CHAPTER III:

CONSOLIDATION OF ISLAMIC REPUBLIC

Ayatollah Ruhollah Khomeini was born in 1902, and during his lifetime he witnessed the totality of Iran’s modern struggles from the tumultuous world wars that led to the occupation of the Middle East by the great powers to the changing fortunes of the Pahlavi dynasty and its struggle to modernize Iran. Toward the end of his life, Ayatollah Khomeini reemerged as the leader of a populist revolution and an Islamic Republic that pledged to remake the entire region into its image. Beyond doubt, the forbidding Iranian cleric remains one of the most significant figures in the contemporary Middle East.

Ayatollah Khomeini’s success stemmed not just from his steely determination in the face of remarkable odds but from his intuitive understanding of a country he would lead through revolution and war. More than any other Iranian leader, Ayatollah Khomeini would continuously tailor his message to conform to Iran’s core values and grandiose self-perceptions. Successive Persian monarchs and empires perceived Iran as the epicenter of the region, a country that by the dint of its history and civilization was ordained to lead the Arab states. Ayatollah Khomeini’s message of spreading the revolution and establishing the Islamic Republic’s preeminence fits this pattern of Persian expansionism and proved appealing to a significant segment of the public. This is not to suggest that Iranians were eager to suffer the consequences of Ayatollah Khomeini pursuit of the revolution, but at a certain level, his message resonated with his constituents’ historic aspirations.

In a similar vein, Ayatollah Khomeini’s call for a state that reflects Islamic values attracted Iranians from across the political spectrum Ayatollah Khomeini sensed that in the midst of tumultuous changes, Iranians were still
searching for authenticity and meaning despite the monarchical conceit that a modernizing Iranian society was rapidly discarding its traditions. Again, the attachment to religious identity is different from a desire for a theocratic state, but Ayatollah Khomeini was imaginative and effective in manipulating such sentiments behind his revolutionary message. Not only was he innovative in his ideas but he was also successful at building coalitions across a contested political terrain, and ambiguous when such subtlety was politically expedient. Ayatollah Khomeini had spent decades contemplating and developing a vision that would serve as the basis of Iran’s populist revolt.

As early as the 1940s, Ayatollah Khomeini came to articulate a distinct ideology with its own symbols and values. A careful reading of his speeches and writings reveals that the central tenet of his ideology was the notion of justice – a powerful concept in both Persian nationalism and Islamic jurisprudence. Ayatollah Khomeini’s dissent was not just against monarchical absolutism in Iran but also in opposition to tyranny across the Islamic realm, appealing to his countrymen and to all Muslims oppressed by forces of despotism and imperialism. Under the banner of Islamic liberation, Ayatollah Khomeini saw his revolution as an inclusive statement of dissent against a multiplicity of forces, actors, and conspiracies, both real and imagined. In many ways, the clerical champion of tradition came to embrace an entire range of Third World grievances and then proceeded to sanctify them through the power of religious approbation. The prevailing traditions among the clerics in the first half of the twentieth century were to disdain politics for the more exalted mission of spiritual training. Nonetheless, Ayatollah Khomeini always exhibited an activist strain, arguing that the clerical class was obligated – indeed, commanded by God – to protect the masses from oppressive rulers and the inequities of the temporal order. The Grand Ayatollahs may have been satisfied with retreating into their seminaries and preoccupying themselves with perplex theological disputations, but for Ayatollah Khomeini the world outside the mosque always seemed more relevant, even attractive.
In many ways Ayatollah Khomeini had the misfortune of existing in a clerical establishment that was dominated by the quietest Shiite political tradition. Under the leadership of Ayatollah Muhammad Hussein Borujerdi, who had emerged by the mid-1940s as the sole marja-e taqlid, the highest religious post in Shiite Islam, and the clerical elite devoted itself to strengthening the seminaries and developing the religious sciences. An aspiring ayatollah was to preoccupy himself with his studies and forgo the temptations of politics. Indeed, the revolution’s historical revisionism notwithstanding, the clerical estate traditionally maintained peaceful relations with Persian monarchs and was often employed by them against their secular leftist nemeses.

The young Khomeini, however, chafed under such restrictions and perceived these traditions as alienating the clergy from the masses. His 1942 book, Kashf-e Asrar, was at once a call for limitations of the monarchy’s powers and an implicit criticism of its clerical allies. In a speech in 1944, Ayatollah Khomeini bitterly complained, “It is our selfishness and abandonment of an uprising for God that have led to our present dark days and subjected us to world domination.” Ayatollah Khomeini pointedly condemned the notion that religion and politics should remain separate, noting, “Islam has provided government for about 1,500 years. Islam has a political agenda and provides for the administration of a country.” During this time, Ayatollah Khomeini’s evolving thought process was characterized by a penchant to defy the norms of the clerical community and embrace alternative ideas. At a time when the path to promotion within the Shiite clerical hierarchy mandated concentration on jurisprudence, Ayatollah Khomeini studies philosophy and toyed with mysticism and poetry. The clerical power barons demonstrated an instinctive hostility toward the secular leftists, yet Ayatollah Khomeini was attracted to their ideas on the inequities of the international system and the rapacious nature of capitalist states. Throughout his career, Ayatollah
Khomeini would draw on leftist, discourse, as he often spoke about the oppressive essence of the West.  

Far more than his clerical brethren, Ayatollah Khomeini proved to be a man of his time, and he sensed that the changing politics of Iran offered a unique opportunity to propagate his Islamic ideology. The 1950s and 1960s were heady times in the Middle East, with anti-colonial movements and a new generation of leaders stepping forward to reclaim their societies and their traditions. The clerical establishment’s reluctance to join this struggle had led to its isolation from the emerging nationalist constituencies, particularly among the youth and the middle class. Ayatollah Khomeini anguished about the irrelevance of religion to this emerging struggle and called for reclaiming the young in the name of a progressive faith. “The irrational person has taken it for granted that religious people have trampled upon the rule of reason and have no regard for it. Is it not the religious people who have written all the books on philosophy and the principles of jurisprudence?” he pointedly asked. For Islam to remain vital, he argued, it had to embrace a distinct political content and be part of the larger struggle sweeping the developing world.

In his social criticisms, Ayatollah Khomeini avoided the traditional clerics’ acceptance of the existing economic arrangements and their instinctive embrace of private enterprise. He laced his pronouncements with the word *mostaz’afin*, the downtrodden, and insisted that the exploited classes were the victims of greedy capitalist forces. Ayatollah Khomeini denounced the Shah for wasting Iran’s oil revenues, exacerbating the gap between the rich and the poor, failing to establish a viable industrial infrastructure, and massive corruption. (Ironically, decades later, these would be the same themes that Mahmoud Ahmadinejad would employ in his successful presidential campaign. The one difference was that the target of his accusations was not the Shah, but the clerical leaders who had seemingly abandoned Ayatollah Khomeini’s values for the privileges of power). In this sense, Ayatollah Khomeini’s
rhetoric mirrored that of Ali Shariati, the famed intellectual who spent much of the 1960s seeking to infuse Islam with the Third-Worldist revolutionary spirit of thinkers such as Frantz Fanon and Jean-Paul Sartre. Shariati, a French-trained sociologist, was part of a new generation of Iranian intellectuals who were seeking a more authentic ideology consistent with their identity as both Muslims and modernists. Shariati saw the men of religion as a stagnant cohort preaching a fossilized retrogressive faith of submission to authority.

