Chapter Three:

Iranian Political System – An Analytical View
3-1. Preface

In this chapter, first a general picture of Iran is offered that includes Iran’s geography, and a brief history of the post-revolutionary era. Furthermore, since Iran is located at the Middle Eastern region and many of the characteristics of this region are found in Iran as well, it is suitable to first identify what traits are found in the Middle East politics that in turn affect Iran’s political system and its civil society. These characteristics are partly common with the other developing countries of the world and some of them make this region distinct from the other regions. This section aims at offering a general picture of the Middle East as compared to the other developing countries.

First of all, the region’s geographical location is discussed, and then a conventional and serious question is raised that whether the Middle East possesses the characteristics specific to other Third World areas. The Middle East exceptionalism is also studied to discuss various debates on the subject. In other segments of the section, the political characteristics of the Middle East along with leadership styles and the problems related to democratization are presented. After achieving such a general picture of the Middle East situation, the characteristics of the political system in Iran, that is the Islamic Republic can be better understood. That section will focus on the debate that whether Iranian political system is theoretically a republican and democratic system or its Islamic feature makes it theoretically unsusceptible to democracy and development of civil society.
3-2. Iran as a Middle Eastern Country

The Islamic Republic of Iran is situated in the northern hemisphere in south-west Asia and has a land area of 1,648,195 km. Its neighbors are Turkmenistan, Azerbaijan and Armenia in the north, Afghanistan and Pakistan in the east and Turkey and Iraq in the west. The country is bounded by the Gulf of Oman and the Persian Gulf in the south, where its sea coast runs for 2,043 kilometers. Through these waters Iran is linked to Kuwait, Saudi Arabia, Bahrain, Qatar, the United Arab Emirates and Oman. In the north, 675 kilometers of the Caspian coast run through Iranian territory. This body of water connects Iran to Kazakhstan and Russia. Iran is a mountainous country about 90 per cent of which is situated within the bounds of the Iranian plateau. The capital and political seat of the country is Tehran. According to the latest administrative divisions Iran has 28 provinces.

The Constitution of the Islamic Republic of Iran provides a solid foundation and a structure for a democratic and Islamic Government built on the ruins of the former despotic monarchical regime. In view of the nature of the popular and broad-based movement of the Iranian people, the Constitution ensures the rejection of all forms of intellectual and social repression and economic monopolies. The Constitution aims to put an end to autocratic rule and to allow the people to decide their own destiny.

The draft of the Constitution was prepared by an Assembly of Experts elected by the people. It was approved by a majority of 98.5
per cent of votes cast in a national referendum on 2-3 December 1979. The amendment to the Constitution of the Islamic Republic of Iran was also subject to a referendum on 31 June 1989 and was approved by an overwhelming majority. The Constitution consists of 12 chapters and 175 articles.

The Leader in the Islamic system of governance has the responsibility to lead and guide the society towards perfection and prosperity and to safeguard security and the independence of the Muslim nation. Thus, the Leader has a very special status and is the highest authority in the country. The exalted status of the Leader emanates from the divine responsibility bestowed on him as well as very important powers assigned to him by the Constitution. According to article 110 of the Constitution the Leader has the responsibility and authority to determine general policies of the country, supervise the good performance of those policies, issue decrees for national referendums and pardon condemned persons or commute their sentence. Article 109 of the Constitution provides that the Leader must have scholastic qualifications, show justice and piety, proper social and political insight, resourcefulness, courage, management ability and adequate capability to lead the nation. These are the qualifications by which the Assembly of Experts, who are elected by the people, choose the Leader.

The Constitution stipulates a number of requirements and qualifications for the Leader and his functions, and if he does not meet them he may be held accountable. Article 111 states that, "Whenever the Leader becomes incapable of fulfilling his
constitutional duties, or loses any of the qualifications mentioned in articles 5 and 109, or if at any time it should be known that he did not meet some of the qualifications mentioned in the two articles, he shall be dismissed according to the decision of the Assembly of Experts."

The Leader is equal to the rest of the people before the law. This is clearly stated in article 107 of the Constitution. Accordingly, all civil, criminal, economic, taxation, military and other laws are as applicable to the Leader and the members of his family as they are for other people.

According to article 113 of the Constitution the President is the highest-ranking official authority of the country after the Leader and has the responsibility for enforcing the Constitution and is the head of the executive power, except for matters which directly relate to the person of the Leader. Article 115 of the Constitution stipulates that the President shall be elected from among distinguished religious and political personalities of Iranian origin and nationality, and shall be efficient and prudent with a good reputation, honesty and pious, faithful to the foundations of the Islamic Republic of Iran and the official religion of the country. The President is elected for a term of four years by direct vote of the people; he may be re-elected for a consecutive term only once. According to article 133 of the Constitution Cabinet ministers are nominated by the President and introduced to the Consultative Assembly for a vote of confidence.

