners orchestrated a campaign of terror that targeted intellectuals, writers, and activists, and unleashed vigilante group on student gatherings and peaceful demonstrations. At every step of the way, the conservative obstructionism enjoyed the approbation of the hard-line leaderships. The Supreme Leader warned his followers soon after Khatami’s election to be vigilant, for today “the enemy is striking Islam at home.” 31 Ayatollah Khamenei’s explicit denunciation of the reformers as enemies of religion emboldened his followers to issue similar threats. The commander of the Revolutionary Guards, Yahya Rahim Safavi, declared, “When I see conspirator cultural currents, I give myself the right to defend the revolution and my commander, the esteemed Leader, has not prevented me.” 32 The conservative countermeasures were intended not simply to weaken the reform movement but to demonstrate to the populace the futility of elections in altering the demarcations of the state and the citizenry’s irrelevance in the political process. In essence, the conservatives sought to disillusion the public and provoke their retreat from public affairs. And this is where the reformers’ strategy of incrementalism faltered – it simply could not overcome the intransigence of a core group of hard-liners who had the power to preclude meaningful change to Iran’s political structure.
The other party that must bear its own measure of blame for the failure of the reform movement is the United States. The Bush administration’s strategy of democratic transformation and its so-called moral clarity paradoxically contributed to the conservative consolidation of power. The contest between reform and conservative in Iran took a dramatic turn after the terrorist attacks of September 11, 2001, as external events suddenly intruded on Iran’s domestic struggles. The bitter lesson of the Islamic Republic remains that hard-liners have historically been the sole beneficiaries of American antagonism. Ayatollah Khomeini, as we have seen, provoked the hostage crises to inflame the public and displace the moderate provisional government. More than two decades later, his disciples sensed in Washington’s bellicosity another opportunity to fend off the reformers and change the nature of the debate. The fact that the reformist government had cooperated with the United States in Afghanistan made it all the more vulnerable. Far from being rewarded for its assistance, Iran was once more castigated, threatened, and lumped with the unsavory states of Iraq and North Korea.

As America’s war on terrorism unfolded, the conservatives defamed the proponents of pluralism as a “fifth column” undermining national cohesion at a time of maximum peril. Ayatollah Khamenei emphasized this point, stressing, “If they [the United States] see that disgruntled people and adventurers want to cause trouble, and if they can turn them into mercenaries, they will not hesitate do to so by giving them their support.” 33 In an even more preposterous assertion, the conservative cleric Mohiyeddine Haeri Shirazi stated, “Those who weaken the Guardian Council and the Revolutionary Guards are spreading discord among the people and want to promote American influence.” 34 Beyond their rhetorical fulminations, the conservatives wrapped themselves in the mantle of national unity to justify their crackdown. They were not engaged in the suppression of democratic rights, they said, but were merely instituting judicious security measures designed to safeguard Iran from foreign intervention.
The democratic dissidents it was designed to aid quickly noted the self-defeating nature of the American strategy. Shirin Ebadi, the recipient of the 2003 Nobel Peace Prize, pointedly criticized the U.S. policy: “The fight for human rights is conducted in Iran by Iranian people, and we are against foreign intervention in Iran.” 35 In a similar vein, Hamid Reza Jalaiapour, a leading reformist politician, noted, “When Bush named Iran as an axis of evil, our hard-liners became happy. They can then mobilize the part of the country that supports them.” 36 The reality remains that the hard-liners required international crisis and conflict with America as a means of deflecting attention from their sagging political fortunes. Sadly, Washington’s approach played easily in the hands of the “unelected few” that President Bush and his advisers justifiably abhor.
The concept of velayat-e faqih as a type of Shi`ite Islamic government gained currency after the Islamic revolution in Iran, and it has now been experienced for a quarter of a century. A key question in contemporary Iranian politics is the compatibility of the velayat-e faqih with democracy. This question can be answered from the perspective of political thought, or from that of political sociology in view of what has happened in Iran. This essay adopts the first perspective, distinguishing three theoretical answers based on different interpretations of the concept:

The first can be considered the official view of the Islamic Republic of Iran. It is based on the opinion that the "absolute, appointive velayat-e faqih" is the only form of Islamic government during the occultation of the infallible authorities in religion (i.e., the Imams), and is binding on the people as a religious duty. Such a government would be popular in the sense that the people approve the government. However, the legitimacy of all decisions and acts in the public domain depends on the approval and authorization of the supreme jurist as the vali-ye amr. According to this interpretation, the velayat-e faqih is not compatible with democracy. Limited resort to the popular vote under emergency conditions would be permissible under "necessity" (zarurat), but democracy is per se neither desirable nor beneficial.

