CHAPTER ONE

THE CONSTITUTIONAL FRAME AND THE FORMAL STRUCTURE OF POLITICAL SYSTEM IN IRAN
Introduction:

In Western liberal democracies a constitution lays down the rules of the political game in order to ensure the fair competition in a country. It establishes the framework within which rival individuals and groups can engage in the struggle for power in a stable and orderly manner. Every political system requires a clearly defined set of rules and a proper institutional arrangement for the authoritative allocation of values.

The constitution does this by specifying the organs of government; the manner of their creation and organization; their powers and limits in relation to one another and to citizens; the procedure for formulating and executing laws and resolving conflicts among members of the political community; and the conditions under which the polity may be defended against internal and foreign enemies. So, the constitution is a significant basis of all new political systems in the world and according to this base all the political systems in the world distinguish in two main categories: 1-Constitutional systems 2-Non-constitutional systems. In the contemporary world it is difficult to find non-constitutional systems, however in some tyrannical systems like that of the Persian Gulf region there are non-constitutional political systems. Similarly, in African continent also it is easy to find this kind of political system.”

2 - Ibid. p.39. See also Alireza Shishegaran, Constitution, Legitimacy and Efficiency, Resalet Newspaper, Weekly Appendix No.8., 24 Feb. 2004
most of the political systems in the World have either a written or unwritten constitution.

“Most commonly, the term "constitution" is used to refer to the set of rules that govern political bodies. These rules may or may not be summarized in a single document. Possibly the most common usage of 'constitution' is to describe a single, written, fundamental law that defines how a nation or a subdivision is governed, legislation is passed, power and authority are distributed, and how they are limited.”

It is thus the most basic law of the land from which all other laws and rules are derived; in some countries it is in fact called "Basic Law". Having a single written document gives the advantage of a coherent and easily understood body of rules. In democratic systems, the constitution is considered a fundamental social contract among citizens (following Rousseau's writings), where government receives its powers from the people, not the monarch or a parliament, and is bound by an express set of human rights.

The constitution is thus considered a statute superior to "ordinary" statutes, which it can overrule, and is usually protected against constitutional amendments and by special courts. This is considered the model followed by the United States, whose constitution is the oldest of such document still in effect today. By contrast, in the Westminster tradition which originated in England, unwritten constitutional conventions, precedents, royal prerogatives and custom collectively constituted the British constitutional law.
The post-revolution constitution of the Islamic Republic of Iran, however, differs from that of the Western as well as Eastern constitution, because it is the first constitution in the contemporary world which has been prepared reconcile the doctrines of Islamic Law with that of the principles of democracy.

According to Dr. Hossein Mehrpoor a wellknown Iranian jurist, some of the articles of the present Iranian constitution are the Persian translation of French constitution of 1958. For example article 75 of Iran constitution reads as follows: ³ “Bills, proposals and amendments to government’s bills proposed by members of the parliament and its outcome are reduction of the public income or increase of public expenditures must be predicting the ways of compensation of the expenditures”. The above article is a translation of the article 40 of the French constitution.

Similarly, article 113 of the Iranian constitution (After the office of Leadership, the President is the highest official in the country. He is the responsibility for implementing the Constitution and acting as the head of the executive, except in matters directly concerned with the office of the Leadership) is also borrowed from the article 5 of French constitution.

Moreover, some of the articles of the constitution are similar to the rules in Western countries. Thus, the Iranian constitution, however, tries to reconcile the doctrine of Islamic Law with that of the principles of democratic rule.

A) A Brief Historical Background of the Islamic Revolution:

To understand the evolution and the nature of the present constitution of the Islamic Republic of Iran in its proper spirit, it would be pertinent here to consider the historical background of 1979 Islamic Revolution. The starting point of the Islamic Revolution was in June 1963 when the devastating protests by Imam Khomeini against the American conspiracy known as the "White Revolution," took place. The White Revolution was a step intended to stabilize the foundations of despotic rule and to reinforce the political, cultural, and economic dependence of Iran on world imperialism. This prompted the Iranian people to stage a united movement against the imperial forces and thus the momentous revolution of the Muslims emerged in Iran.

Although this revolution was drowned in blood, in reality it heralded the beginning of the blossoming of a glorious and massive uprising, which confirmed the central role of Imam Khomeini as an Islamic leader. Despite his exile from Iran after his protest against the humiliating law of capitulation (which provided legal immunity for American advisers), the firm bond between the Imam and the people endured, and the Muslim nation, particularly committed intellectuals and militant clerics, continued their struggle in the face of banishment and imprisonment, torture and execution. Throughout this time, the conscious and responsible segment of society was bringing enlightenment to the people from the strongholds of the mosques, centers of religious teaching, and universities. Drawing inspiration from the revolutionary and fertile teachings of Islam, they began the unrelenting yet fruitful struggle of raising the level of ideological awareness and revolutionary consciousness of the Muslim people.

The despotic regime which had begun the suppression of the Islamic movement with barbaric attacks on the Qum Feiziyah Madreseh, Tehran
University, and all other active centers of revolution, in an effort to evade the revolutionary anger of the people, resorted to the most savage and brutal measures. In these circumstances, execution by firing squads, endurance of medieval tortures, and long terms of imprisonment were the price our Muslim nation had to pay to prove its firm resolve to continue the struggle.