Article 126 of the Constitution states that the President is personally responsible for national planning, budgetary and State
employment affairs and may entrust these tasks to others. As the head of the executive power, the President must ensure proper enforcement of the laws. Article 122 of the Constitution states that, "The President shall be responsible vis-a-vis the nation, the Leader and the Islamic Consultative Assembly, within the limits of his authorities and responsibilities undertaken by him by virtue of the Constitution and other ordinary laws." Article 134 of the Constitution states that the President is responsible to the Consultative Assembly for the actions of the Cabinet ministers.

To prevent misuse of public assets, article 142 of the Constitution stipulates that the assets of the President and his family and those of other high officials shall be examined immediately before and after their tenure to ensure that they have not increased unreasonably.

The Constitution of the Islamic Republic of Iran provides for the strength, independence and moral authority of the judicial system. The preamble to the Constitution envisages the creation of a judiciary based on Islamic justice and comprised of just judges familiar with Islamic jurisprudence.

3-3. Position of the Middle East in the Developing World
The Middle East is the cradle of civilization, birthplace of three great monotheistic religions, crossroads of movement and trade for large empires, a region for the 60 per cent of the world oil resources, placing 22 countries, a source of political and ideological enthusiasm.
and a place for the most explosive lasting conflicts in the post-World War II period.\(^1\) For various reasons, the contemporary Middle East is portrayed at the world level as a mysterious region, suffering from turbulence and war, and a cradle of terrorism, religious extremism and brutal government.\(^2\)

From among the 22 contemporary Middle Eastern countries, just seven were independent before 1943 including Iran, Egypt, Turkey, Iraq, Saudi Arabia, Oman and Imamate of Yemen, and the British influence restricted the sovereignty of Oman, Iraq and even Egypt. Most of the recent Middle Eastern history involves political maturity, inexperience, and confidence of the emerging regional states. Most of the Middle Eastern political systems entered the second half of the 20\(^{th}\) century with traditional societies and traditional monarchical governments. Nevertheless, these societies were forced to adapt to the contemporary technological, economic and political effects arising from the post-World War II developments. The extent of the citizens’ participation is highly varied in 10 or 11 republics and search for legitimacy concerns most of the regional governments. Democratic trends are best manifested in Israel (except for the occupied territories), Turkey and Cyprus which constitute the only regional countries holding free elections with freedom for most of opposition parties.

Milton-Edwards proposes an important question as regards development of studies, suggesting the fact that some of the poorest and richest countries of the world are located in the Middle East. Is the Middle East part of the Third World? Her answer to the question is affirmative, because according to her, while for instance the overall
economic situation in Egypt has improved throughout the 1990s, the per capita GDP is declared just 1040 US Dollars by the World Bank and the unemployment rate is 13 per cent. Other characteristics of the colonial and post-colonial society, and proximity to other developing areas support the inclusion of the Middle East in the Third World category. However, it may be conceived that the region’s highly wealthy countries make generalization and application of the Third World label more difficult, but even those wealthy countries still fail to gain membership in the First World club. Here, all of their economic influence in the Third World can be ignored due to their political systems, governments, institutions and laws. Saudi Arabia may be a First World actor economically, but its conservative, undemocratic and authoritarian state and government structure still introduce the country as a developing one in public perception.

Current trends in Arab-Islamic region have caused a viewpoint contrary to the conventional one according to which a part of the world resists the democratization process. Since the 1970s, when the process of democratization began in the developing world, notably in Latin America, Southeast Asia and Eastern Europe, the Middle East has gained a reputation for its exceptionalism. This is because the Middle East has been unable to experience the same democratization process that has been underway throughout the developing world since the 1970s and especially since the 1990s. There is no doubt that the entire Middle East has lagged behind in terms of political development, and the promises for constitutional government have never been realized in most of these countries. In order to escape from this situation, the Middle East has experienced a kind of
“transition” away from authoritarianism during the past two decades. In most instances, the changes, however, have been reversed, and most of the achievements have been nullified.

Mehran Kamrava also believes that despite salient continuities, today’s Middle Eastern cultures and societies cannot be compared with what they have been 20 or 40 years ago. Hence, Middle East exceptionalism, which places the region in its own socio-cultural category and separate from other Third World regions, does not make sense. Nonetheless, the fact that the Middle East is distinct from other developing regions of the world and its exceptionalism is emphasized by many scholars, which is because of its lack of democratic record. Whereas since the 1980s and 1990s enormous developments have happened in other regions of the world in movement towards democratization, free market economy, distancing from authoritarian governments, efforts at regional economic cooperation, and rapid resolution of most of regional conflicts, this region has been affected by these developments to a minimum degree.