The second can be considered the view of the traditional Iranian reformists. It is based on the opinion that neither the absolute appointive velayat-e faqih nor democracy is entirely acceptable, but by altering and combining the two one can arrive at a type of Islamic democracy that can be labeled "elective, conditional velayat-e faqih." According to this interpretation, the people of their representatives elect a jurist as the vali-ye amr for a limited period to take over the management of society according to the law approved by the jurists and the people. The elected jurist would be responsible to people.
The third and last answered can be considered the view of the Iranian Muslim intellectuals. It rests on the opinion that the velayat-e faqih in the political sphere, be it appointive or elective, absolute or conditional, is not supported by valid religious proof. Islam has basically not offered a fixed and specific model for the political management of society, even though it is not compatible with every kind of politics. The velayat-e faqih, being an autocratic rule of God based on the divine rights of the jurists, is incompatible with democracy. Democracy, being based on principles such as popular sovereignty and participation, the rule of law and human rights, is evidently incompatible with clerical rule and the velayat-e faqih, which is a type of religious dictatorship. The illusion of compatibility of the velayat-e faqih with democracy is due to the lack of familiarity with the jurisprudential terminology, on the one hand, and the theory of democracy, on the other. The fundamental incompatibility between democracy and the velayat-e faqih is not an obstacle to the democratic management of an Islamic society. The majority of its Muslim citizens can have a democratic government while remaining committed to their Islamic faith and ethical values. Islam as a religion can be integrated with democracy as the method of modern political life. The paper describes and criticizes the first two views and analyzes the third with approval.

Are velayat-e faqih and democracy compatible with one another? If they are not compatible, could modifying one or both bring them to accord? If these two concepts are irreconcilably at odds, which should we refuse, in the interest of preserving the other? These three questions are of utmost importance to the contemporary political thought in Iran. This research takes on deliberating the relationship between velayat-e faqih and democracy. Before debating the matter, however, a number of points are discussed: although the term velayat-e faqih is spontaneously reminiscent of the Islamic Republic of Iran and its founder, incongruity between velayat-e faqih and democracy is not necessarily the same discord as between Islamic republicanism and democracy. Velayat-e faqih is altogether distinct from Islamic republicanism. 37 Proponents of
velayat-e faqih believe that Islamic republicanism is a method of governance that would give rise to velayat-e faqih—not the same as it. Similarly, the critiques of velayat-e faqih do not believe a relationship to necessarily exist between the two—they not only perceive an Islamic republic to be capable of existing irrespective of velayat-e faqih. They additionally believe that an Islamic republicanism less the velayat-e faqih principle is the Islamic republic that was offered to the Iranian public via the Preamble to the Constitution, which gained widespread acceptance through the April 1979 referendum. What ended up being ratified as the Constitution subsequently in late 1979, and was then modified in 1989, and has been implemented by the two supreme leaders in the past quarter of a century is an amalgamation of velayat-e faqih and Islamic republicanism—an amalgamation that could be perceived as being a velayat based republicanism (jomhouri-ye velayi)\textsuperscript{38}—the sort of republic within which government organs perform their duties under the supervision of the supreme leader (the vali-ye amr). In this paper we set out to examine agreements—or lack thereof—between the principles of democracy and velayat-e faqih—i.e. the ideal order within which the concept of velayat-e faqih has been fully realized. Velayat based republicanism or the traditional Islamic republicanism is an incomplete realization, and a subset of velayat-e faqih. In other words, in this paper we set out to contrast a democratic government with a form of governance that is based on “appointed and absolute velayat-e faqih.”

The incongruity that may exist between velayat-e faqih and democracy must also be differentiated from any disagreement between religion and democracy, or Islam and democracy, and from religious governance and democracy, or Islamic governance and democracy.\textsuperscript{39} In the sense that if someone believes religion and democracy are very incompatible, there would be no need to address the questions that are raised here—the conclusion is already reached. Similarly, for those who believe religion is a private matter, exclusive to the relationship of an individual with God, and do not allow for religion to influence the public domain—meaning those who subscribe to
absolute secularism, and believe it is the foundation for democracy—religious governance would be basically undemocratic. The relationship between velayat-e faqih and democracy is subject to debate for someone who first, does not believe there to be only dissension between Islam and democracy—someone who gathers democratic views from Islam—and second, does not find an Islamic government to be necessarily incapable of democracy—more pertinently, someone who would allow for democracy to flourish in a religious society. Accepting the above two premises, we now take on the discussion of compatibility between velayat-e faqih—representing a specific case of religious governance—and democracy.