The Islamic Revolution of Iran was nurtured by the blood of hundreds of young men and women, infused with faith, which raised their cries of "Allahu Akbar" at daybreak in execution yards, or were gunned down by the enemy in streets and marketplaces. Meanwhile, the continuing declarations and messages of the Imam that were issued on various occasions extended and deepened the consciousness and determination of the Muslim nation to the utmost.4

The publication of an outrageous article meant to malign the revered clerics and in particular Imam Khomeini on 7 Jan 1978 by the ruling regime accelerated the revolutionary movement and caused an outburst of popular outrage across the country. The regime attempted to quiet the heat of the people's anger by drowning the protest and uprising in blood, but the bloodshed only quickened the pulse rate of the Revolution. The seventh-day and fortieth-day commemorations of the martyrs of the Revolution, like a series of steady heartbeats, gave greater vitality, intensity, vigor, and solidarity to this movement all over the country.

In the course of the provisional government, the employees of all government establishments took an active part in the effort to overthrow the

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tyrannical regime by calling a general strike and participating in street demonstrations. The widespread solidarity of men and women of all segments of society and of all political and religious factions played a clearly determining role in the struggle. Especially the women were actively and massively present in a most conspicuous manner at all stages of this great struggle. The common sight of mothers with infants in their arms rushing towards the scene of battle and in front of the barrels of machine-guns indicated the essential and decisive role played by this major segment of society in the struggle. 5

In early 1977, Jimmy Carter became President of the United States, and he put human rights into his foreign policy agenda. The Carter administration suggested to Iran that without improving its human rights, aid, including military assistance, might be terminated. The Shah acted on Carter's wishes. His regime released 357 political prisoners in February, 1977. But lifting the lid of repression even slightly encouraged the Shah's opponents. An organization of writers and publishers called for freedom of thought, and 64 lawyers called for the abolition of military tribunals. Merchants wrote letters requesting more freedom from government controls.

After nearly fifteen years in exile, Ayatollah Khomeini returned in triumph from France on February first. One week later a million or so demonstrators were following Ayatollah Khomeini's instructions and demanding Bakhtiar's resignation. On February 11, government buildings and radio station were seized by bands of youthful revolutionaries. Huge quantities of arms had been seized, and armed militias roamed the streets and looted.

5 -Ibid.p.14
Various factions were trying to exercise power. The 40,000 or so Americans, who had been serving in various technical capacities in Iran, were returning home, fearing for their safety. The followers of Ayatollah Khomeini were more numerous and dominated the field. Ayatollah Khomeini was allied with a largely anonymous committee of clerics and civilians and in contact with local supporters. He established what many recognized as legitimate authority.

After slightly more than a year of continuous and unrelenting struggle, the sapling of the evolution, watered by the blood of more than 60,000 martyrs and 100,000 wounded and disabled, not to mention property damage, came to bear fruit amidst the cries of *Independence! Freedom! Islamic government!* This great movement, which attained victory through reliance upon faith, unity, and the decisiveness of its leadership at every critical and sensitive juncture, as well as the self-sacrificing spirit of the people, succeeded in upsetting all the calculations of imperialism and destroying all its connections and institutions, thereby opening a new chapter in the history of all-embracing popular revolutions of the world. On 12 and 13 Feb. 1979, the world witnessed the collapse of the monarchical regime. Domestic tyranny and foreign domination, both of which were based upon it, were shattered. This great success proved to be the vanguard of Islamic government -- a long-cherished desire of the Muslim people and brought with it the glad tidings of final victory.

**B) Formation of the Constitution:**

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In the Islamic Republic of Iran the government is based upon the Constitution which was approved in a national referendum in December 1979. This republican Constitution replaced the 1906 constitution, which, with its provisions for a Shah to reign as head of state, was the earliest constitution in the Middle East. So Iran was the first countries in the Middle East that entered the modern World and accepted the democratic criteria.

Soon after the Revolution, however, on March 30 and 31, 1979, the provisional government of Mehdi Bazargan asked all Iranians sixteen years of age and older to vote in a national referendum on the question of whether they approved of abolishing the monarchy and replacing it with an Islamic Republic. Subsequently, the government announced that more than 98 percent majority favored abrogating the old constitution and establishing such a Republic.

On the basis of this popular mandate, the provisional government prepared a draft constitution drawing upon some of the articles of the abolished 1906 constitution and the French constitution written under Charles de Gaulle in 1958. Ironically, the government draft did not allot any special political role to the clergy or even mention the concept of *velayat-e faqih*. Although the provisional government initially had advocated a popularly elected assembly to complete the Constitution, Ayatollah Khomeini indicted that this task should be undertaken by experts. Accordingly the electorate was called upon to vote for an Assembly of Experts from a list of names approved by the government.\(^7\)

\(^7\)-http://www.politicalinformation.net/general information about constitution.p1
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 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 73 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 draft constitution was submitted to this seventy-three member assembly, which was dominated by Shia clergy. The Assembly of Experts convened in August 1979 to write the constitution in final form for approval by popular referendum. The clerical majority was generally dissatisfied with the essentially secular draft constitution and was determined to revise it to make it more Islamic. Produced after three months of deliberation, the final document, which was approved by a two-thirds majority of the Assembly of Experts, differed completely from the original draft. For example, it contained
provisions for institutionalizing the office of supreme religious jurist, or Jurisprudent, and for establishing a theocratic government.