3-4. Problems of Democratization in the Middle East
Politics in the Middle East seems confusing, anarchic and violent. Domestic politics in the Middle East is influenced by a paradox: this ancient region with a history looking back at the first years of human settlement has been politically organized as modern states namely political units with sovereignty over specific sovereignty and population just recently. As Hobsbawm suggests, the creation of state in the Middle East has been related to the processes of "decolonization, revolution, and of course foreign powers'
intervention." Political discourse in the modern Arab world as well as other Middle Eastern countries, according to a prominent scholar of the region, "has been awash in the ideology." 

When the conditions in the Far East are compared with those governing the Middle East, really two different sets of conditions become visible. The Middle East is deeply entangled in crisis of political instability and insecurity. Hence, a considerable extent of energy and possibilities is spent on removing the harms. This unstable situation has delayed the development of the region.

In the Middle East, the experiences of parliamentary institutions and Western constitutional systems cannot be regarded successful. The rulers of most of these countries dominate the political scene in a way that opposition becomes completely inefficient. Therefore, in the Middle East where parliamentary systems act, this institution is used merely to preserve the solid status of the higher strata of the society. Most of the regional leaders were expected to impose a copy of the institutions with which they became familiar during their students years in the West on their own societies. But they did not pay enough attention to the question whether such institutions would really work in the Middle East.

A big problem with the existing Middle Eastern political elites is that they are from the native and local segments of their society. They are not usually internationalist and lack a vast vision of the world, world trends and its issues. Furthermore, they are encircled with the permanent sense of insecurity. Obviously, under such circumstances, elites do not launch a process of change and development, because it will result in further insecurity and uncertainty. Gigantic advances
have also been made in the fields of health and education. School buildings, clinics and hospitals sprout everywhere in the Middle East. The numbers of students enrolled in primary, secondary, and higher education in the Middle East have increased more than twelve fold since 1950. In the twenty years between the late 1970s and the late 1990s, literacy rates doubled in Egypt, Tunisia, Libya, Jordan and Morocco and Iran.¹¹

In the oil-exporting countries, which have been referred to as rentier states because they live off "rents" – income from oil – there are other problems. These states have sought to buy the loyalties of their populations by distribution a vast array of goods and services. They too have been unwilling to permit widespread political participation. Rentier states have sought to depoliticize their populations and to prevent the spread of political ideologies, which they perceive as potential challenges to their power and legitimacy.¹²

The large volume of the state in the Middle East and governmental character of all political, social, economic and cultural affairs are to a degree that a scholar has talked of over-stated state in the region. One of the facets of primacy of political affairs in the Middle East is manifested in state intervention in economic realm; a phenomenon that is called statism.¹³

Thus, generally speaking, it can be suggested that the Middle East is the last region in the world where discussions of democratization, economic liberalization and the effects of globalization are put forward. The clear superiority of political affairs over the economic ones in the Middle East, the shortage of democratic governments, and the incompatibility of political elites with
the prevailing world trends make the Middle East different and distinct from other regions of the world even from the developing ones.

The implosion of the east bloc marked the end of the Cold War and great changes in the international system. Hardly a country can be found that has not been affected by the end of the Cold War.\textsuperscript{14} One consequence was intensification, not creation, of the third wave of democratization in the world. In other words, termination of the east bloc, which was affected by the third wave of democratization, in turn, intensified it. In the light of the new situation, the number of democratic countries greatly increased to 120 out of 192 countries (62.5 percent) in 2000. The point is that the huge wave affected both governments and societies and democratic values became popular in a very short time. That popularity caused citizens in the Middle East to change their attitude toward governments. As a result, as put by Norton and Kazemi, being relieved of strict controls is the most important message that is heard by the people.\textsuperscript{15}

There are two viewpoints about the future of democracy in the Middle East and existing obstacles on its way. Some, like Saad Eddin Ibrahim are optimistic and maintain that the next decades in the Arab world will belong to human rights and democratization.\textsuperscript{16} From his viewpoint, during the 1980s and 1990s, the Arab world was witnessing a power struggle among totalitarian regimes, Islamists and civil society institutions to gain and maintain power.\textsuperscript{17} Norton, who tries to present a more realistic assessment of the role of civil society, generally believes that to be a positive and forward trend.\textsuperscript{18} On the opposite, are pessimistic scholars like Hudson, Hisham Sharabi, and Mustapha Kamel Al- Sayyid. Sharabi refers to modern patriarchy and
analyzes the political culture accompanying it.\textsuperscript{19} Hudson, first pointed to eight main currents that could facilitate political change in the Middle East\textsuperscript{20}, but later joined critics of Norton and Ibrahim and said the chance of establishment of democracy in the region is quite low.\textsuperscript{21} From the viewpoint of Mustapha Kamel Al-Sayyid, despite optimism of people like Ibrahim, civil society and its institutions have a long way to go to get established and limit the power of their respective governments.\textsuperscript{22}