The questions being discussed here are less than thirty years old. They became relevant in or about 1979, when the velayat-e faqih concept was applied to public domain. Debating these issues first took place exclusively among elites, and prior to the practical experience that ensued. The analysis and explanations that they have offered in answering these questions are mostly general and often ambiguous. At this early stage, the proponents of velayat-e faqih try to portray this principle in a popular and democratic suit. Starting with the second decade, having experienced velayat-e faqih in practice for ten years, the inquiries into the matter began to spread among the general public—rather than being exclusive to elites, among whom these concepts had been traditionally applied. Furthermore, the responses to these questions gradually became more specific, more exact and much better clarified. The proponents of velayat-e faqih who have responded to the aforementioned questions fall in two camps: some candidly have proclaimed the principle of velayat-e faqih to be contradictory to democracy. Others, while diminishing democracy as being a “Western notion” have defended a sort of “religious democracy” around the velayat-e faqih core. Equally, devout Moslems, the critics of velayat-e faqih being applied in the public domain also fall into two groups, but according to their concern regarding democracy. One group, believing the “appointive” and “absolute” attributes of velayat-e faqih to be the cause of its disagreement with
democracy, has attempted to bring the two together through stressing the elective and conditional stipulations of the Constitution, concerning velayat-e faqih. A second group has found the functioning of velayat-e faqih in public domain to lack any basis in Islamic jurisprudence—they find the discord between velayat-e faqih and democracy to be inherent in the two doctrines. Depth of analysis and spread of the views that has been offered, in reply to the three questions we raised at the outset, indicate the importance of this debate.

Remainder of the introduction describes democracy. The first section examines the relationship between appointed and absolute velayat-e faqih and democracy. In the second section, it is going to be explored the relationship between elective and conditional velayat-e faqih—and that of faqih oversight—and democracy. In the third section, it will be discussed the means of governing an Islamic society according to democratic standards. The hypothesis that we are about to subject to scrutiny in this paper is threefold: first, velayat-e faqih and democracy are not compatible; second, the incompatibility between velayat-e faqih and democracy is essential—reforming one or both of them would not bring them into agreement. Therefore, Islamic democracy would be a contradiction in terms, if it were to be based on velayat-e faqih. Third, Islamic society can be governed via democratic means. It may seem that democracy would be a well-known concept, but the effort that has been exerted to approve or reject it in Iran indicates that many of those who have commented on the subject did not have a clear understanding of it.

Democracy has been mistaken often for popularity or for populism. To prevent probable misconceptions in our discussion ahead, it is best to put forth an outline of democracy. In doing so, we should try to emphasize those aspects of democracy that would stand out, in comparison to the corresponding conditions under velayat-e faqih. Democracy is an answer to a question in politics: who is empowered to decide for the public domain? Three types of answers have been offered for this question: autocracy, aristocracy and
democracy. In an autocracy, assessment of public interest and forming decisions in public domain rest with one individual—all legitimate power to govern stem from that individual. No worldly authority can oversee his actions—he is above the law, and cannot be held responsible; has absolute authority, and can exert unchecked power to manage the affairs of society. In aristocracy, the ultimate power resides with an elite class—this group of people is not accountable to the public. In a democracy, determination of public interest and decisions on behalf of the public are based on the approval of the public at large—not the approval of a specific individual or a group of elites. In a democratic regime, those executing authority in the public domain are the people’s elected representatives, whose charter is to serve in their clients’ (i.e. the public’s) interest. In a democracy, the government is responsible to the public. It comes to power through the will of the people, and at a certain time, peacefully transfers its power to govern to the succeeding democratically elected representatives.

The laws of democratic societies are established through a process ensuring public consent, and are liable to change according to public will. In more exact terms, democracy is the politics of the modern world. It is an approach to instituting government—the purpose of which is to minimize the likelihood of making erroneous decisions in the public domain, through maximizing public participation in the decision making process. Thereby diminishing the role of the individual in making political decisions and shaping public policy. Proper distribution of political power throughout the society is one of the requirements of democracy. A democratic government is elected through freely expressed majority vote, to govern for a limited term. The equal rights to choose—and to be chosen—are among the bases giving rise to democracy. In a democracy, decisions that affect the society must gather consensus for support. Therefore, public oversight of decisions affecting public domain and distribution of equal rights amongst the citizenry, in order to impose oversight over the decisions regarding public domain, are two of the
pillars of democracy. The main attributes of a democratic regime are as follows:

a. Holding free and all-inclusive elections.

b. Establishing transparent and accountable government.

c. Respecting civil and political rights.

d. Giving rise to a civil, or a democratic society.