After the adoption of the new constitution, the first presidential elections took place in January 1980, and elections for the first Parliament were held in March and May of 1980. The Council of Guardians, a body that reviews all legislation to ensure that laws are in conformity with Islamic principles, was appointed during the summer of 1980. Presidential elections were held again in 1981 and 1985. The second Assembly was elected in 1984. The Constitution of the Islamic Republic of Iran consists of 14 chapter and 177 articles. This constitution was adopted on 24 Oct 1979, which became effective since 3 Dec 1979.

From an economic and social standpoint, Iran's post-revolutionary Constitution has been drafted in a manner by which a positive role for Government has been foreseen so as to set favorable macro-policies and in establishing micro-support programs which can enable the economy to realize its full potential in creating wealth. The drafters of Iran’s Constitution took into account social, cultural and political factors so that Iran's opportunity potentials could be fully utilized.

A key aspect of the Constitution is the provision of a framework for the citizenry to partake and influence the conduct and operations of all aspects of the government. Article 3 of the Constitution obligates the government to provide for the “participation of all the people in determining their political, social, and cultural destiny". With Article 7 further declaring participation in the decision making processes of the administration of the country as one of the most essential conditions for establishing a participatory system and
identifies various types of consultative councils as decision making organs. The polity envisaged by the post-revolution Constitution was to eliminate the likelihood of concentration of power and the provision of a means by which the masses could perpetually participate in the administration of state affairs. The system that thus emerged consists of three elected institutions viz, Legislature, Executive and Assembly of Experts and five nominated or indirectly approved institutions viz, Leadership, Guardian Council, Judiciary, Regime’s Expediency Council and Supreme National Security Council.

C) **Preamble to the Constitution:**

The Preamble of Iranian constitution is very long, containing a history of the revolution, a description of the new state, and quotes of the Holy Koranic verses. The Preamble states that economy is a means, not an end. It also asserts that the home centered role of Women in Islam is actually liberation, assigning women special rights. Iran places no belief in government control. In other words, the preamble of the Constitution of the Islamic Republic of Iran explains a brief history of the Islamic Revolution, the most important principles that of the victory, legitimacy of the Islamic government, the main differences between Islamic and Western democracy and so on. The preamble in the constitution runs as follows:

The preamble of the Constitution start with these phrases “Constitution of the Islamic Republic of Iran advances the cultural, social, political, and economic institutions of Iranian society based on Islamic principles and norms, which represent an honest aspiration of the Islamic clerics. This aspiration was exemplified by the nature of the great Islamic Revolution of Iran, and by the course of the Muslim people's struggle, from its beginning
until victory, as reflected in the decisive and forceful calls raised by all segments of the populations.

The basic characteristic of this revolution, which distinguishes it from other movements that have taken place in Iran during the past hundred years, is its **ideological and Islamic nature**. After experiencing the anti-despotic constitutional movement and the anti-colonialist movement centered on the nationalization of the oil industry, the Muslim people of Iran learned from this costly experience that the obvious and fundamental reason for the failure of those movements was their lack of an ideological basis.

Although the Islamic line of thought and the direction provided by militant religious leaders played an essential role in the recent movements, nonetheless, the struggles waged in the course of those movements quickly fell into stagnation due to departure from genuine Islamic positions. Thus it was that the awakened conscience of the nation, under the leadership of Imam Khomeini, came to perceive the necessity of pursuing a genuinely Islamic and ideological line in its struggles. And this time, the militant clerics of the country, who had always been in the forefront of popular movements, together with the committed writers and intellectuals, found new impetus by following his leadership.”  

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1-Establishment of the Islamic Government:

The plan of the Islamic government as proposed by Imam Khomeini at the height of the period of repression and strangulation practiced by the despotic regime, produced a new specific, and streamline motive for the

Muslim people, opening up before them the true path of Islamic ideological struggle, and giving greater intensity to the struggle of militant and committed Muslims both within the country and abroad.

The movement continued on this course until finally popular dissatisfaction and intense rage of the public caused by the constantly increasing repression at home, and the projection of the struggle at the international level after exposure of the regime by the clerics and militant students, shook the foundations of the regime violently. The regime and its sponsors were compelled to decrease the intensity of repression and to "liberalize" the political atmosphere of the country. This, they imagined, would serve as a safety valve, which would prevent their eventual downfall. But the people, aroused, conscious, and resolute under the decisive and unfaltering leadership of the Imam, embarked on a triumphant, unified, comprehensive, and countrywide uprising.

2-The Form of Government in Islam:

In the view of Islam, government does not derive from the interests of a class, nor does it serve the domination of an individual or a group. Rather, it represents the fulfillment of the political ideal of a people who bear a common faith and common outlook, taking an organized form in order to initiate the process of intellectual and ideological evolution towards the final goal, i.e., movement towards Allah. Our nation, in the course of its revolutionary developments, has cleansed itself of the dust and impurities that accumulated during the past and purged it of foreign ideological influences, returning to authentic intellectual standpoints and world-view of Islam. It now intends to establish an ideal and model society on the basis of Islamic norms. The
mission of the Constitution is to realize the ideological objectives of the movement and to create conditions conducive to the development of man in accordance with the noble and universal values of Islam.

With due attention to the Islamic content of the Iranian Revolution, the Constitution provides the necessary basis for ensuring the continuation of the Revolution at home and abroad. In particular, in the development of international relations, the Constitution will strive with other Islamic and popular movements to prepare the way for the formation of a single world community (in accordance with the Koranic verse "This your community is a single community, and I am your Lord, so worship Me" [21:92]), and to assure the continuation of the struggle for the liberation of all deprived and oppressed peoples in the world.