On the other hand, we know that when talking about democratization in the Middle East and North Africa as well as its reasons, the issue is always associated with Islam and the role of Islamist groups. Today, few researchers write about regional issues without making cross references to the role of Islam as well as small and big Islamist groups. Bernard Louis has pointed to this fact many years ago, saying, “If we are to understand anything that is happening in the Islamic world and anything that has happened, we must first understand two main points: one of them is overarching nature of Islam as a factor affecting the lives of Muslims; and the second one being the central role of that religion.”\textsuperscript{23}

In view of this reality, many analysts of regional issues during the past two decades have written papers on the relationship between Islam and democracy and the degree of compatibility between them. Of course, one can guess that Islamist activists, like other governmental and nongovernmental activists in the region, have been influenced by new conditions because no activity is carried out in a vacuum and pressure for political reforms is felt throughout the Middle East.\textsuperscript{24}
Chapter 3

3-5. Nature of Political System in the Islamic Republic of Iran

The politics and government of Iran takes place in the framework of a republic with Islamist ideology. The December 1979 constitution and its 1989 amendment define the political, economic, and social order of the Islamic Republic of Iran. It declares that Shi’a Islam of the Jaafari (Usuli) school of thought is Iran's official religion.25

Perhaps one can easily claim that one of the most debatable and substantial topics which has become an arena for the proposition of various views and opinions and the scholars and thinkers along with politicians and political activists have voiced their viewpoints on the topic according to their own standpoints, is the concept of “Islamic Republic” and discussion of the contours and limits of republicanism and Islamicity (being Islamic). From the first days the Islamic Republic as the governmental system envisaged by Islam was established in Iran and formally shaped political structure and type of government with people’s vote, this topic gained the attention of intellectuals and political community.26 This occurred while historical investigations have clarified that the concept of republicanism as an ideational and cultural category entered the Iranian political literature around 150 years ago. In other words, before the Constitutional Revolution, the first works on the concept were seen in the writings in the Qajar era.27

The theory of the Islamic Republic represents a new theory in the area of the existing political systems which was called religious democracy in another version, and its realization is subject to offer
new definitions of the two seemingly inconsistent and sometime contradictory categories as well as subject to the specification of the role Velayat Faqih (tutelage of the Shii jurisprudent) plays as the contact and coordination link between republicanism and Islamicity and as the only factor combining these two.\textsuperscript{28} The amalgamation of elements relating to the pattern of dictatorship, the pattern of superficial democracy, and of the pseudo-democracy in the power structure of the Islamic Republic has become the main origin of contradictions, changes and different interpretations of the nature of this system. The structure of the Islamic Republic’s Constitution like some old mixed constitutions is combined of differing elements of elective autocracy, aristocracy or oligarchy (clerical stratum) and democracy (direct election of the President and Parliament). The Islamic Republic’s system has on the one hand certain ideological and structural characteristics of the omnipotent state, and enjoys certain potential democratic traits on the other.\textsuperscript{29} Olivier Roy also believes that the Iranian Islamic Revolution was from the beginning ostensibly based on the linkage of two types of religions and political legitimacy and this happened through the concept of Velayat Faqih; it meant that the supreme authority of the Islamic Revolution, i.e. the Leader, should be chosen from among the highest religious authorities and be a political leader as well, one who is aware of his time thus is able to lead a mass movement.\textsuperscript{30} So, Roy points implicitly to the amalgamation of Velayat and Islamicity in the Islamic Republic of Iran which in itself has brought about the complexity of this political system. The main question here involves that theoretically which relationship exists between Islamicity and republicanism in the Islamic
Republic of Iran’s system. In other words, is the relationship between republicanism and Islamicity in Iran of an inconsistent or compatible nature?

The hypothesis, designed to reply to the main question, includes that the relationship between republicanism and Islamicity in Iran does not essentially necessitate contradiction or compatibility; in other words, it cannot be suggested theoretically that there is a contradiction or compatibility between these two, but these two concepts appear contradictory or compatible just in the practical arena. Also in order to reply to the main question, efforts are made to clarify certain other points in this relation as well; for instance, which are the principles of republicanism and Islamic Republic? What characteristics does the Islamic Republic possess in the Iranian Constitution?

3-6. Concepts of Republicanism – View of Islamic Republicanism

The term ‘republic’ was originally simply a synonym for ‘state’, as in the (Latin and) English title of Plato’s Republic, from the seventeenth century, the term came to mean a state without a king. Some definitions insist that only those states which have provisions for the (direct or indirect) election of the head of state may properly be called republics.31

Seyed Mohammad Hashemi writes on the principles of a republic: “A republic that contrasts monarchical system is a government in which first the ruler is elected either directly by people
(presidential republic) or indirectly by parliament (parliamentary republic); second, the term of tenure is mainly limited (four, five or seven years) and usually re-election of the ruler is not possible for more than two terms; third, the ruler has no special prerogative compared to others and is subject to law like all people and accountable for all his deeds; fourth, unlike monarchical system, the ruler has double legal and political responsibilities.”