To complete our framework of democracy, now we should ask: what are the characteristics of an undemocratic regime?

a) Sanctioning special privileges in public domain for an individual or a class of elites (such distinction is contrary to the basis of equal rights).

b) Permanency in holding on to an office, or lacking peaceful transfer of power, following a predetermined term.

c) Holding an office or an authority in that office above the law.

d) Lacking oversight of the leadership—irresponsibility to the public.

e) Having absolute or unchecked power vested in an individual or a group (even if it is sanctioned by the Constitution).

F) Lack of regard for public demand in changing the law.
Appointive, Absolute Velayat-e faqih and Democracy

The theory of appointive, absolute velayat-e faqih is based on four principles. \(^{41}\) The first principle is velayat. \(^{42}\) It means having responsibility for, acting on behalf of and having jurisdiction over the affairs of others. There is inequality in the sphere of velayat (hozeh-ye velayat), encompassing public domain. The public is considered incapable of making pious decisions, and unable to exert control over public domain. They need religious oversight, for their lacking religious jurisdiction over public domain. Legitimacy of all decisions and actions in public domain depend on the approval and authorization of the supreme leader, as the vali-ye amr. Another meaning of velayat over people is their guardianship, which is fundamentally different from representing them. The citizenry—having been placed in care of the supreme leader—has no say in the appointment or dismissal of the vali-e amr, and no authority to oversee his conduct of velayat, or his personal conduct (that of the vali-ye amr, or supreme leader). Opinion of the supreme leader constitutes the measure of proper decisions regarding public domain. It is expected of the public to conform to, and coordinate with the views of the supreme leader—not the other way around. All public domain functions derive their legitimacy through their lineage with the supreme leader. The most important religious duty of the people toward the supreme leader is to accept his verdicts, obey his edicts and help him succeed. Velayat is obligatory—not elective. It is permanent, and life-long—not transitory. Moreover, it is binding on all human beings, without any exception or condition.

The second principle, appointment: \(^{43}\) stands here for an appointment by the divine ruler, as opposed to election by the people; beyond comprising the legitimacy to govern, it implies selection and appointment of the qualified person to reign over the people on behalf of the last Shiite Imam. Identifying the individual, possessing the proper merits, is a function of the elites of Shiite jurists. In selecting the supreme leader from the midst of the Shiite jurist elites,
the public cannot be consulted, since they lack the knowledge to properly assess the merits of the supreme leader. It is generally held that the installment and dismissal of the supreme leader is a divine act. In case the leader is found to have forfeited his merits as a jurist, or is found to have become unjust, other elite jurists would find that the leader’s supremacy has been abdicated. The ruler (or the supreme leader) is responsible only to God—no human being has the authority to oversee his actions. Other elite jurists can only inquire into his merits in preparation to their finding him meritorious for asserting his supremacy—another words, beyond the supreme leader (vali-ye faqih) is only God. The third principle is absoluteness: Jurisdiction of the leader (vali-e faqih) encompasses matters of sovereignty in public domain—all matters fall in this jurisdiction.

The leader manages the society based on his determination, or that of his appointees. His authority is akin to that of the Prophet and Imams. His authority is not confined to the religious rule—the vali-ye faqih can rule on matters beyond religious concerns, based on what he deems to be in the interest of the state. His decrees are binding on everyone and just as all other religious decrees must be obeyed and acted on. In case of any conflict between decrees issued by the vali-ye faqih and other subsidiary Islamic standards, the former prevails. Where the Constitution draws its legitimacy from the leader’s sanction of it, it is clear that vali-ye faqih is not be bound by the laws of humanity, including the Constitution. The decrees of vali-ye faqih carry the force of law, and in case if they seem to be contrary to the law, his decrees take precedence. The judiciary, legislative and executive branches of government, armed forces and media are all his organs, which function independent of each other, but under the control of one leader—the vali-ye amr. The fourth principle, jurisdiction (feghahat) is the most important requisite for leading an Islamic society. Islamic jurisprudence plays an essential role in the planning and management of an Islamic society. All political decisions must be in accord with the religious fundamentals. Islamic jurisprudence is capable of
providing solutions to all political, economical, cultural, military and social problems of the world, and therefore, capable of guiding the greater Islamic world, and the non-Islamic constituency. Politics is a branch of the Islamic jurisprudence, and a part of the religious experience. The Islamic jurisprudence provides a pertinent and complete theory for managing the human race, and guiding the human experience from cradle to grave. Therefore, velayat or administration of public domain is held to be the exclusive right of Islamic jurists.