With due attention to the essential character of this great movement, the Constitution guarantees the rejection of all forms of intellectual and social tyranny and economic monopoly, and aims at entrusting the destinies of the people to the people themselves in order to break completely with the system of oppression. (This is in accordance with the Koranic verse "He removes from them their burdens and the fetters that were upon them" [7:157]).

In creating, on the basis of ideological outlook, the political infrastructures and institutions that are the foundation of society, the righteous will assume the responsibility of governing and administering the country (in accordance with the Koranic verse "Verily My righteous servants shall inherit the earth" [21:105]). Legislation setting forth regulations for the administration of society will revolve around the Koran and the Sunnah. Accordingly, the exercise of meticulous and earnest supervision by just, pious,
and committed scholars of Islam is an absolute necessity. In addition, the aim
of government is to foster the growth of man in such a way that he progresses
towards the establishment of a Divine order (in accordance with the Koranic
phrase "And toward God is the journeying" [3:28]); and to create favorable
conditions for the emergence and blossoming of man's innate capacities, so
that the theomorphic dimensions of the human being are manifested (in
accordance with the injunction of the Prophet (S) "Mould yourselves
according to the Divine morality"); this goal cannot be attained without the
active and broad participation of all segments of society in the process of
social development.

With due attention to this goal, the Constitution provides the basis of
such participation by all members of society at all stages of the political
decision-making process on which the destiny of the country depends. In this
way during the course of human development towards perfection, each
individual will himself be involved in, and responsible for the growth,
advancement, and leadership of society. Precisely in this lies the realization of
the holy government upon earth (in accordance with the Koranic verse "And
we wish to show favor to those who have been oppressed upon earth, and to
make them leaders and the inheritors." [28:5]).

3- The Vilaya of the Just Faqih:

In keeping with the principles of governance and the perpetual necessity
of leadership, the Constitution provides for the establishment of leadership by
a holy person possessing the necessary qualifications and recognized as leader
by the people (this is in accordance with the Koranic verse: "The direction of
affairs is in the hands of those who are learned concerning God and are
trustworthy in matters pertaining to what He permits and forbids''). Such leadership will prevent any deviation by the various organs of State from their essential Islamic duties.

4-The Economy is a Means, Not an End:

In strengthening the foundations of the economy, the fundamental consideration will be fulfillment of the material needs of man in the course of his overall growth and development. This principle contrasts with other economic systems, where the aim is concentration and accumulation of wealth and maximization of profit. In materialist schools of thought, the economy represents an end in itself, so that it comes to be a subversive and corrupting factor in the course of man's development. In Islam, the economy is a means, and all that is required of a means is that it should be an efficient factor contributing to the attainment of the ultimate goal.

From this viewpoint, the economic program of Islam consists of providing the means needed for the emergence of the various creative capacities of the human being. Accordingly, it is the duty of the Islamic government to furnish all citizens with equal and appropriate opportunities, to provide them with work, and to satisfy their essential needs, so that the course of their progress may be assured.

5-Woman in the Constitution:

Through the creation of Islamic social infrastructures, all the elements of humanity that served the multifaceted foreign exploitation shall regain their true identity and human rights. As a part of this process, it is only natural that
women should benefit from a particularly large augmentation of their rights, because of the greater oppression that they suffered under the old regime.

The family is the fundamental unit of society and the main center for the growth and edification of human being. Compatibility with respect to belief and ideal, which provides the primary basis for man's development and growth, is the main consideration in the establishment of a family. It is the duty of the Islamic government to provide the necessary facilities for the attainment of this goal.

This view of the family unit delivers woman from being regarded as an object or instrument in the service of promoting consumerism and exploitation. Not only does woman recover thereby her momentous and precious function of motherhood, rearing of ideologically committed human beings, she also assumes a pioneering social role and becomes the fellow struggler of man in all vital areas of life. Given the weighty responsibilities that woman thus assumes, she is accorded in Islam great value and nobility.

6-An Ideological Army:

In the formation and equipping of the country's defense forces, due attention must be paid to faith and ideology as the basic criteria. Accordingly, the Army of the Islamic Republic of Iran and the Islamic Revolutionary Guards Corps are to be organized in conformity with this goal, and they will be responsible not only for guarding and preserving the frontiers of the country, but also for fulfilling the ideological mission of jihad in God's way; that is, extending the sovereignty of God's law throughout the world (this is in accordance with the Koranic verse "Prepare against them whatever force you
are able to muster, and strings of horses, striking fear into the enemy of God and your enemy, and others besides them" [8:60]).
7-The Judiciary in the Constitution:

The judiciary is of vital importance in the context of safeguarding the rights of the people in accordance with the line followed by the Islamic movement, and the prevention of deviations within the Islamic nation. Provision has therefore been made for the creation of a judicial system based on Islamic justice and operated by just judges with meticulous knowledge of the Islamic laws.

This system, because of its essentially sensitive nature and the need for full ideological conformity, must be free from every kind of unhealthy relation and connection (this is in accordance with the Koranic verse "When you judge among the people, judge with justice" [4:58]).