It should be noted that how Islamic government is defined and the mere Islamicity in its religious terms is not meant. Islamic government has been defined as a government in which the administration of the country’s affairs and handling the society’s problems are carried out according to Islamic commandments and laws. The most important objectives which Islamic government pursues include: Unity of God and negation of paganism, establishment of justice and removal of oppression, enforcement of Islamic commandments, personal refinement and training, equality before law and creation of independence in all cultural, political, economic and military areas.”

Despite the fact that before the transformation of Iranian political system into Islamic Republic following the Islamic Revolution in 1979, Pakistan and Mauritania had already become Islamic Republic, just Iranian political system has managed to gain the attention of political scholars to such an extent and whenever the title of Islamic Republic is voiced individually without referring to any given country, all learn entirely that Islamic Republic of Iran is meant.
Islamic Republic is a republic government with Islamic content. Republic means that the entire people and republicanism of the government means that all people have both participated in the establishment of the government and play a part in the administration of the society and government by electing the government’s officials, and by taking part in councils and plebiscites. Islamicity of the republic means that all political, cultural, economic, legal, military and other related laws should be enacted based on Islamic principles.\textsuperscript{34} An Iranian publicist has summarized the principles of the Islamic Republic as follow:

1. Governance and the administration of the country’s affairs rely on public votes (the Constitution, Article 6) and the election of the Leader indirectly and the election of the President (Article 114) is done by people. Also the formalization of the Cabinet is subject to the vote of confidence by the Islamic Consultative Assembly (Article 123).

2. Although no limitation has been specified for the duration of the Leader’s tenure, the duration of presidency (with the possibility of re-election for one more time) is four years (Article 114), and the duration of the Cabinet’s incumbency is limited to this term as well.

3. The Leader is equal to other individuals before law (Article 107) and other authorities on the same token do not enjoy any prerogative compared to others as well.

4. The Constitution has provided for political responsibility (to the extent of impeachment) and legal liability (to the extent of trial and conviction) for the Leader (Articles 111 and 142), for the President
(Articles 110, 122, 134, 140 and 142), and for the ministers (Articles 137, 140 and 142).

Therefore, it is observed that the Iranian political system principally possesses the characteristics of a republic.\textsuperscript{35}

\textbf{3-7. Background of the Formation of the Islamic Republic}

Following the victory of the Islamic Revolution, tensions arose over how to codify the Constitution, to combine two titles of Islamic and Republic and over the complex issue of sovereignty in this emerging republic. Social forces which had found the chance to voice their views on the methods of governance after long years stated their mental perceptions of the abstract concept of the Islamic Republic individually. Two definite principles had remained from the referendum on the Islamic Republic: 1. The government should be a republic in terms of form, administrative organizations and governmental branches; 2. This republic has to be established within the framework of Islamic principles and be compatible with Islam in its content. The ambiguity also referred to the fact that conceptions were different about the requirements of Islamic principles, and the forms of republics in today world were not identical.\textsuperscript{36}

In the aftermath of the Islamic Revolution, the nature of the government to be established was not much clear for people as well as even for the scholars and that what nature this government had and on which principles and values the Islamic Republic system, propagated by Imam Khomeini, was based. Nasser Katouzian wrote in an article in March 1979: “Republic is more or less known by the
public. Islam has also been the country’s official religion for centuries and the engine of the Revolution and it is not fair if one claims that the public has tended to an absolutely unknown thing and they now need clarification. However, these two concepts may be combined differently and this very fact generates ambiguity. This is the reason why some argue that republic contradicts Islamic government and there is an apparent conflict within the ‘Islamic Republic’ and in order to avoid such ambiguity, it is better for the Revolution to choose ‘Republic’ as its slogan.37

Katouzian continues to request the political authorities to, as soon as possible, reply to two questions relating to the external form and content of the ‘Islamic Republic:’

1. Is there any contradiction between two concepts of Republic and Islamic, or may these two get combined?

2. Socially, politically and economically is it necessary to make ourselves distinguished and distinct from other existing examples of republic by adding the ‘Islamic’ to the Republic?38

Some months before the Islamic Revolution, with Imam’s guidance, people’s demand was promoted from ‘Islamic Government’ to the ‘Islamic Republic.’ From the very time when revolutionary movement was formed in Iran during 1978 and 1979, the discussion of the establishment of Islamic government as an alternative to the monarchy was proposed. But, upon entry into France in October 12, 1978, Imam Khomeini introduced Islamic government as the ‘Islamic Republic’ for the first time.39 Also, the occurrence of the Islamic Revolution, the establishment of the Islamic Republic and the
formation of the Islamic government envisaged by the Shii jurisprudence were an experience which caused the Shii political jurisprudence to undergo deep mobility regarding politics and the question of state. In fact, apart from all other aspects possessed by the Iranian Islamic Revolution, the mere establishment of a political system entitled the Islamic Republic sufficed it to become one of the most important revolutions happening in the world.