This was hardly the Islam of the Prophet who had waged war, reconstructed his society, and revolutionized his epoch. 12 Ayatollah Khomeini noted the popularity and the acclaim that Shariati enjoyed among Iran’s youth. In his most influential book, Hukumat-e Islami (Islamic Government), Ayatollah Khomeini radically departed from prevailing Shiite traditions; his concept of velayat-e faqih (guardianship of the jurist) called for direct assumption of political power by the clergy. After all, he observed, the Prophet of Islam was not just a spiritual guide but an administrator, an executor of justice, and a political leader. “He cut off hands, chopped off limbs, stoned adulterers to death,” Ayatollah Khomeini wrote approvingly. 13 Given the need to conform the social order to religious injunctions, the clergy must rule, as they are most knowledgeable of divine law. Ayatollah Khomeini admonished those who stressed that the clergy should retreat to the mosque and leave politics to the professionals:

“Do not listen to those who are against the line of Islam and consider themselves enlightened persons and who oppose the government of the jurists. If there is no government of the jurists, there will be taghut [illegitimate government].” 14

Ayatollah Khomeini’s concept of Islamic government may have been for the people, but it certainly was not democratic. He exhibited a disdain for the collective will, stressing, “People are deficient and they need to be
perfected.” The manner of such perfection would be a clerical regime whereby the populace would submit to the superior authority of the clergy. In essence, Ayatollah Khomeini’s concept of proper governance was one of religious autocracy that could not be reconciled with pluralistic imperatives. The Islamic Republic’s persistent inability to liberalize itself can be partly attributed to this onerous legacy and its contempt for democratic accountability.

It would be a mistake to believe that Ayatollah Khomeini focused his ire purely against the Shah. A cursory examination of his writings reveals a sustained attack on the West, which in his view had always displayed a hostile attitude toward Islamic civilization. Ayatollah Khomeini’s work is marked by disdain toward external powers and the perception that Iran’s problems, ranging from the unaccountable monarchy to economic mismanagement, were in some form due to the influence of imperial powers. In a sense, Ayatollah Khomeini’s suspicions were reinforced by a populace that was deeply averse to great power manipulation and a political culture that often perceived conspiracies as the root of its misfortunes. Ayatollah Khomeini was shaped by and, in turn, captured a national narrative that always mistrusted foreign elements.

It was this suspicion and contempt for foreign intervention that became the basis of Ayatollah Khomeini’s foreign policy postulations. The Shah was not a mere tyrant but an agent of Western imperialism and Israeli Zionism. Iran and Islam were endangered by the same external forces and their monarchical accomplice. Such a message attracted both leftist intellectuals with their Third-Worldist hostility to America as well as traditional classes concerned about foreign encroachment of Islam’s domain. The protection of Islam and the liberation of Iran were effortlessly conflated in Ayatollah Khomeini’s conception. Decades later, the Islamic Republic’s self-defeating hostility to America and Israel reflects an inability to transcend Ayatollah Khomeini’s enduring antagonisms.
The first manifestation of Ayatollah Khomeini’s enmity toward the West came during the crisis of 1963, when an uprising in the holy city of Qom developed in response to parliamentary legislation exempting U.S. military personnel from prosecution in Iran. The so-called capitulation laws invoked nationalistic hostility and anti colonial sentiment among the Iranian populace. The duality of Ayatollah Khomeini’s evolving ideology was in full view, as he saw the accord as both a transgression against Islam and an assault on Iran’s national integrity. Ayatollah Khomeini castigated the agreement, proclaiming, “They have sold our independence, reduced us to the level of a colony, and made the Muslim nation of Iran appear more backward than savages in the eyes of the world.” 16 Yet at the same time he transcended traditionalist language and condemned the accord as an “enslavement of Iran.” From the outset, he sought to unite the totality of Iranian opposition into a cohesive anti Western bloc. America was not just a cultural affront, but a colonial power seeking to subjugate Third World countries. 17 The 1963 crisis is often recalled as the occasion that finally caused Ayatollah Khomeini’s expulsion from Iran. However, the significance of the event lies in the fact that it was the first attempt by Ayatollah Khomeini to reach out to Iran’s growing intelligentsia and student activists. The only manner in which the traditional institutions could attract such forces was to represent their struggle in the language of modern dissent. The politically astute Ayatollah Khomeini clearly noted this view:

“They can no longer call us reactionary. The point is that we are fighting against America. All the world’s freedom fighters will support us on this issue. We must use it as a weapon to attack the regime so that the whole nation will realize that the Shah is an American agent and this is an American plot.” 18

In the ensuing struggles, Ayatollah Khomeini perceived that the instrument of Iranian resistance to foreign influence (and its cat’s-paw, the
Shah) had to be Islam, not the passive, indifferent establishment Islam, but a revolutionary, politicized, uncompromising devotion of the sort that had launched the initial Islamic empire under the leadership of the Prophet. The united Muslim masses would once more redeem their faith from the transgressions of the West and the stagnation of the corrupt ruling class. By appropriating Islam’s sacred symbols and by invoking the history of struggle against foreign infidels, Ayatollah Khomeini transformed Islam into an anti-Western ideology. Such a faith would galvanize the believers to once more defend their rights and reclaim their lost dignity.

Given such perceptions, for Ayatollah Khomeini the conflict with the United States was inevitable, as Iran could not abide the presence of a Western superpower seeking to dominate politics in the Islamic world. “We must settle our accounts with the great powers and show them that we can take on the whole world ideologically, despite all the potential problems that face us,” he declared. In the post revolutionary period, sacrifice, conflict, resistance, and defiance would be the currency of Iran’s international relations. Iran would not seek to balance the superpowers or transact alliances, but instead would reject the entire doctrine of international relations. When President Ahmadinejad in 2005 declared that Iran has no use for America, he was drawing on a rich revolutionary legacy and establishing his connection with the founder of the theocratic regime. From the outset, Ayatollah Khomeini’s vision transcended Iran. Iran’s revolution would be the initial indispensable step toward establishing a virtuous regional order. “Islam is a sacred trust from God to us and the Iranian nation must grow in power and resolution until it has vouchsafed Islam to the entire world,” he said. The viability of the revolution and the exalted divine mission mandated the export of Iran’s Islamic template. At the core, Ayatollah Khomeini’s ideological conception rejected the concept of the nation-state and an international system with its arbitrary territorial demarcations. As early as 1942, in Kashf-e Asrar, Ayatollah Khomeini decried
the notion of the nation-state as the creation of “weak minds” who failed to appreciate the mandate from heaven. 21

Beyond his objections to the Middle Eastern borders drawn by the Western powers, Ayatollah Khomeini also perceived unique opportunities for the export of his revolution. Though national revolutions have often sought to inspire similar movements in other countries, Ayatollah Khomeini was always careful to differentiate Iran’s revolution from its French or Russian predecessors, stressing that Iran’s revolt was predicated on a divine message while previous revolutions had been based on material considerations. For Ayatollah Khomeini, “only the law of God will always stay valid and immutable in the face of changing times.” 22 Thus, the Islamic Republic he envisioned would be uniquely capable of ushering in a new age while previous revolutions ultimately stagnated and faded from the scene. Beyond such self-appreciation, Ayatollah Khomeini perceived that the bankruptcy of Soviet Marxism and Western capitalism had created an ideological vacuum that Iran should fill. Thus, once in power he confidently asserted, “We should set aside the thought that we do not export the revolution, because Islam does not regard various countries as different.” 23