The theory of appointive, absolute velayat-e faqih—in all four of its principles—is contradictory to democracy. In fact, this theory provides for a religious autocracy, or at the very best, it may be viewed as a clerical aristocracy. In fact it has been claimed that the vali-ye faqih, as the operative of the divine on earth, is akin to God—“He cannot be questioned for his acts, but they will be questioned for theirs” 45—a permanent, irresponsible, sacred and absolute authority in the temporal world. In other words, this theory sustains a religious aristocracy, which is fundamentally distinct from democracy. The following are contradictions, arising out of each of the four appointive, absolute velayat-e faqih principles:

Guardianship (Velayat)

1) A requisite of religious guardianship is that the public—in their capacity to make pious decisions, and capability to influence matters of public domain—is not equal to the jurists. Whereas in the democratic approach everyone is believed to have firstly, the same rights as anyone else, and secondly, the right to influence the public domain.

2) In order to administer the public domain, the citizenry is empowered to elect a representative government—rather than being rendered unable or incompetent to make proper decisions, and requiring paternal oversight.
3) The standards of proper conduct in the public domain are the views and opinions of the vali-ye faqih—the public is bound to obey his directives. Whereas in a democracy, the public officials must coordinate themselves with the will and sentiment of the public they represent.

4) In the theory of velayat-e faqih, everyone must seek the permission of vali-e faqih for any decision or action in the public domain. The situation is completely reversed in a democracy—all public officials are to seek people’s consent, in order to function in the public domain.

Appointment (Entesab)

I) Democracy is a bottom up approach to government. The appointive velayat based state is a top down regime—election stands in opposition to appointment.

II) People elect or dismiss their government officials in a democratic regime. Whereas in an appointive regime, members of the general public have no say in the installment or removal of the ruler.

III) Without exception, all political assignments in a democratic regime are limited to a specified term. In the appointive velayat-e faqih, however, the leader is practically appointed for life, and time-in-office for other public officials are determined by him.

IV) The elected representatives of the people are charged with oversight over the government of a democratic regime, and government is accountable to the people it governs. In an appointive rule, the ruler is only responsible to God; he is not responsible to any human being for his conduct.
Absolutism (Etlagh)

a) All government officials are assigned limited powers in a democratic regime—there are checks and balances. In appointive, absolute velayat-e faqih, the leader possesses absolute and unchecked power.

b) In a democratic regime, none stands above the law. In appointive, absolute velayat-e faqih, the leader is not only above the law, he sanctions the law—he can shut down the Constitution.

c) Separation of powers is fundamental to democracy. In velai based state, the judicial, executive and legislative branches of government, next to the armed forces and media are the instruments of the leader (veli-e faqih)—they all function under his orders. Heads of the three branches and key institutions of government are, in effect, his deputies.

Jurisdiction (feghahat)

There is no special privilege in public domain that is set-aside for any particular group in a democratic regime, whereas, governance in velayat-e faqih is the exclusive right of the Islamic jurists. In a democracy, the society is managed based on scientific principles; it is not expected of jurisprudence to provide planning for political, economical, cultural etc. Whereas in velayat-e faqih, Islamic jurisprudence provides the entire theory of government in all fields, from cradle to grave. The principle incompatibilities between appointive, absolute velayat-e faqih and democracy are so clear that they need no further proof—it is readily obvious that these principles are not compatible.
The question should be raised here; is referring to public opinion not warranted under any circumstances, according to the concept of velayat-e-faqih? The answer is affirmative, but it depends. Referring to public opinion may be warranted in minor cases, and only where the leader’s position is not undermined as a result. In any case, he is the final authority—he can overrule the public’s opinion at any time. Another case may be that if he does not resort to public opinion, he may come across as being dictatorial. In the second case, referring to public opinion is only warranted in a do-or-die situation—to get passed the circumstantial necessities. It is evident that once the need is overcome, the public opinion would again become irrelevant, and that referring to public opinion under such circumstances is not the same as free elections held in democratic regimes.