8-Executive Power:

Considering the particular importance of the executive power in implementing the laws and ordinances of Islam for the sake of establishing the rule of just relations over society, and considering, too, its vital role in paving the way for the attainment of the ultimate goal of life, the executive power must work toward the creation of an Islamic society.

Consequently, the confinement of the executive power within any kind of complex and inhibiting system that delays or impedes the attainment of this goal is rejected by Islam. Therefore, the system of bureaucracy, the result and product of old forms of government, will be firmly cast away, so that an executive system that functions efficiently and swiftly in the fulfillment of its administrative commitments comes into existence.
9-Mass-Communication Media:

The mass-communication media, radio and television, must serve the diffusion of Islamic culture in pursuit of the evolutionary course of the Islamic Revolution. To this end, the media should be used as a forum for healthy encounter of different ideas, but they must strictly refrain from diffusion and propagation of destructive and anti-Islamic practices.

It is incumbent on all to adhere to the principles of this Constitution, for it regards as its highest aim the freedom and dignity of the human race and provides for the growth and development of the human being. It is also necessary that the Muslim people should participate actively in the construction of Islamic society by selecting competent and believing officials and keeping close and constant watch on their performance. They may then hope for success in building an ideal Islamic society that can be a model for all people of the world and a witness to its perfection (in accordance with the Koranic verse "Thus We made you a median community, that you might be witnesses to men" [2:143]).

D) The Ideology of the Constitution:

In fact Islamic Law and rules are the essence of the constitution of the Islamic Republic of Iran. These can be understood through reading of the constitution. If someone has a general looking to the articles of this constitution it is obviously understood that it is based on Islamic rules and regulations. Iran ratified its first constitution in 1906 following the Mashrootiat Revolution. The foundation for a new constitution was
established in 1979 (after the Islamic Revolution) and it was amended in 1989. The constitution includes 14 chapters and 177 articles.

The first chapter viz; the General Principles, deals with the form of government, foundational principles, state goals, Islamic principle, Office of Religious Leader, administration of affairs, Consultative Bodies, community principle, independent principle, family principle, unity of Islam principle, official religion, recognized religious minorities and finally non-Muslims’ rights.

The second chapter viz; the official language, script, calendar, and flag of the country deals with the official language, Arabic language, official calendar and official flag of Iran.

The third chapter viz, the rights of people, deals with no-discrimination, no privileges, equality before law, women’s rights, human dignity and rights, freedom of belief, freedom of the press, secrecy of communication, freedom of association, freedom of assembly, work, welfare rights, education, housing, arrest, residence, recourse to the courts, rights to counsel, sentencing, presumption of innocence, torture, dignity of arrested, public interest, citizenship and nationalization.

The fourth chapter viz, economy and financial affairs, deals with the economic system of the country.

The fifth chapter viz, the rights of nation sovereignty and power branches in the country, deal with Legislative, Executive and Judiciary branches that work under the control of religious Leader.
The sixth chapter viz, the Legislative Branch deals with the qualification, duties, responsibilities, duration and number of representatives, Council of Guardians and its functions and duties.

The seventh chapter viz, Council, deal with the Regional Councils, Supreme Council of the Provinces, Council Bills and Worker Councils.

The eighth chapter viz, Leader or Leadership Council, deal with the qualifications, duties and power of religious Leader and Leadership Council.

The ninth chapter has two sections. Section one is about the presidency deals with President, its term and qualifications, majority and direct vote of the people, supervisory body, extensions, oath, responsibility, signing Legislation, presidential deputies, resignation, appointment of Ministers, Council of Ministers, vote of confidence and assets control.

The second section of this chapter is about the Army Revolutionary Guards deals with Army functions, Islamic Army, no foreigner, no foreign Military Base and the function of Islamic Revolutionary Guard Corps.

The tenth chapter viz, foreign policy deal with the principles of foreign policy, no foreign control, no interference, support of just struggle and asylum.

The eleventh chapter viz, the Judiciary deals with the status and functions of this branch, Heads of Judiciary, functions of the Heads of Judiciary, courts, Minister of Justice, Supreme Court, Chief of the Supreme Court, Prosecutor-General, qualifications, independence, public trials, reasoned verdicts, rule of law for Judiciary, political and press offences,
control of regulations, liability of judges, Military Courts, Court of Administrative Justice and National General Inspectorate.

The twelfth chapter viz, Islamic Republic of Iran Broadcasting deals with freedom of expression and governmental control.

The thirteenth chapter viz, supreme council for national security deals with the structure of the council and its duties.

The fourteenth chapter viz, revision of the Constitution, deal with the revision by the council and referendum.

It is obvious at first glance that the Constitution is dominated by the sovereignty of Islam and its clergymen. For instance, Article 4 says: "All laws and regulations including civil, criminal, financial, economic, administrative, cultural, military, political or otherwise, shall be based on Islamic principles. This Article shall apply generally to all the Articles of the Constitution and to other laws and regulations and the wise persons of the Guardian Council are judges in this matter."

However, Article 4 directly contradicts Article 6, which declares, "In the Islamic Republic of Iran the affairs of the State shall be managed by relying on public opinion, through the elections such as the election of the President, representatives of the Islamic Consultative Assembly, members of city and village councils and the like, or through referendum in cases set forth in other articles of this law."