Like most revolutionaries, Ayatollah Khomeini perceived that the best way to consolidate his regime at home was to pursue a confrontational policy abroad. Should the Islamic Republic remain inward-looking and focused on its internal developments, then it was bound to languish and eventually collapse. Once more, Ayatollah Khomeini was defiant, noting, “All the superpowers have risen to destroy us. If we remain an enclosed environment, we shall definitely be destroyed.” 24 The contradiction between the export of the revolution and the preservation of Iran’s practical interests was not evident to Ayatollah Khomeini.
Toward this end, Ayatollah Khomeini would strike out not only at the West but also at the regional powers that cooperated with the United States. He derisively condemned the Gulf States, Egypt, Saudi Arabia, and other American allies as mini-Satan’s who served to accommodate the transgressions of the “Great Satan”. He had no compunction about calling on the local populace to emulate Iran’s revolutionary model and would actively plot to overthrow the princes and the presents that ruled sovereign states. “Cut off the roots of those who betray Islam and the Islamic countries,” he implored. 25 The division of the region between the oppressed masses and the oppressive rulers serving as agents of American imperialism was the vision that would define Iran’s international orientation. The ideological challenge to the ruling order would be complemented by an aggressive strategy of assisting opposition groups, militant forces, and a wide range of organizations.

Ayatollah Khomeini’s revolution would thus be a curious mixture of objectives and ideological flexibility, relentless determination and tactical retreats. A coalition that featured clerics, westernized intellectuals, defiant students, middle-class professionals, and traditional merchants would be held together by a cleric who came to personify Iran’s struggles and tribulations. Ayatollah Khomeini offered something to everyone: he was a religious leader who would redeem the prophetic quest for construction of a pious order; a Third worldist with a determination to emancipate his state from America’s encroaching capitalist empire; a modernist with an appreciation of democratic ideals, a defender of women and the oppressed; and, always, a Persian nationalist seeking to restore Iran to its rightful place. Far from being a monolithic platform, Ayatollah Khomeini’s message was an opportunistic one that concealed his essential objectives in order to broaden his coalition.

On that crisp February day in 1979 when Ayatollah Khomeini returned to Tehran on the heels of one of the most populist revolutions in history he brought with him a set of beliefs that he was determined to imprint on Iran.
The early period of the revolution would prove formative, as Ayatollah Khomeini sought to consolidate his rule, dispense with his allies of convenience, and ensure that clerical hegemony of power would persist long after he disappeared from the scene. The same dexterity and skill that had brought him to the pinnacle of power would now be used to ensure the institutionalization of his vision: the adroit use of foreign crises to generate a radical momentum sweeping away moderate forces; the gradual introduction of a constitutional order that made the clerical took of power seem legal.

**CONSOLIDATION**

At times in history, there are watersheds, where a spectacular event alters existing norms, political perceptions, and fundamentals of state power. The year 1941 was the time America’s foreign policy changed; in the aftermath of the Pearl Harbor bombings, the notion of splendid isolation was eclipsed by the imperative of international engagement. America became a global superpower that year, as successive Democratic and Republican administrations insisted that events abroad have an immeasurable impact on America’s domestic security. The years 1979-81 were Iran’s defining moment. During this pivotal period Ayatollah Khomeini and his cohort imposed changes on Iran’s institutions and political culture that imprinted the notion of theocratic rule on Iran’s national identity. The theocracy would change, redefine itself, at times becoming more reactionary and at times less intrusive, but a certain governing arrangement was implanted that is likely to endure. The American politicians who argue that economic sanctions, international ostracism, and threats can somehow dislodge the Islamic Republic ignore the deep roots that this most peculiar of regimes has cultivated.

Was it inevitable that Iran’s revolution would degenerate into a theocratic autocracy, commanded by clerics in the name of a seventh century faith? The revolution gave rise to a variety of political movements, ranging
from reactionary to liberal, fundamentalist to secular, Marxist to capitalist. Ayatollah Khomeini was the leader, but by no means the only actor in one of the momentous revolutions in modern Middle Eastern history. The pathway to consolidation of clerical power came through the creation of a constitutional order that made secular and liberal inroads impossible. By creating non-elected institutions such as the Guardian Council that had the power to veto parliamentary legislation and presidential determinations, they ensured that the decisions of the elected branches of government would not effect the essential demarcations of power. Iran would always feature elections and plebiscites, but so long as non-elected clerics held the reins of power, the popular clamor for change would be contained, even negated.

The other aspect of Islamic Republic’s ingenuity was creation new political elite composed of both clerics and religiously devout laymen. The Islamic Republic is different from its revolutionary counterparts, as the ideology of the state is its religion. To be sure, this is a politicized and radicalized variation of Shiite Islam. A dedicated core of supporters would remain loyal to this ideology, determined to perpetuate it long after Ayatollah Khomeini himself disappeared from the scene. Although the Islamic Republic has grown seemingly unpopular over the years, for a small but fervent segment of the population it is still an important experiment in realizing God’s will on earth. And it is this sector of the society that continues to produce leaders such as Ahmadinejad, who are determined to return to the “roots of the revolution.”

Despite the clerical determination to assume power, a look back at Iran in 1979 actually reveals the influence of the secular forces. The first post-revolution prime minister of Iran was Mehdi Bazargan, who despite his revolutionary disposition was a true democrat. The liberal movement led by the venerable National Front with its strong nationalist credentials commanded substantial support among the middle class and was strongly represented in the new provisional government. Even the radical Left still had a growing
audience, particularly among the youth and industrial workers. The discursive message of the Mojahedin-e Khalq (MEK), with its mixture of Marxism and Islam, still lured many university students. The Fadayan-e Khalq could still mobilize hundreds of thousands for their demonstrations, and their newspaper enjoyed widespread circulation. Even the Communist Party, the Tudeh, with its long history of struggle against the monarchy and claims of economic justice, proved tantalizing to an intelligentsia attuned to the cause of Third World liberation. The forces of secularism also garnered support from senior traditionalist clerics such as Ayatollah Kazem Shariatmadari, who were urging their fellow clerics to retreat from the political sphere and concentrate on their priestly duties.

The critical question remains: How did Ayatollah Khomeini and his disciples manage to silence such an impressive array of actors? Unlike the divided secular opposition and the quietist ayatollahs, Ayatollah Khomeini and his supporters had long honed their organizational skills through decades of exile and oppositional activities. Through the effective use of mosques (Iran’s only nationwide network), the creation of shadowy organizations with their own militias and effective manipulation of external crises, Ayatollah Khomeini gradually managed to displace his challengers. At every step of the way, he and his supporters proved more ardent in their faith, more manipulative in their conduct, and more merciless in their retaliations.
Soon after returning to Iran, Ayatollah Khomeini implored his allies to be vigilant and aggressive in their efforts to establish the theocratic order. “They want to make a Western country for you in which you will be free, you will be independent, but in which there is no God. This will lead to our destruction,” he warned. Through domination of the revolutionary committees overseeing local affairs, appropriation of the defunct regime’s wealth, and mobilization of their zealous supporters, Ayatollah Khomeini and his allies fashioned a parallel regime with more authority than the tentative and moderate provisional government. While the government continued to issue orders, the secretive Council of the Revolution, manned by Khomeini loyalists such as Akbar Hashemi Rafsanjani, Ali Khamenei (Ayatollah), and Muhammad Beheshti (Ayatollah), was busy countermanding its decisions. However, to truly consolidate their power, the revolutionaries still needed a crisis that would effectively radicalize the population and discredit their foes. And the American embassy proved a tantalizing target.