3-8. Republicanism and Islamicity in the Islamic Republic’s Constitution

Today in most countries’ constitutions, a chapter is allocated to nation’s rights whereby sovereignty would not be absolute and limitless. Apart from the government’s obligation to the Islamic precepts and commandments, in the Islamic Republic of Iran’s Constitution, the nation is entitled to certain rights to which the government is obliged to observe.

Notable in article 56 of the Constitution is that unlike the liberal theories found in the Western political systems according to which sovereignty inherently belongs to people, theoretical basis of people’s sovereignty in the Islamic Republic is different; God chooses people to take up this responsibility. Because people’s collective reason is certainly superior to individual reason. Also, religious narratives such as “God’s hands are with the collectivity” meaning that God supports people’s collective action indicate that God has given priority to the entire people’s will over one individual’s will in political affairs. Thus the result remains the same, that is delegation of the right of
sovereignty to people. Of course, the difference involves that there exists a constraint, i.e. people should conduct and behave within the limits of Islamic Sharia and in a way compatible with Islamic precepts. This is while in the Western-type republics, there is no constraint superior to general will at least theoretically.

The provisions of the above-mentioned article negate any individual and autocratic sovereignty; sovereignty belongs to the nation and no individual, group or state body may allocate it to oneself or breaks down sovereignty and owns part of it. Also, Article 107 of the Constitution stating that “The Leader is equal to other individuals of the country before law” demonstrates that no authority is allowed to make law and all are subjugated to law. Absolute tutelage referred to in Article 57 should be interpreted within the framework of Articles 56, 58 and 59 so that no contradiction arises in the absolute nature of the tutleship and human’s God-given sovereignty over his/her destiny. The reasonable way to amalgamate and compromise these two statements is to suggest that absoluteness corresponds to the subject of supervision and direction by the Leader, rather than the quality and degree of sovereignty. Velayat Faqih faces four restricting conditions within the Constitution:

1) Islamic precepts and commandments (Article 4);
2) Enacted laws (Article 107);
3) People’s God-given sovereignty over their social destiny (Article 156); and
4) The requirements of the republic structure of the government.
Thus, Velayat Faqih should not be confused with absolute sovereignty as had been designed in absolutist and despotic theories. In other words, Velayat does not mean sovereignty, whereas absolutists consider every thing as depending on the ruler’s personal will.

A number of scholars have viewed the relationship between republicanism and Islamicity in terms of contradiction. Nasser Katouzian, mentioning this group’s argument, states: “In republic government, people govern their own destiny and determine life style in the society by making laws. But in the Islamic government, the lawmaker is God; sovereignty belongs to him and people are subject to divine orders and the prophet’s statements (the Koran and Sunna) and do no possess the power to make laws. Thus, how can a government be both republic and Islamic and combine these two contradictory concepts? This justification is based on Aristotle’s logic, that is the impossibility of the mixture of two contradictory things, and its authors, due to their attachment to this method of argument have sought to draw a definite distinction between two concepts of ‘Republic’ and ‘Islamic’ and present them as inconsistent with separate analysis.”

Bashiriyeh also believes in the conflict between republicanism and democracy on the one hand and Islamicity on the other, but he largely bases his argument on the conduct of the Islamic Republic’s system, rather than on the theoretical aspects. He counts factors which have played a crucial part in the transformation of the nature and undermining of national sovereignty. In his opinion, the
Constitution has stipulated the monopoly of sovereignty and lawmaking to God. Although no apparent contradiction was seen in the beginning of the Revolution between this principle and democratic dimensions of the Constitution.\textsuperscript{43}

It can be noted, in response to the contradiction may appear to exist in the eyes of some people between the absolute Velayat Faqih and nation-state (republic), that Articles 1, 3, 6, 7, 56 and 107 of the Constitution, all embodying general will, point out that the issue of Velayat Faqih can be considered just within the framework of national sovereignty. Also the Leader’s powers have been clearly embodied in Article 110. Article 9 provides that “No authority is allowed to deny legitimate freedoms in the name of preserving the country’s independence and territorial integrity even by making laws and regulations.” Thus, the execution of absolute Velayat on the part of the Leader enjoys constitutional validity just within the contours of legitimate, obvious and inalienable rights and freedoms enjoyed by people.\textsuperscript{44}

With respect to the compatibility of Islamicity and republicanism, it can be indicated that in Shii jurisprudence, authorities of emulation are entitled to voice their opinions that the approved law is contrary to Islam and urge their followers not to implement such a law. But this has been assigned to the Guardian Council as a body of the legislature in the Islamic Republic so that the national will crystallized in laws would not conflict with Islamic precepts.\textsuperscript{45} Indeed, here the legislature as the symbol of general will will not essentially approve anything negating the Islamicity of the system, so incompatibility will
not be created and the system’s Islamicity will be executed within the republic framework. Also, another notable question is that the President as the symbol of the republicanism receives his presidential credentials from the Leader as the symbol of Islamicity. This is symbolic; because the Leader may not grant him such credentials. But this is merely for the confirmation that people’s elected president is supported by the system’s Islamic symbol as well and this compatibility finds a clear manifestation.