According to the law analysts the rights granted to the people in Article 6 are unreasonably restricted by the Article 4's mandate that no law or
regulation may contradict Islamic principles. Restrictions such as those imposed by Article 4 of the Iranian Constitution stifle public will and prevent peaceful reformation. ⁹

E) Structure of power in the Constitution:

1-The Leadership:

1-1-The Position of Religious Leader (Valiy-e Faghih):

The highest-ranking official in the Islamic Republic of Iran is the Leader. The executive, the legislature and the judiciary are headed by the Leader. According to Iran's Constitution, the Supreme Leader (Valiy-e-Faghih) is responsible for the delineation and supervision of "the general policies of the Islamic Republic of Iran," which means that he sets the tone and direction of Iran's domestic and foreign policies.

The Supreme Leader also is commander-in-chief of the armed forces and controls the Islamic Republic's intelligence and security operations. He alone can declare war or peace. He has the power to appoint and dismiss the leaders of the judiciary, the state radio and television networks or Islamic Republic of Iran Broadcasting (IRIB), and the supreme commander of the Islamic Revolutionary Guard Corps (IRGC). He also appoints six of the twelve members of the Guardian Council (GC), the powerful body that oversees the activities of Parliament and determines which candidates are qualified to run for public office.

⁹- Mansoor Jafarian, Lecturer at the Azad University, Attorney-at-Law, Tehran October 10, 2000
“The Supreme Leader's sphere of power is extended through his representatives, an estimated 2,000 of who are sprinkled throughout all sectors of the government and who serve as the Leader's clerical field operatives. In some respects the Supreme Leader's representatives are more powerful than the president's ministers and have the authority to intervene in any matter of state on the Supreme Leader's behalf.”  

The crucial functions and authorities of the Leader as set forth in Article 110 are as follows:

A) To determine the general policy of the system of the Islamic Republic of Iran after consultation with Regime Expediency Council (REC).
B) To supervise and ensure good performance of the system's general policy.
C) To decree referendum.
D) To hold the Supreme Command of the Armed Forces (including Islamic Revolutionary Guard Corps, Armed Forces and Police Forces).
E) To declare war and peace, and mobilize the armed forces.
F) To appoint, dismiss, or accept resignations of:
   1- The Religious Jurist of the Guardian Council (GC).
   2- The highest authority of the Judiciary.
   3- The head of Islamic Republic of Iran Broadcasting Corporation.
   4- Joint Chiefs of Staff
   5-Chief Commander of the Islamic Revolutionary Guard Corps.
   6- Chief Commander of the Armed Forces and Police Forces.
G) To resolve disputes and coordinate relations between the three branches of government (i.e. Executive, Legislature, and Judiciary).

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10 - Ibid., Pp.104-105
H) To sign the order of appointment of the President of the Islamic Republic following his election by the people.
I) To dismiss the President of the Islamic Republic.
J) To pardon or mitigate the sentences of condemned persons

It is evident from the above list that the leader's authority encompasses a vast array of functions. Articles 110 and 113 illustrate the problems differentiating between the authority of the Leader and the powers granted to the President. According to Article 113 the President is responsible for the implementation of the Constitution, except those matters that directly relate to the leader. In fact, it seems as if the Leader, not the President, should have been the authority who is responsible for the implementation of the Constitution. The Constitution grants the Leader special authority and high level power which supersedes all three branches (i.e. the Legislature, the Executive and the Judiciary).

It is interesting to note that the office of the Leader was not contemplated in the Bill of Rights of the Constitution, however, and that the highest state official planned was the President. However, the Leader's office was created in the Constitution, which empowered him even to prevail over the Legislature, Executive and Judiciary authority.

If the Leader violates the Constitution using Islamic issues for justification, no one is empowered to oppose him. A recent example of this scenario occurred when the Leader wrote a letter to the members of Islamic Consultative Assembly prohibiting them from passing a new act concerning press regulations. This order fell outside the scope of the leader's authority and
encroached on parliaments' function, but no one, not even the President, could do anything.

1-2- Assembly of Experts (Majles-e Khobregan):

The leader or the Leadership Council is chosen by the Assembly of Experts (Majles-e Khobregan), the members of which are elected by the direct vote of the people. All members of Assembly of Experts must be clergymen and are required to supervise the Leader.

The Assembly of Experts is a 72 member body elected by popular vote. They have been selected for 7 years term. Its members comprise of the nation's leading jurists and scholars of Islamic jurisprudence. Having originally drafted the Islamic Republic's Constitution, the Assembly carries the mandate of filling any vacancy in the post of leader. The most recent elections of this body took place in October 1998 and were highlighted by the participation of over 15,000,000 voters across Iran. After the death of Ayatollah Khomeini on 1989, this Assembly designated Sayed Ali Khamenei as the Leader of the Islamic Republic of Iran.

1-3-The Philosophy of Religious Leadership in Shia Islam:

Unlike the Sunni Muslims, the Shia Muslims look to their religious leaders for political and social as well as religious guidance. Until the Islamic Republic of Iran came into being in 1979, they also had a procedure for determining who the so-called governing jurist, this most learned authority and source of guidance, was to be, but after the Revolution the position had been incorporated into the Constitution and determining what qualified Shia Mujtahid (jurisconsult) would occupy the post entangled the selection process.
in politics by making it an ideologically defined position in the structure of power in the country.  