On Sunday, November 4, 1979, a group of Iranian students took over the U.S. embassy in Tehran, beginning a crisis that would last 444 days. The ostensible purpose of the hostage taking was the students’ alarm that the admission of the ailing Shah to the United States for medical treatment was an attempt by Washington to orchestrate a coup against Iran’s nascent revolution. For a generation of Americans, the seizure of the embassy is seen as an egregious violation of international law by a contemptible regime. For Ayatollah Khomeini, it was the occasion where his vision of Islamic society would be transformed into a ruling ideology free from the constraint of coalition politics and democratic dissent. More than the pressing international issues or the entanglements of U.S. – Iranian relations, it would be the domestic political imperatives that would determine Tehran’s approach to the American hostages.
As the images of blindfolded Americans dominated the airwaves, a gratified Ayatollah Khomeini blessed the conduct of the students as ushering in the “second revolution,” whose assault against the “Great Satan” made it an even nobler act than the original revolution. Iran’s media soon praised the event, proclaiming, “The true Iranian revolutionaries will remain in the U.S. embassy and they will not give up this fortress cheaply.” The hostages proved to have remarkable utility for Iran’s domestic politics, and Ayatollah Khomeini exploited them as a means of radicalizing the populace, claiming that the revolution was in danger from the manipulations of America and its internal accomplices. The issue, as framed by Ayatollah Khomeini, was now a contest between a rapacious, satanic United States and the sublime theocracy. The revision of the constitution and the demise of Bazargan’s Prime Minister Ship were now sanctioned by the struggle against America. To be for pluralism and democratic rule was to support American aggression against Iran. In the midst of the enveloping turmoil, Iran held elections for parliament and for the Assembly of Experts, which was to evaluate the draft constitution. In the atmosphere of fear and uncertainty, the clerical hard-liners and their political party, the Islamic Republican Party (IRP), came to dominate the new parliament, further buttressing their encroaching institutional dominance. In a similar vein, the Islamist forces captured the majority of seats in the Assembly of Experts, ensuring them a commanding voice in the revision of the constitution. Ayatollah Khomeini blessed the new assembly, insisting that the “constitution must be 100 percent Islamic.”

The Islamic state as envisioned by Ayatollah Khomeini during his prolonged exile was now gradually coming to the surface. The new constitution created the unprecedented theory of velayat-e faqih whereby a religious leader would oversee all national affairs. This office, had virtually unlimited responsibilities and was empowered to command the armed forces and the newly created Revolutionary Guards, dismiss any elected official, countermand parliamentary legislation, and declare war and peace. The new office was
subject neither to elections nor to the scrutiny of the elected institutions and the larger public. Islamic law was to displace the existing legal codes, circumscribing individual rights and prerogatives. A Guardian Council, composed mainly of clerics, was to vet all legislation, ensuring their conformity with Islamic strictures. The constitutional arrangement guaranteed that Ayatollah Khomeini’s reinterpretation of Shiism would remain the ideology of the state and that only those devoted to his vision would command critical institutions.

On December 3, 1979, the new constitution, was duly ratified by public in a national referendum. The foundations of the theocratic regime were thus born on the heels of anti-Americanism and the notion of resisting foreign intervention. As the spiritual leader of the students, Muhammad Musavi Khoeniha, recalled, “We reaped all the fruit of our undertaking—we defeated attempts by liberals to take control of the machinery of the state. We forced Bazargan’s government to resign. The tree of the revolution has grown and garnered strength.” But for the tree to continue to prosper, the revolutionaries now had to dispense with the remaining secular and clerical competitors and complete their monopolization of power. At this point, Iran still had an elected president, Abolhassan BaniSadr, as well as a critical intelligentsia, defiant student organizations, leftist paramilitary forces led by the MEK, and secular parties disinclined to accede to the emerging clerical despotism. At every step of the way, the clerical militants had exploited external crises to accelerate the pace of the revolution and purge the regime of undesirable elements. On September 22, 1980, yet another international conflict convulsed the republic and paved the way for the complete control of the state by Ayatollah Khomeini and his narrow collection of disciples – Iraq’s invasion of Iran. The Iraqi invasion was intended to destroy the theocratic regime, but it ended up buttressing the revolution and subverting the remaining moderates within the republic. Saddam had miscalculated, not for the last time.
The war transformed the internal debates and the nature of the Iranian political landscape. “I am certain that there exists a relationship between Saddam, America, and the internal opposition,” exclaimed Rafsanjani, then serving as the speaker of the parliament. 35 The Friday prayer leaders who routinely used the religious occasion to indoctrinate the masses now alluded to similar conspiracies. The state broadcasting service took up this theme, noting, “In order to solve his domestic problems, Saddam is ready to be subservient to the two superpowers, and he is directly strengthening internal counterrevolutionaries.” 36 The issue was no longer freedom versus autocracy, but loyalty to the revolution, national sovereignty, and resistance to Iraq and its imperial benefactor, America. A bewildered nation looked to its spiritual leader to manage the turbulent waters of the enveloping conflict. For the fundamentalists the war turned out to be, as Ayatollah Khomeini noted, “a blessing.”

The persistent emasculation of the office of president, the negation of Bani-Sadr’s authority by the parliament and its chosen prime minister, and the orchestrated propaganda campaign accusing the president of being a client of the West finally culminated in a crisis in 1981. The parliament suddenly began impeachment proceedings, stressing the president’s insubordination to revolutionary organs and poor management of the war. In a similar vein, 130 judges and prosecutors of the Islamic Republic wrote an open letter to Ayatollah Khomeini, asking him to deal with the president, as he was creating national disunity. Ayatollah Khomeini granted his approbation to these efforts, warning Bani-Sadr and his supporters to “go back to Europe, to the United States, or wherever else you want.” 37 Seeking the writing on the wall, the Islamic Republic’s first elected president went into hiding and subsequent exile to France.

The tensions between the Supreme Leader and the senior clerics, which had been evident for decades, now burst to the surface. Ayatollah Khomeini,
who was always contemptuous of the clergy who abjured politics, warned the “turbaned deceivers” who were “infiltrating the clergy and engaging in sabotage.” In an even sterner rebuke, he declared, “I warn the clergy. I tell them all that I dislodge myself of my final responsibility to repulse all these mullahs.” One of the many paradoxes of the Islamic Republic is that theocracy has been far more effective at persecuting the religious class than all of its monarchical predecessors. A special court for the clergy was established, and hundreds of Iran’s most learned and distinguished clerics were defrocked and imprisoned. Having dismissed the elected president and silenced their clerical detractors, cased a reign of frighten that was to disenfranchise the remaining secular opposition forces – the old elite had to be forcefully removed before the new one could ensure its political hegemony. Mass arrests, suppression of demonstrations, and summary executions were the order of the day. The liberal National Front politicians, the radical MEK supporters, landlords, writers, intellectuals, and journalists were dismissed, imprisoned, and on occasion executed. The violence of this period gave rise to the so-called Second Republic, a regime that consolidated its power through eliminating. This was essentially the end of the revolutionary promise of a progressive, inclusive society that embraced pluralism while remaining loyal to its religious traditions.