A number of scholars have maintained that those wishing to justify a democratic system using jurisprudential categories and concepts, make a futile and useless effort. The backbone of democratic system is comprised of neither social contract nor delegation to the ruler by nation. This system represents a particular social lifestyle which emerges in a society and with which people live. Of course, this social lifestyle is accompanied with specific preparations, requirement, necessities, philosophical foundations, moral values, economic conditions, and specific culture, however it is not interpretable using categories such as the delegation contract. In a democratic system, neither voting for someone means delegation in its jurisprudential terms nor voting for constitution constitutes contract in its jurisprudential form."^46

The discussion of republicanism and Islamicity demonstrates that this issue cannot be largely dealt with theoretically and it cannot be at least theoretically claimed whether these two are contradictory or compatible. In principle, the same is true with respect to many other countries’ constitutions. For instance, the extensive powers held
by the President in the United States could easily lead to dictatorship, but it has never occurred there, because the institutionalization of democratic foundations does not allow the President to abuse power. In the Islamic Republic also the presence of constitutional safeguards respecting control and supervision over the Leader by the Assembly of Experts which are directly elected by people removes the possibility of the Leader’s autocracy. Also unlike certain monarchical systems where the monarch remains in power even if he loses his intelligence, in Iran the Assembly of Experts may dismiss the Leader on the ground of infringement of the Constitution, abuse of power or loss of necessary qualifications and so the Leader may merely remain in power for long in the case he possesses necessary qualifications and complies with the Constitution.

In Iran the balance of social forces supporting democracy and republicanism opposite to the forces advocating the limitation of national sovereignty determines the existence or lack of democracy and republicanism. No conception can be derived from the Constitution and official philosophy of the government in Iran showing the contradiction or compatibility of republicanism with Islamicity, and the issue is largely of a political nature. That, for instance, whether the most influential institutions for the reinforcement of republicanism and democracy like the Guardian Council and the Judiciary act independently and impartially and safeguard truly the rights and freedoms enshrined in the Constitution, comes back to the practical scene, otherwise it is obvious that these two institutions carry this responsibility according to the Constitution.
Therefore, it can be suggested that in the Islamic Republic of Iran’s system, republicanism and Islamicity are not, at least theoretically, either fully contradictory or fully compatible. But the issue largely depends on the interpretations and perceptions one may have of these two concepts and of the articles of the Constitution. What can largely show the conflict or consistency of these two concepts involves the type of the political system’s performance and the results come out of it. The institutionalization of democratic ideas can extensively contribute to the compatibility of these two concepts and conversely the rise in absolutist notions may lead to the contradictions between these two concepts. The vast volume of the conceptions and opinions proposed on the consistency or inconsistency of republicanism and Islamicity and the huge gap between those believing in one of these two conflicting views would clearly demonstrate that no necessity can be achieved from the façade of the Constitution and the political philosophy on which the Islamic Republic has been based about the merely republic or merely Islamic nature of the government. Therefore, belief in one of these two views simply relies on the perceptions and interpretations proposed by the advocates of these two concepts in order to prove their own views.

Also, it should be pointed out that since the door is unlimitedly open to theoretical debates and apparently no side is able enough to convince the other party based on the arguments and reasoning referring to the theoretical area, they have inevitably paid attention to the practical field. In this respect, the advocates of the view of contradiction point to the system’s performance within the past two
decades and add this performance, largely negating the system’s republicanism in their opinion, to the complex of their theoretical reasoning to support their argument. To the contrary, the advocates of the view of compatibility, while accepting part of the claim made by their opponents over the system’s performance, relate this to the system’s particular situation following a profound political, social and cultural revolution and immediately after that the system’s unusual condition during the 8-year war with Iraq. They point to the necessities arising from the country’s reconstruction and the priority of economics over politics, in discussing the system’s performance in the second decade. They maintain that the above factors led to the underestimation of the discussions of republicanism and the weakening of efforts to fully realize it. At the same time, this group of scholars regard the event of May 23, 1997 and Seyed Mohammad Khatami’s election as President by the absolute majority of people as the most significant and the strongest evidence for the establishment of their claim. They argue that the Islamic Republic of Iran’s system has showed actually its high capacity for embracing and observing the principles of republicanism by allowing the appearance of such an event.