It is essentially to know the nature of leadership in order to understand the structure of power in Post-Revolution Iran. The philosophy of *Vilayet-e Faghih* (jurisprudent) in Shiaa School of thinking is referring to the history of Islam and its original political ideals remained theoretic. According to this, legitimate authority belong to Imams, and in the absence of the last Hidden Imam (*Hazret-e Mahdi*) the *Ulama* or religious persons, were considered as his general agency, in religious as well as in political affairs. Now, the Islamic Revolution institutionalized this concept of authority in the principle of “rule of the theologian” as the agency of the Imam. Thus, authority originates in God, and in the absence of Imam is vested in a just and pious jurist. According to the Constitution, as mentioned earlier in this chapter, the Islamic Republic is a political system based upon: “faith in God as the source of sovereignty and legitimacy; divine revelations and their basic role in legislation…and continues Imamate (Article 2)”. And ‘in the absence of Hidden Imam, the administration of affairs and the relationship of the nation are vested in a just, pious, brave and thoughtful theologian (Article 5)”.  

In case the eligible theologian who “emerges and is accepted by the majority of the people like (Ayatollah Khomeini)” does not emerge, then “the experts elected by the people shall confer about all those eligible for leadership and shall introduce one whom they find outstanding, or they may

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14 - Ibid., P.25
introduce three to five theologians as members of the Council of Leadership (Article 107). The Faghih or Leader of the country as mentioned previous, is accorded extensive powers by the Constitution, similar to the power that Shiite Imam would have.

In the last decade, in particular, controversy over the religious leadership of Ayatollahs at the international level and spiritual leadership of the Iranian nation under its governing jurist has flared up more than once. The death one after the other of the senior members of the Shiite religious establishment, including, in addition to Ayatollah Khomeini (d.1989) himself, and Ayatollah Khoei in Najaf (d.1992); Golpayegani (d.1993); and Araki (d.1994), has left the community to fall back on candidates from among the succeeding generation of scholars whose leadership, for mostly practical reasons, has yet to be approved by the authorities who represent the various interest groups in the worldwide Shiite community.

2-The Executive Branch:

In the Islamic Republic of Iran the executive branch consists of President, First Deputy of President (he is the second person in the Cabinet and he preside the Cabinet in the absence of President) other Deputies of President and Council of Ministers or 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

15 - Ibid., Pp.65-66
Service and Social Security, the Environmental Affairs Organization, the Executive Affairs Organizations, and the Physical Training Organization.

The President is elected by an absolute majority of votes polled by the voters and is eligible for a second four year term. But if none of the candidates is able to win such a majority in the first round, voting will take place a second time on Friday of the following week. In the second round only the two candidates who received greatest number of votes in the first round will participate. If, however, some of the candidates securing greatest votes in the first round withdraw from the elections, the final choice will be between the two candidates who won greater number of votes than all the remaining candidates.

According to the Constitution, presidential candidates 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 constitution assigns the President as the head of the Council of Ministers and charges him with direct responsibility for planning and budgetary affairs, although each of these duties may be delegated at the President's discretion.

The Cabinet comprises of some twenty one Ministers. Members of the Cabinet must to be approved individually by the Parliament and are accountable for their actions. The Parliament may censure each Minister and call for dismissal of any number of Ministers at any time.

In other words, after the Office of Leadership, the President is the highest official in the country. He is the responsibility for implementing the
Constitution and acting as the Head of the Executive, except in matters directly concerned with the Office of the Leadership. This article shows that the president is the second official rank in the country. In different countries in the world there are 3 kinds of executives’ branch as follows.

1-Presidential System (like the system in the USA)
2-Plural Executive (this kind of system is only in Switzerland)
3-Parliamentary Systems (this kind of system is in UK and other European countries and India also).

In the Islamic Republic of Iran the President shall be elected by the direct vote of the people for a four year term of office. His consecutive re-election shall be allowed only for one term. Next to the Leader, the President is the highest official state authority. The President is responsible for the implementation of the Constitution and, as the Chief Executive, for the exercise of the Executive Powers. Those matters that directly relate to the Leader are not within the President's power (Article 113). The Judiciary and the Legislature supervise the President. The Leader can dismiss the President after a Supreme Court verdict or following an Islamic Consultative Assembly vote against the President (Article 110).

In order to proceed to a more democratic society and to reform the political system of Iran, the authority of the President must gradually increase. The President is elected by the direct vote of the people and, moreover, he

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18 -Ibid.P.70 (Article 113 of the constitution)
20 -Ibid., P.70 (Article 114 of the constitution)
must answer to the direct representatives of the people, i.e. the Islamic Consultative Assembly.

President Khatami in his second round of office got elected with a mandate of 20,000,000 votes from a total of the 30,000,000 votes that were cast in Iran's seventh Presidential elections in May 1997 and, on the threshold of his second year in office, the President's policies have emerged into what some political pundits have termed the 'Khatami’s Doctrine.' The institutionalization of the rule of law, transparency, completely observance of civil rights and political development has been amongst the most important priorities of his administration. Nowhere has this been as apparent as in the recently Islamic City and Village Councils elections which symbolized in effect, the transfer of the central governments authority over municipalities across Iran to the people.