This process of consolidation of the revolution soon moved beyond the political elites as Ayatollah Khomeini proclaimed his own cultural revolution. The universities were closed for two years as their curriculum was altered, television and news media bombarded the populace with Islamic propaganda, and the women who had made up such a critical part of the revolutionary coalition were forced to wear strict religious dress. Every aspect of public life had to conform to Islamic strictures, with loyalty tests and ideological standards determining admission to universities, the civil service, and the armed forces. The new stalwarts of the revolution who had survived assassination campaigns, American coercion, and Saddam’s invasion seemed
confident that God was on their side and the perpetuation of their regime was a sign of divine approbation. Throughout the 1980s, war, martyrdom, sacrifice, and vengeance were the themes of Iranian politics and national discourse.

During his first two years in power, Ayatollah Khomeini’s achievements were considerable. He implemented the Islamic ideology that he had spent decades developing and refining, and he created a new constitutional system with clear redlines and an elite loyal to his vision, which ensured that the Islamic Republic would survive his passing. Iran would now be guided by activist clerics and a strict interpretation of Shiite Islam. Alternative ideologies such as liberalism or secularism and politicians and clerics challenging the prerogatives of the velayat-e faqih were simply excluded from the councils of power. To be part of the ruling echelon one had to be committed to the Islamic Republic and its mission of salvation.

The reality remains that the Islamic Republic never evolved into a pure totalitarian state such as Saddam Hussein’s Iraq. As the revolution settled into a more predictable pattern of governance and as the regime’s detractors were eliminated from the scene, the differences and divisions among Ayatollah Khomeini’s disciples began to surface. Pragmatists stressing the need for a greater focus on the economy, hard-liners insisting that their mandate from God empowered them to disregard popular aspirations, and reformers stressing the need for a more tolerant theocracy began to battle one another for influence and power. After all, not all revolutionaries are alike. President Ahmadinejad and his immediate predecessor, Muhammad Khatami, are both part of the same elite, yet on critical issues such as the importance of civil society and individual sovereignty they differ radically. To be sure, Iran’s factions may submerge their differences and defend the regime when it is challenged by student protests or American threats, but the core disagreements within the elite remain unabridged. The Islamic Republic may not be a big tent, but it is still a tent with diversity of views and opinions.
In a perverse sense, Ayatollah Khomeini’s determination to impose Shiite Islam as the manner of the state was partly undermined by the traditions of that very same Shiite faith. Shiism – with its history of decentralized power, independent-minded clerics, and seminaries that vehemently disagree with one another – never evolved into a hierarchical priestly class similar to the Catholic Church. The spirit of boisterous debate soon infiltrated the Islamic Republic, as the system stubbornly featured diverse and contenting factions. The simmering tensions between clerical leaders and the popular base of the regime and its constitutional pledges and republican mandates ensured divisions and rivalries. Even within its restrictive confines, the Islamic Republic would always feature robust and lively debate. In the end, Ayatollah Khomeini did succeed in ensuring the perpetuation of an Islamic Republic, yet one that is hopelessly and irrevocably divided against it.
Leadership

The highest authority in the Islamic Republic is Leader - or alternatively the Leadership Council - who exercises the combined supreme political and religious power and, indeed, is a manifestation of the integration of politics with religion (Article 5 of the constitution). Furthermore, the constitution has provided for the election of a Leader or a Leadership Council and the qualifications of the Leader or members of the Leadership Council (Article 107). The first leader of the Islamic Republic of Iran Ayatollah Khomeini, assumed his position as the founder of the Islamic republic and the theological protector (vali-e-faqih). Duties, powers and qualifications of the leaders, or the Leadership Council, as the case may be, have been specified by the constitution (Article 109-111). After demise of Ayatollah Khomeini on 3 June 1989 Ayatollah Seyyed Ali Khamanei was elected by the Assembly of Experts in May 1989 as the new leader of the Islamic Republic. There are several institutions and agencies, which are not accountable to any branch of state, and are overseen by the leader through his representatives. These include:

- Panzdah Khordad Foundation (Bonyad-e Panzdah Khordad)
- Martyr Foundation (Bonyad-e Shahid)
- Housing Foundation (Bonyad-e Maskan)
- Literacy Movement (Nehzat-e Savad-Amoozi)
- Supreme Council of Cultural Revolution (Shoraye Aali Enqelab-e Farhangi)
- Islamic Propaganda Organisation (Sazeman-e Tablighat-e Islami)
- Land Allocation Committees (Hay'athaye Vagozari Zam
- Foundation of the Oppressed (bonyad-e Mostaz'afan).
The amendment of the constitution has modified the constitution as follows:

- The Leadership Council has been removed and the Assembly of Experts for Leadership given the task of electing a single leader. The constitution originally provided for election of a leader either by the people, as in the case of Ayatollah Khomeini, or by the Assembly of Experts. The related amendment has removed the first option. The Assembly of Experts has also been given the task of dismissing the leader from his position if he is incapable of carrying out his duties, or if he loses the requirements of a leader, or if it becomes clear that he lacked some of them from the beginning;

- The leader is no longer required to be a supreme theological authority (marja' taqlid) whom Shia Muslims follow. He should possess adequate knowledge to issue edicts on the basis of various chapters of the Islamic canon;
- The powers and duties of the leader have been set as follows, although he may delegate them to his representatives:
  - Deciding the overall policies of the country after consultation with the Council for Determination of Exigencies - the leader has the final say;
  - Ordering referenda;
  - Resignation of Islamic canonist members of the Guardian Council, head of the judiciary, director of the Radio and Television Organization, chief of army general staff, the commander of the Islamic Revolution Guards Corps, and the commanders of the armed and security forces;
  - General command of the armed forces;
  - Declaring war and peace and ordering mobilization of forces;
  - Resolving disputes between the heads of the three branches of the state and regulating the relationship between them;
  - Signing the decree endorsing the president on his election;
• Dismissing the president in the national interest, should a ruling of the Supreme Court find him in breach of his duties, or a vote of Majlis disqualify him;
• Pardoning prisoners or commuting their sentences at the recommendation of the head of the judiciary;
• Solving those problems which cannot be solved by ordinary means, through the Council for Determination of Exigencies.

PRESIDENT

The second highest authority next to the leader is the president. The constitution of 1979 saw the president as the head of the executive but at the same time as the coordinator of the three branches of the state. This placed him above all three of them. The President is directly elected by people for a term of four years and his re-election for a successive term is permitted only once. According to the Constitution, he must possess the following qualifications: Iranian origin and nationality, administrative and managerial skills, piety and trustworthiness, and a belief in the Islamic Republic's fundamental principles and the official religion of the country.

The President signs and supervises the implementation of laws passed by the Majles, signs treaties and other international agreements ratified by the Majles, receives the credentials of foreign ambassadors, endorses those of Iranian ambassadors sent abroad, and presides over the National Security Council. His responsibilities also include the administration of the country's budget and development plans ratified by the Majles. Either the President or the First Vice President presides over the meetings of the Cabinet. The President also has seven aids in charge of Planning and Budget Organization, the Organization of Administrative and Employment Affairs, Atomic Energy Organization, Civil Service and Social Security, the Environmental Affairs
Organization, the Executive Affairs Organizations, and the Physical Training Organization.