Among the proponents of appointive, absolute velayat-e-faqih theory, the few who have called it democratic are clearly wrong. Their position can only be adopted either due to a lack of understanding democracy, or for future deniability or cover-up. Among the proponents of this theory, Messrs. Javadi Amoli and Mesbah Yazdi have stated candidly that this theory is incompatible with democracy. But others among them, while completely rejecting “western democracies,” are promoting a “religious democracy.” In effect, they are only playing with words—subscribing to appointive, absolute velayat-e-faqih ideology is to deny democracy in all its forms. Apparently, the only aspect of democracy that may have been appealing to this group is its popularity. Otherwise, tooting “religious democracy” is a popularity ploy—the sort of playing with words, which this group has resorted to, is the same as deceiving the public. Proponents of appointive, absolute velayat-e-faqih find democracy neither desirable nor beneficial. In their view, the citizenry must be so trained as to allow for none other than blindly following and absolutely obeying the edicts of religious leaders—for the fear of people conceiving opinions to the contrary.
Elective, Conditional Velayat-e faqih or faqih oversight and Democracy

Considering the great difficulties that appointive, absolute velayat-e faqih theory faces, both conceptually and in fact, an alternative view has become more significant among those subscribing to velayat-e faqih. In their approach, care has been extended to strike a balance between velayat-e faqih and democracy. The first attempt at merging velayat-e faqih in public domain with democracy has been made in the past century by Mirza-ye Naeeni. While keeping the general appointive velayat-e faqih principles intact, and taking into account lack of public confidence in the clergy, as the political reality of the time, he allowed the representatives of the people to constitute a government, which remained subject to religious oversight—hence, the conditional government. 49 It was made clear that if for any reason (e.g. regaining popularity) the clergy were to revoke their permission, that government would thenceforth become illegitimate. In the second step toward legitimizing political rights of the public independent of the jurists, the concept of public rule with jurist oversight, offered by Mohammad Bagher Sadr, 50 has been validated. In this theory, the clergy have more of an oversight and consent role than operative, although the supreme overseer is found, and appointed among them through the traditional approach, rather than by way of democratic elections. In the third step, the jurists in Qom advance the theory of elective, conditional velayat-e faqih, the evolved form of which is compiled by Ayatollah Hossein-Ali Montazeri Najaf-Abadi. 51 In his approach, three of the principles in the appointive, absolute velayat-e faqih theory have been modified—as described in the following: Firstly, by expanding on the selection process for choosing a leader amidst multiple qualified jurists, prior to the eventuality of him being appointed by the divine ruler, selecting a ruler from the slate of qualified candidates ends up being based on public volition. Considering the traditional Shiite doctrine, the public opinion influencing who may rule supreme is a significant step toward democratization of the political process.
Secondly, although the guardianship term (velayat) has been kept in this theory, the legal ramifications of it are different. In the first theory, velayat was a religious edict, issued by the divine ruler to compensate for the laity’s inadequacies in public domain, whereas in the new theory velayat is a binding contract, and a form of a general power of attorney establishing independent jurisdiction over someone with his consent. On this basis, the government would be a form of religious treaty between the people and the sovereign.

Thirdly, as a consequence of the government having its bases in a contract, the terms and conditions of this agreement, such as a limit on time in service of the ruler and the likes, the collection of which is called the Constitution, would be legitimate. On this basis, the resulting government would not have absolute power, since it would be limited by the Constitution, as the terms and conditions of the agreement. All the elements of a healthy relationship between the general public and those entrusted with power to rule can be achieved by this approach.

The jurisdiction requirement remains intact as a principle requisite in the new theory, and not only jurisdiction, but also the supremacy in jurisdiction is considered to be the primary requisite for leadership. Analysis of the recent twenty-some years of velayat-e faqih in action has inclined the author of the new theory to emphasize the advisory and oversight dimensions and lessen the operative aspects of leadership. \(^{52}\) But it is clear that for prevailing religious motives, this oversight is none other than velayat, and that it takes place based on the religious obligation felt by the overseeing jurist. Democratic aspects of this theory are as follows:

1. All public officials—without exception, even the leader—are elected through general elections, and the public participates in electing the government.
2. As a consequence of recognizing the public as being a party to an agreement, the public’s right to self-determination in public domain is established—accepting this fact is seminal to democracy.

3. The public right to take part in the law making process being a condition of the constitutional agreement provides the grounds upon which the society would democratize.

   Based on the preceding points this theory could be called “religious democracy” or “Islamic republicanism.” Its remaining true to Islamic principles is protected through the supreme leader’s guardianship and oversight. Concurrently, the society is managed democratically. Nevertheless, for the following reasons, the resulting religious democracy would be limited, and in a few respects, it is different from democracy:

   1. Accepting an exclusive right for jurists to hold the highest office in society, under the auspices of supreme oversight, poses the first discrepancy between this theory and democratic principles. Accepting such a right is contingent upon jurisprudence being effective in addressing the challenges of political and social management. Proving the Islamic jurisprudence to be capable of producing effective solutions in such scientific fields is extremely unlikely.