Interestingly, during the years following the election of Khatami, the area of political practice and Iranian political scene have largely affected the interesting debate over the relation between republicanism and Islamicity as well as their compatibility or contradiction in the Islamic Republic of Iran’s system; in this way whenever serious obstacles have been put before the process of reformism by groups opposing the reforms, the advocates of the view
of conflict have found a stronger stance and have mentioned theoretical inconsistency between republicanism and Islamicity once again and have ascribed the emerged problems to that theoretical proposition. To the contrary, whenever the reformist trend has intensified or great successes have been achieved for the reformist elements in the elections, etc., the advocates of the view of compatibility have insisted on their position that since these two concepts are not theoretically mutually exclusive and they can be coexistent, the possibility has been provided for the realization of such compatibility in practical area as well.

The special and determinant role and place played and held by the Guardian Council becomes clear in Iran’s complicated political system. Because, the official task of interpreting the Constitution is assumed by this Council and that whether the Council’s interpretations of the vague articles of the Constitution would be in the direction of republicanism or of negating the system’s republican nature, will largely determine the current debate. Apart from this task, that to what extent the Guardian Council will interpret the acts approved by the Islamic Consultative Assembly (Majlis) -which are obviously the most important manifestation of general will and this role is similarly played by parliaments throughout the world- in the direction of the compatibility with Islam and the Constitution and will construe the expediency in the consistency of the Sharia with general will, shows another aspect of the important role of the Guardian Council. The third important role of the Guardian Council can be seen in the Council’s supervision over the process of the presidential, parliamentary and Assembly of Expert’s elections. That to what extent
the Guardian Council acts in the direction of preserving people’s votes and realizing general will in the election of the system’s agents and does not allow people’s votes be impaired based on any interests or expediency will contribute once more to the success or failure of those scholars who have voiced their opinions on the relationship between republicanism and Islamicity in the Islamic Republic of Iran. This is exactly for such a key and undeniable role that it is occasionally suggested that the presence or absence of democracy in Iran depends on the Guardian Council. This may be also stated that apart from all theoretical discussions and debates, contradiction or compatibility of republicanism and Islamicity in Iran hinges on the Guardian Council’s interpretations, performance and viewpoints.

If the same reasoning is applied to other institutions like the Assembly of Experts supervising the Leader’s performance in order to avoid abuse of power and infringement on the principles of republicanism and Islamicity of the system, we conclude that the relation between republicanism and Islamicity in the Islamic Republic’s system does not theoretically lead to any conclusion in terms of conflict or consistency, but the quality of such relation can be found just in the system’s performance.
Notes and References:

3. Ibid., pp. 69-70.
9. Ibid., p. 532.
12. Ibid., pp. 60-61.
Farhad Kazemi and Augustus Richard Norton, “Political Challenges of Middle
Saad Eddin Ibrahim, «The Future of Human Rights in the Arab World» in The
Next Arab Decade, Alternative Futures, Edited by Hisham Sharabi, Boulder:
Saad Eddin Ibrahim, «The Troubled Triangle: Populism, Islam and Civil Society
in the Arab World,» in Islam in a Changing World, Europe and the Middle East,
Edited by Anders Jerichow and Jorgen Baek Simonsen, Surrey: Curzon, 1997, P.21
Augustus Richard Norton, «The Future of Civil Society in the Middle East,»
The Middle East Journal, Vol. 47, No. 2, Spring 1993, pp. 205-216
Hisham Sharabi, New Patriarchy: A Theory about Distorted Changes in Arab
Michael Hudson, «State, Society and Legitimacy: An Essay on Arab Political
29-33.
Michael Hudson, «The Political Culture Approach to Arab Democratization:
The Case for Bringing It Back In, Carefully,» in Political Liberalization and
Democratization in the Arab World, Vol.1, Edited by Rex Brynen, Bahgat Korany
See: Mustapha Kamel Al-Sayyid, «The Concept of Civil Society and the Arab
World» in Political Liberalization and Democratization in the Arab World, op. cit.,
Vol. 1, pp. 131-147
Farhang Rajaei, “Challenges of Religious Fundamentalism and Response of the
West,” Foreign Policy Magazine, Vol. 7, No. 4; winter 1994, p. 778 in: Bernard
Augustus Richard Norton, «The Challenge of Inclusion in the Middle East,»


33. Ibid., p. 173.

34. Ibid., p. 174.

35. Hashemi, op. cit., pp. 54-55.


37. Ibid., pp. 106-7.

38. Ibid., p. 107.


41. Katouzian, op. cit., p. 201.

42. Katouzian, op. cit., p. 108.


45- The Guardian Council is composed of 12 jurists, including six clerics appointed by the Supreme Leader, and six jurists elected by the Majlis from among the Muslim jurists nominated by the Head of the Judicial System. The Council interprets the constitution and may reject bills from parliament deemed incompatible with the constitution or *Sharia* (Islamic law). These are referred back to parliament for revision. In a controversial exercise of its authority, the Council has drawn upon a narrow interpretation of Iran’s constitution to veto parliamentary candidates. As of the early 1990s, the Guardian Council vets (approves) candidates for national election in Iran.