The prime minister was the actual head of the executive. According to the constitution of 1979 he should be nominated by the president and had to win a vote of confidence from the Majlis. Ministers were nominated by the prime minister and approved by the president. Upon approval by the latter, ministers appeared before the Majlis to receive a vote of confidence. Ministers were directly accountable to the Majlis. The prime minister was responsible for all the actions taken by his ministers, and each individual minister was responsible for all measures and decisions taken by the cabinet. Members of parliament might table motions of no confidence in the cabinet as a whole or in individual ministers (Articles 133-137 of the constitution).

The most important modification of the constitutional amendment in regard of the executive is the abolition of the office of prime minister. The president has been given all the powers that the prime minister had under the constitution. The president will name ministers, introduce them to the Majlis to obtain votes of confidence, and ask for a vote of trust for his government from the Majlis on controversial issues. Unlike the prime minister, however, he does not have to receive a vote of confidence before forming a government, because he will be elected by the direct vote of the people. The president, however, faces the same checks as the prime minister. In addition to ministers, the president may also be asked questions or face a vote of non-confidence. One quarter of all members of Majlis may table a question to the president, who will have to answer it in the house. Any one member may put questions to any minister of his responsibilities. Motion of non-confidence in ministers must be signed by 10 members of Majlis. Ministers who fail to win a vote of confidence will be dismissed and may not be members of the government immediately formed afterwards. To enable a motion of non-confidence in the president, endorsement of one-third of members is required. A majority of two-thirds is needed to dismiss the president with a vote of non-confidence.
The president is no longer required to co-ordinate the Relations of the three powers of the state as the constitution earlier required. That is a task of the leader. He will have several deputies, and His vice-president will assume his tasks in his absence, upon his death or resignation, or illness for more than two months, or in any other case. The leader's consent is essential for this. If necessary, the vice president is required to arrange for a presidential election within 50 days of assuming office. The plan and budget ministry has been abolished as a ministry, and the responsibility for it as well as the Civil Employment and Administrative Affairs Organization has been entrusted to the president. The ministry had replaced the Plan and Budget Organization, which had been under the direct control of the prime minister in 1985. This came about because members of Majlis were not allowed to put questions to the prime minister. But they could demand answers from the plan and budget minister.

**INSTITUTIONS ADMINISTERED BY THE PRESIDENT**

The President's Office consists of the Secretariat, advisors and deputies to the president. After the revolution, documents and files of the former regime's disbanded National Security and Intelligence Organization, which was affiliated to the Prime Minister's Office, were taken over. A special department was assigned to take charge of those files. That department is still functioning under the president.

- Plan and Budget Organization (Sazeman-e Barnameh va Budgeh) which is in charge of:
  - Statistics Centre of Iran
  - National Cartography Centre
  - Computer Centre
  - Iranian Data Processing Company
  - Remote Assessment Centre (satellites application project)
Civil Employment and Administrative Affairs Organization (Sazeman-e Moor Estekhdami va Edari Keshvar) is assigned to co-ordinate government organizations, to frame rules and regulations for employment of civil servants and to draw up organizational charts for newly established organizations.

State Management Training Centre of Iran (Sazeman-e Amoozesh Modiriat Sanati Iran)

National Documents Organization of Iran (Sazeman-e Assnad-e Melli Iran) files all government documents.

Civil Retirement Organization (Sazeman-e Bazneshastegi Keshvari)

Physical Education Organization (Sazeman-e Tarbiat Badani)

Environmental Protection Organization (Sazeman-e Hefz-e Mohit-e Zist)

Atomic Energy Organization (Sazeman-e Energy Atomi)

The Legislative

The legislature comprises two powerful institutions: Parliament (Majlis) and the Guardian Council of the Constitution. Under the provisions of the constitution all legislation's must first be approved by the Majlis and then be ratified by the Guardian Council. They are signed into laws by the president. Two more legislative bodies were created in 1988 by Ayatollah Khomeini. These were the Council for Determination of Exigencies and the Council of Policy Making for Reconstruction. The Supreme Council of Cultural Revolution has legislative powers on educational matters. The Accounting Court is administered by the legislature and has the task of reviewing the earnings and spending of all organizations and institutions which receive appropriations from the budget. Majlis-e Shora-ye Islamic (Islamic Consultative Assembly), known as the Majlis for short, is the Iranian parliament. It has 270 members who are elected by the direct vote of the people for four years. The powers and functions of the Majlis are specified by the constitution (Article 71-90). The first Majlis after the Islamic revolution was...
convened in 1980 and the second Majlis began its terms in 1984. The general election for the third Majlis was held in April 1988, and its terms started in May 1988. People went to the polls for the fourth Majlis in April 1992. A principal requirement for any members of parliament (MP) is his/her deep belief in Islam. However, the religious minorities recognized by the constitution, the Zoroastrians, the Jews and the Armenian and Assyrian Christians have their own representatives in the Majlis. The first two minorities have one MP each and the Armenians, larger in population, have two MPs for the south and north of Iran. The Assyrians have one MP.

Majlis has a set of internal rules which sets forth the manner of steering its meetings, debating and voting on the bills and motions etc., and the tasks of its committees. According to the rules, the Majlis has a steering board comprising a speaker, two deputy speakers who run the meetings in his absence and a number of secretaries and provisions administrators. Under the provision of Article 69 of the constitution, the deliberations of the Majlis must be open, the full report of which is broadcast by the radio and then published verbatim by the Official Gazette. The president or one of the ministers or 10 MPs may call for a closed meeting of the Majlis. The constitution, however, emphasizes that the resolutions of the closed meeting will only become law if they are passed by a majority of three-quarters of members of parliament (MPs) with Guardian Council members also attending. But ordinary meetings of the Majlis reach quorum by attendance of two-thirds of the MPs, and their resolutions normally become law by simple majority, unless otherwise required by law.

MPs do not have judicial immunity except under Article 86 of the constitution. In May 1988, a motion effectively amounting to a sort of parliamentary immunity for the members was passed in the first reading. It provided for investigating offence committed by the members before and during membership by the courts concerned in Tehran. MPs should only be summoned or subpoenaed through the Majlis. Details of the bill were to be decided in the second reading. Majlis has the following powers:
• a) debating the motions tabled by the government upon the cabinet's approval, as well as bills tabled by at least 15 MPs,
• b) debating and inquiring into all the national affairs,
• c) approving international treaties, protocols, agreements and contracts,
• d) effecting minor changes in the border lines by taking into consideration the national interests, and by a majority of four fifths of MPs,
• e) agreeing to the cabinet's request for proclamation of martial law for no more than 30 days,
• f) Tabling a motion of no confidence in the prime minister or any of the ministers; casting vote of confidence or no confidence in the government or in any of the ministers.

Majlis has several permanent committees with the task of carrying out the initial discussions about the bills and motions. Moreover, select committees are formed as the need arises. Early 1989 amendments to House rules allowed committees to have between nine and 15 members, with the exception of the constitutional article 90 committee, which can have 15-31 members.

LEGISLATION PROCEDURE

A bill or a motion may be tabled with the Majlis in two ways:

• 1) the government may table it upon the cabinet's approval;
• 2) Fifteen MPs may table a motion. The Steering Board of the Chamber is responsible for arranging the debating procedure. The bills are normally debated in turn. Urgent motions are debated under a different procedure as explained later.