   2. The jurisdiction supremacy requisite for assuming the leadership takes away from the elective qualities of this approach. On one hand, if the qualifying merits are concentrated in one person, then election becomes irrelevant. On the other hand, the ability to recognize and qualify supremacy, considering the broad spectrum of the Islamic jurisprudence and the variety of opinions held by the jurists, effectively shields the selection process from the public. The practical difficulties associated with this approach are beyond the theoretical criticisms that are due to this principle requisite.
3. What would it be like if there were widespread public discontent with the supreme leader’s stance? If there was a circumstance, where the majority of the people moved toward a direction and the leader (vali-ye amr) found that direction inappropriate or undesirable—stated his ruling on the matter as such, and the majority still refused to follow his advice. Would he resort to force, in order to establish the validity of his views, albeit against the public will? Or would he acknowledge the will of the people—having taken an stance against him as his lacking support among the public—and resign, take to cultural and educational activities to convince the public on the merits of his view, win the majority over and regain his rightful position as the supreme leader again? The evidence is in favor of the former.

**Democracy in a Religious Society**

It became evident through the discussion in the previous sections that: one, the “appointive, absolute velayat-e faqih” and democracy are entirely incompatible—these two concepts are complete opposites—just as the Platonic Philosopher-King, the Iranian theory of kingdom or the mystic’s theory of the perfect human’s reign would stand in contradiction to democracy, and two, the “elective, conditional velayat-e faqih” or the concept of the elected supreme leader’s oversight is a form of limited democracy, which differs from democracy in three respects. Although according to the leader’s capacity the religious order may extend far into democratic terrain, in cases of narrow-minded jurists the reverse would also be true.

Up to this point, we obtained the two comparisons above, regardless of approving or disapproving democracy or either of the two religious theories. In this section, we are about to answer two important questions: First; based on the religious principles, how credible are the two velayat-e faqih theories? Second, considering the definite discord between the first theory and democracy and the relative incompatibility between the second theory and
democracy—between velayat-e faqih and democracy—which is more suitable for managing the affairs of a religious society?

Regarding the first question—the concept of velayat-e faqih is a subject of dispute in the Islamic jurisprudence—it falls under the category of obligations that must not be left unattended, such as guardianship of orphan children. Most jurists have accepted this principle, but not all. As the scope of effect of this principle increases (as its domain is stretched), less people have signed on. Extension of Velayat-e faqih into public domain is viewed as clerical governance (i.e. in the political arena), and is not recognized by most jurists—meaning that in their view, there is not sufficient basis in the Islamic law to support the claim. The absolute velayat-e faqih in public domain, specifically emanating from Ayatollah Khomeini, has been assumed by some (not all) of his students as being true. In any case, the author believes that the theory of appointive-absolute velayat-e faqih lacks any basis in reason, or in the Islamic law.

Surrounding the theory of elective, conditional velayat-e faqih and the elected supreme leader’s oversight: this is a young theory, which has not been adopted with much enthusiasm among the jurists in traditional Shiite domains. Its supporters are often found amongst intellectuals and political activists. From an Islamic jurisprudential perspective, two of the principles of this theory are subject to debate: one, the requisite of jurisprudential supremacy of the overseer, and two, the assumption of Islamic jurisprudential capability in such spheres as management, politics and social planning. The second point has not been subjected too much scientific analysis and debate among the jurists and religious scholars. The fact that every act, be it individual or social, must be according—or at least, not be contradictory—to Islam, can be assured through consultation with an advisory panel such as the council in charge of supervising compliance with Islam (hey-at-e nezarat-e mojtehedat) in the conditional (Mashrooteh) Constitution or the Guardian Council (Showra-ye Negahban) in
the Preamble to the Constitution of the Islamic Republic, and does not necessarily require supreme oversight or velayat-e faqih. In any event, a number of contemporary jurists, including Ayatollah Montazeri have stated positions surrounding this theory. The author believes that both issues pivot on a more basic understanding, and that is the general expectation from religion, or more aptly from the Islamic jurisprudence. Neither the jurisprudential supremacy is the requirement for social management, nor can one expect the Islamic jurisprudence to supply the required insight for managing the society. Therefore, the jurisdiction principle in the aforementioned theory is (insufficient or) incomplete.