Debating procedure begins with the first reading of a bill which has already been passed by the committee concerned and the text of which has been distributed to the MPs. Should the bill's generalities be passed in the first reading, it would then be forwarded to the committee(s) concerned for a review
of its details. At this stage, MPs may propose their related amendments. The bill's details and the proposed amendments are discussed, and either adopted or rejected. The committee concerned may also invite experts from outside the parliament to take part in its meetings. Subsequently the bill comes up for a second reading, which concerns its details. At this stage, MPs whose proposed amendments have not been adopted by the committee concerned may put their proposal to the full House and call for votes. If the bill is passed in the second reading, it would be forwarded to the Guardian Council for ratification.

This is the normal procedure of legislation. Urgent, one-star, bills however are discussed only once by the committee concerned. Very urgent, two-star bills do not even go to the committees and are debated by two successive meetings of the Chamber. The first meeting deals with the generalities of the bill and the second with its details. Top urgent, three stars, bills and motions are placed on the agenda immediately. The degree of urgency of the bills has to be approved by a majority of the MPs. Some of the bills cannot be tabled under urgency provisions, for instance the budget.

THE GUARDIAN COUNCIL

Motions and bills passed by the Majlis do not automatically become law. The constitution has provided for a constitutional council of sages known as the Council of Guardians of the Constitution (Shora-ye Negahban-e Qanun-e Assassi, Articles 91-99). The Guardian Council, as it is known for short, is in effect an upper house of parliament with the power to vote out the lower house's resolutions. It is assigned to check the laws passed by the Majlis, compare them with the provisions of the Islamic canon and the constitution, and ratify them, or return them to the House for being amended.

The council has 12 members. Six are clerical Islamic canonists and six others are civilian jurists. The first group of six is appointed by the leader, or the Leadership Council, and the second group is elected by the Majlis from
among candidates nominated by the Supreme Judicial Council. Members of the Guardian Council serve a six-year term. Only in the first term, however, half of its members, as determined by lots, were changed after three years. The leader is empowered to reinstate the Islamic canonist members of the council after their six-year term is over. Article 93 of the constitution has emphasized that the Majlis does not hold any legal status, if the Guardian Council has not yet been formed, except for the purpose of approving the credentials of the MPs and the election of six jurists to the Guardian Council.

The Majlis is required to forward all its resolutions to the Guardian Council. The council will announce its opinion on them within no more than 10 days. It may, however, request more time if necessary. Regarding the compatibility of the legislation with Islamic provisions, only the opinion of a majority of the six Islamic canonists of the council is valid, but concerning their constitutionality the opinion of the majority of all members will hold. The council members are required to attend Majlis debates on urgent bills. The Guardian Council also has the duty of interpreting the constitutional provisions, and its opinions in this regard are valid by a majority of three-fourths of its members. Other duties of the council include supervision of the presidential elections, general elections and referenda. The council's power of veto over legislation imposed a state of imbroglio on important bills such as those dealing with farming lands distribution, foreign trade and goods distribution throughout the first two terms of the Majlis.

The Judiciary

The judiciary is an independent branch whose powers and responsibilities include administration and implementation of justice, supervision on the proper enforcement of the law, of the promotion of legitimate freedoms, protection of individual and public rights, providing due process for the resolution of judicial disputes, and investigation, prosecution, and punishment of criminals in accordance with the Islamic penal code. It is
also incumbent upon the Judiciary branch to take adequate measures to prevent crime and to rehabilitate criminals. The highest judicial authority is a Justice well versed in judiciary affairs and skillful in the administration of justice. He is appointed by the Leader for a period of five years. The Ministry of justice is the official authority to which all grievances and complaints are referred. The Minister of justice is in charge of administrating the Ministry as well as coordinating the relationship between the Judiciary branch and the legislative and executive branches.

The courts are functionally classified according to their area of jurisdiction, civil or criminal, and according to the seriousness of the crime or the litigation, e.g., value of property under dispute or the level of punitive action involved. There are four civil courts: first level civil courts, second level civil courts, independent civil courts, and special civil courts. The latter attend to matters related to family laws and have jurisdiction over divorce and child custody. Criminal courts fall into two categories: first and second level criminal courts. The first level courts have jurisdiction over prosecution for felony charges, while the second level courts try cases that involve lighter punitive action. In addition to the regular courts, which hear criminal and civil suits, the judiciary encompasses clerical tribunals, revolutionary tribunals, and the Court of Administrative justice. Clerical courts entrusted with the task of trying and punishing misdeeds by the clergy. Revolutionary tribunals are charged with the responsibility of hearing and trying charges of terrorism and offenses against national security. The Court of Administrative justice under the supervision of the head of the judicial branch is authorized to investigate any complaints or objections by people with respect to government officials, organs, and statues. The Constitution also requires the establishment of a Supreme Court with the task of supervising the implementation of laws by the courts and ensuring uniformity in Judicial procedures. The head of the judiciary, in consultation with the judges of the Supreme Court, nominates the Chief of the Supreme Court and the Attorney-General who, among other qualifications, must be
specialists in Islamic Law. The Constitution requires all trials to be open to the public unless the court determines that an open trial would be detrimental to public morality or public order, or in case of private disputes, if both parties request that open hearings not be held.

**Assembly of Experts**

The constitution has provided for the convening of an Assembly of Experts (Majlis-e Khobregan) to choose a leader in the event of Ayatollah Khomeini’s demise, and to determine if the leader, or any member of the Leadership Council, is capable of fulfilling his duties. This will be done by continuously reviewing his/their performance (Articles 108 and 111). The idea of an assembly of experts was born out of the post-revolution debates concerning a constituent assembly for drawing up a constitution. When the majority of the electorate voted for an Islamic republic in preference over a monarchical regime in a two-way referendum in April 1979, it was decided to submit drafts of the constitution to an assembly for debating and later putting the outcome to a referendum. Some political groups and the provisional government of Mr. Mehdi Bazargan stood for convention of a full constituent assembly with over 600 members from all over the country. However, the clerical leaders in particular believed that a constituent assembly would waste much time, and would prolong the debates for months or even for years. Ayatollah Khomeini intervened in favor of the second group, and ordered elections for a smaller assembly, called the Assembly of Experts, with over 70 members.

Consequently, the First Assembly of Experts was convened and after debating a draft constitution, which the provisional government submitted, and amending it extensively, put the final product to a referendum on 2 December 1979. The assembly was then disbanded. The balloting for the Second Assembly of Experts, as required by the constitution, was held in December 1982 for the election of 83 members, of whom 76 were elected in the first
round and the rest in the second round. A number of members passed away in the past few years, being substituted in April 1988 by-elections.

Members of the Assembly of Experts do not face any restrictions concerning their engagement in other occupations, such as membership of parliament or holding government positions. As a result, a good number of leading officials are members of the Assembly of Experts. But, unlike the First Assembly of Experts, only clerics are members of the second assembly. The Assembly of Experts is required to have one annual session. It is required by law to meet in Qom, but up to now its sessions have been held in Tehran out of convenience. Nevertheless, the Secretariat of the Assembly of Experts is based in Qom. The term of the Assembly of Experts is eight years. Ever since its convening, the Second Assembly of Experts has been active in two fields:

1) Taking a decision about a successor to Ayatollah Khomeini. As a result, Ayatollah Montazeri was chosen in November 1985 by the assembly as the successor to Ayatollah Khomeini. Later on, the Assembly of Experts announced that it had not elected Ayatollah Montazeri, but had only confirmed his tacit election by the people, as stipulated by Article 107 of the constitution. But the ayatollah resigned in March 1989.

2) Framing the Assembly's internal rules. The assembly has approved rules of procedure for steering its sessions, conditions for elections of members to Assembly of Experts as well as parts of the law of enforcement of Article 107 of the constitution (on the election of a leader or a Leadership Council). To amend the constitution, an Assembly of Experts specially assigned to the task will have to be elected and convened. But Ayatollah Khomeini appointed a Constitution Review Panel in late April 1989 to amend parts of the constitution.
The Supreme National Security Council

The Supreme National Security Council (SNSC) is an institution founded in the course of revision of the Constitution of the Islamic Republic of Iran. The SNSC has been established with an aim to watch over the Islamic Revolution and safeguard the IRI's national interests as well as its sovereignty and territorial integrity. According to Article 177 of the Constitution, the responsibilities of the SNSC are as follows:

- To determine the national defense/security policies within the framework of general policies lay down by the Leader.
- To coordinate political, intelligence, social, cultural and economic activities in relation to general defense/security policies.
- To exploit material and non-material resources of the country for facing internal and external threats.

Commensurate with its responsibilities, the Supreme National Security Council has established sub-committees such as defense subcommittee and national security sub-committee. The sub-committees are headed by the President or one of the members of the SNSC appointed by the President. Limits of authorities and functions of the sub-committees are laid down by law, and their organisational structures are approved by the SNSC. Approvals of the SNSC shall be enforceable after ratification of the Leader. The members of the SNSC consist of:

- Heads of the three Powers (Executive, Legislative and Judiciary)
- Chief of the Supreme Command Council of the Armed Forces (SCCAF)
- The official in charge of the Plan an Budget Organization (PBO)
- Two representatives nominated by the Leader
- Minister of Foreign Affairs, Minister of the Interior, and Minister of Information (Intelligence)
• A minister concerned with the subject, and the highest authorities of the Army and the Islamic Revolution's Guards Corps (IRGC).

**Expediency Discernment Council of the System**

The Expediency Discernment Council of the System (EDCS) was established on February 6, 1988 upon the orders of Ayatollah Ruhollah Khomeini to overcome the differences of views between the Islamic Consultative Assembly (Majlis) and the Council of Guardians. Article 112 of the 1989 amended Constitution states:

"The Majma-e- Tashkhis-e- Maslahat-e Nezam (Expediency Discernment Council of the System) shall be convened at the order of the Leader to determine such expedience in cases where the Council of Guardians finds an approval of the Majlis against the principles of Sharia (religious law) or the Constitution, and the Majlis in view of the expedience of the System is unable to satisfy the Council of Guardians, as well as for consultation in matters referred to it by the Leader, and for discharging other functions laid down in this law.

The Leader shall appoint the permanent and mutable members of this Majma. Regulations related to the Majma shall be prepared and approved by the members of the Majma itself and ratified by the Leader. On March 18, 1997, Ayatollah Khamenei appointed 27 new members for five years and Hojjatoleslam Akbar Hashemi Rafsanjani as the Chairman of the EDCS thus opening a new window to the functions of the Council. The functions of the EDCS are as follows:

1. Making decisions in those cases where the ratifications of the Islamic Consultative Assembly are not confirmed by the Council of Guardians, and where the deputies insist on the implementation of the ratifications.
2. Consultation in those matters referred thereto by the Leader.
3. Selection of a faqih (clerical Islamic jurist) member of the Council of Guardians of the Constitution as a member of the Leadership Council, in accordance with Article 111 of the Constitution.

Article 111 states: "In case the Leader is unable to carry out his legal functions, or loses one of his qualifications mentioned in Article 5 and Article 109, or if it transpires that he did not qualify some of the conditions form the very beginning, he shall be dismissed from his position. Such decision shall be made by the Khobregan (Assembly of Experts) mentioned in Article 108.

“In the case of death, resignation or dismissal of the Leader, the Khobregan shall be required to determine and declare the new Leader at the earliest. As long as the Leader is not declared, a council composed of the President, Head of the Judiciary and one of the Faqih (jurisconsults) of the Council of Guardians chosen by the Majma-e- Tashkhis-e-Maslahate-e- Nezam shall collectively discharge the functions of the Leader on a temporary basis. If one of them is not able to discharge his duties for any reason whatsoever during this period, another person shall be appointed by the Majma in his place, maintaining the majority of the Faqih in the council.”

This council shall proceed with the discharge of the duties set out in paragraphs 1, 3, 5 and 10, and sub-paragraphs (d), (e) and (f) of paragraph 6, Article 110 hereof, after approval by three-fourths of the members of the Majma-e-Tashkis-e-Maslahat-e- Nezam. "If the Leader is temporarily unable to discharge the functions of the Leader as a result of sickness or other accidents, the council mentioned in this article shall discharge his functions during such period." Ayatollah Khamenei's Decree Concerning the Duties of the Members of the Expediency Discernment Council of the System.

In the Name of God, the Merciful, the Compassionate. The Expediency Discernment Council which was formed upon the initiative of the late Imam
Khomeini and later included as an article in the Constitution of the Islamic Republic thanks to the wisdom and foresight of those revising the Law, is one of the best legal organs established in the Islamic Republic ever since its inception. This is a lasting and blessed institution, which was created by the great Leader of the Islamic Republic thanks to his keen sagacity and broader scope of things at a time that the country needed such a Council and with its invention the supreme administrative system of the country was complemented. According to the Constitution, this Council acts as the trusted advisor of the Leader in shaping the general policies of the System and solving major disputes and differences which occur among the executive, judiciary and legislative powers. Moreover, when the Islamic Consultative Assembly and the Council of Guardians differ on a bill, the Expediency Council steps forward and solves their difference. Therefore, with an eye to the duties and responsibilities of the Expediency Discernment Council prescribed in the Constitution, this Council acts as the highest advisor of the Leader in the Islamic Republic System.

In the past years, the Expediency Discernment Council has rendered valuable services to the nation when there have been differences between the Majlis and the Council of Guardians regarding the Majlis approvals, and has issued appropriate verdicts concerning numerous cases that I have referred to them. Now that with the widespread participation of the nation in all the political, social and economic arenas and with the endeavors of the officials and administrators of the executive, judiciary and legislative powers, the sacred Islamic Republic System has been firmly established and has found a commendable dignity, it is appropriate for the Expediency Discernment Council to fully discharge its duties and responsibilities and act as a senior advisor to the Leadership. For this reason besides the present members, it would be appropriate to appoint other senior politicians and clerics to enable the Council to discharge its important task in shaping the general policies of the System and to examine all important problems that are normally faced by the country. Therefore, the new makeup of the Expediency Discernment Council of
the System is declared as follows: The legal personalities are: a. The esteemed heads of the three powers. b. The prominent jurisconsults of the Council of Guardians. c. The minister concerned depending on the subject under discussion.

All these members have been appointed for a five year period and the head of the Council will be Mr. Hashemi Rafsanjani. The Expediency Discernment Council should have an active and significant secretariat to prepare the cases that are to be discussed in the sessions and to make necessary arrangements. Its head should be from among the members of the council and its liaison officer to be appointed by me, whenever necessary. The Council is duty bound to draw up, in its early sessions some comprehensive regulations pertaining to the manner of formation of sessions, putting forward and approval of subject matters, as well as other details, and then send the same to me for my approval. For this eminent institution to be able to discharge its important duties particularly in the matter of general policy making of the country, it should benefit from the latest expertise of the governmental responsible agencies and at the same time must avoid setting up parallel expert groups. 39
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