The conclusion arrived in the above, means that velayat-e faqih, be it of religious or civil order, appointive or elective, absolute or conditional, lacks any credible religious basis for its operation in the political sphere. The jurists who have accepted certain types of velayat-e faqih have in fact researched the matter with a preconceived expectation from the religion, prior to either reasoning through, or testing their specific hypothesis. They have assumed that a complete religion must have provided a specific and constant model for managing the public policy—additionally, without assuming political power, establishing the religion is annulled; the purpose for establishing the religion is to execute the edicts of the Islamic law (shari’a); for this purpose, only jurists are qualified; hence, founding a religious governance in the sense of velayat-e faqih is necessary, or even inevitable. Referring to the context of the Islamic religion, Koran, conduct of the prophet and the Shiite Imams show that:

1. Islam is not limited to the individual’s relation with God—it also includes the social domain. The social edicts of Islam are also not limited to ethical guidance and abstemious decrees; they also include requirements to act.
2. The Islamic society is not compatible with all politics. It has clearly declared certain political settings to be illegitimate, and has forbidden Moslems to reflect such policies.

3. In the collective teachings of Islam, its general concepts and social protocols, one can extract one specific or tens of other general political models, none of which would be illegitimate and none of which alone would suffice for a complete political system with all of its necessities and specifics. In other words, Islam does not offer a specific and constant model for managing the politics of all societies, and far be one for all times (i.e. Islam does not provide a blueprint for a universal government).

4. Avoiding such details in Islam is due to the fact that they are variables. The religion, which claims to be constant—beyond place and time—would be subjected to change, if it were to take on transitional matters. Additionally, Islam acknowledges that human faculties are capable of finding appropriate solutions in these fields. In other words, politics is a matter of intellect, and the ability to reason is a human trait. It is true that a pious individual must satisfy the requirements of his religion in all of his interactions, but acting in accord with the general principles and common protocols of religion does not negate the fact that politics is a human endeavor requiring political wisdom.

5. One cannot expect to find knowledge of politics, economy, management and sociology in the Islamic jurisprudence. At the same time, one cannot do away with the body of constitutional, commercial, criminal and other laws. The Islamic jurisprudence provides a legal framework in such branches of law as the constitutional law, law of commerce, civil and criminal law and the likes. Branches of law cannot be expected to provide political and economical planning. Although, legal council is indispensable in a variety of fields, entrusting management, economy, commerce, politics and a whole host
of other specialized activities to lawyers would not produce an optimum result. Velayat-e faqih has risen out of a sort of false expectation from the Islamic jurisprudence.

6. The obligatory Islamic decrees effecting public domain do not necessarily warrant religious governance. The necessity for carrying out such edicts may as effectively be accomplished through other means—the pious conscience and the collective will of the public in a civil Islamic society could see to it that all its obligations are fulfilled. There is a difference between the law and religious obligation. The law must pass through a formal process—designed for close scrutiny and consensus gathering—including scrutiny and adoption by the people’s representatives. Religious obligation is not the same as legal obligation. Similarly, committing a sin has a different consequence than breaking the law. An individual is not necessarily punished during his lifetime for having committed a sin or for having failed to fulfill a religious obligation. Religious leadership aims to convince its followers to voluntarily take on a course of action, or relies on the individual to abstain from what may be harmful, based on the individual’s recognizance and free will. If a religious decree is to carry the force of the law—such that it may carry with it worldly punishment—it must put on a legal suit, go through the law making process and become the law.

7. More so than being a religious obligation, velayat-e faqih is a reflection of the Iranian theory of kingdom and Eastern despotism in the mind and essence of Shiite jurists, which has also been corroborated by the Platonic Philosopher-King. Its absolutism can be traced in the absolute velayat of perfect human in the Ibn-e Arabi Sufism. It seems that traditional Islamic jurisprudence—with such notions as the principle of non-velayat 56, conditions of sovereignty 57 and satisfaction 58—cannot be compatible in public domains with such views as velayat-e Faqih.
Regarding the second question—the choice between velayat-e faqih and democracy, in the event of unresolved incompatibility between the two, is democracy. Through the discourse in answering the first question, we provided that the difference between velayat-e Faqih and democracy is void of any religious requirement, and a matter of rational evaluation. In which case, the alternative that stands to yield the most benefit is the preferred choice. Velayat-e faqih has no credible foundation in Islamic jurisprudence. It is a notion that is formed in the minds of a group of honorable jurists through a specific reading of a handful of Islamic passages. Refuting velayat-e faqih does not in any way undermine any of the Islamic teachings, requirements or obligations. I believe democracy is the least erroneous approach to the politics of the world. (Please note that least erroneous does not mean perfect, or even error free.) Democracy is a product of reason, and the fact that it has first been put to use in the West does not preclude its utility in other cultures—reason extends beyond the geographical boundaries. One must adopt a correct approach, regardless of who came up with the idea; “look into what is being said, not at who says it.” 59
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55. These points were discussed sporadically throughout Dagh-Dagheh ha-ye Hokoomat-e Deeni (Anxieties of Religious Governance). Now they are clustered in one place.
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