Such commitments to social and political issues have also become inextricably linked to the President's efforts to reform Iran's post-war economy. According to the President, social justice and economic prosperity are not possible unless there is a productive utilization of Iran's human resources, creation of suitable institutional framework and an overall reform of the nation's distribution system. These steps combined with the development of 'proficient system governing non-oil exports', greater increases in national savings, increased value added of Iranian industries, and the better utilization of oil resources for infrastructural development have been continuously emphasized as major policy goals aimed at enabling Iran's economy to make greater strides in today's global economy as well as to provide a legacy for future generations of Iranians whom the President has referred to as the "actual inheritors of the country's oil resources".
These statements have been translated into actual policy as witnessed by stepped up efforts towards the attraction of foreign investment and capital, including Iran's overseas expatriates, bureaucratic and administrative reform, easing of red tape and tax reform. Highlights of these steps include the designation of 4,000 state companies and enterprises for either privatization (of which the shares of 190 of these companies have already been prepared for flotation in the Tehran Stock Exchange) or if for lack of economic viability, dissolution. The re-structuring of several key Ministries, including Mines and Metals and Oil are also currently under implementation. A linchpin of these strategies has been to support and boost non-oil exports so as to reduce reliance on crude oil exports which make up nearly 85% of the country's revenues in hard currency.

3-The Legislative Structure:

We have two types of legislature in the world, bicameral and unicameral. The legislature in Iran is unicameral. It is known as Islamic Consultative Assembly (Majles-e Shura-ye Eslami). The Assembly has a Speaker, Vice Speaker and Executive Commission. Its speaker is powerful due to his seat on all of the main Councils of State. The Iranian Parliament whose 290 members are publicly elected every four years.

3-1-Voting system: (Majority system in two rounds):

In order to be elected, a candidate must, in his/her constituency, obtain at least one-third of the votes cast in the first round in single-member constituencies (or from one-third of voters in multi-member constituencies) and a simple majority in the second. The number of candidates who may run
in the second round is restricted to those in the lead and to twice the number of seats to be filled in the constituency concerned. If the number is less than double, all remaining candidates may run. If those remaining are equal to or less than the number of unfilled seats, the second round is not held and the results of the first ballot are conclusive. Vacancies arising between general elections are filled through by-elections. No by-elections are, however, held within the last year of the legislature's term, unless the total number of filled Assembly seats falls below 200. Voting is not compulsory.

3-2- **ICA 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. It drafts legislation, ratifies international treaties, and approves the country's budget. The ICA can hinder the President's policy, veto cabinet appointments, and even impeach ministers.

According to the article 65 after the holding of elections, sessions of the Islamic Consultative Assembly are considered legally valid when two-thirds of the total numbers of members are present. Drafts and bills will be approved in accordance with the code of procedure approved by it, except in cases
where the Constitution has specified a certain quorum. The consent of two-thirds of all members present is necessary for the approval of the code of procedure of the Assembly.

3-4-Parliament Committees:

ICA 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 committees, which can have 15-31 members.

3-5-Parliament Permanent Committees:

1) Training and Education; 2) Science, Research and Technology; 3) Islamic Guidance and Arts and Mass Media; 4) Economy and Finance; 5) Plan and Budget; 6) Oil and Gas; 7) Industry and Mine; 8) Labor and Social Affairs, and Administrative and Employment Affairs; 9) Housing and Urban Development and Roads and Transport; 10) Judicial and Legal Affairs; 11) Defense and Islamic Revolution Guards Corps; 12) National Security and Foreign Policy; 13) Internal Affairs & Councils; 14) Health and Welfare, Relief, Social Security and Red Crescent; 15) Posts, Telegraphs and Telephones, and Energy; 16) Commerce and Distribution; 17) Agriculture and Rural Development; 18) Prime Ministry Affiliated Organizations; 19) Accounting Court and the House Budget and Finance; 20) Revolution Institutions; 21) Constitutional Article 90 Petitions Committee which has the task of investigating the complaints of the public against government organizations; 22) Questions Review Committee, which has the task of
reviewing the questions of MPs to ministries and the latter's replies. This committee decides if the replies have been satisfactory. Should the committee find a minister's reply unsatisfactory three times; MPs will be able to table a motion of no confidence in the minister concerned.

3-6- Legislation Procedure:

A bill or a motion may be tabled with the ICA 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 for added 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.

In order to understand the Legislative Structure in Iranian Political System, three important bodies will have to be taken into account. They are (a) - Islamic Consultative Assembly (b) - Guardian Council (c) - Regime’s Expediency Council.

Second to the Leader is the "Guardian Council" (Shuray-e-Negahban). This Council is composed of six theologians appointed by the Leader, and six jurists qualified in law nominated by the Judiciary for approval by the Parliament. The Council reviews the laws passed by the Parliament so as to determine whether they are in conformity with Islamic Religious Law and the articles of the Constitution. If they are not, the Council has the authority to veto them. Decisions as to whether a given law is constitutional are to be made by a consensus comprising of all 12 Council members whereas the question of conformity with Islamic Law is decided via a majority vote of the theologians. The primary function of the GC is safeguarding the rules of Islam and the Constitution.21 At times, the council, half of whose members are appointed by the Supreme Leader, has struck down up to 40 percent of the laws passed by Parliament.

The Council also oversees Presidential & Parliamentary elections as well as plebiscites. In the case of conflicting interpretations in the clauses of the Constitution, the Council is empowered to give a binding ruling on what it considers to be the correct interpretation.

As mentioned above, all the legislations passed by the ICA shall be sent to the GC for evaluation. If the GC finds any inconsistency between the legislations and the rules of Islam or the Constitution, the GC returns it to the ICA for review. If the GC finds no inconsistencies, the said legislation shall be enforceable (Article 94). If there is a serious different between GC and ICA on a legislation it shall be send to the Regime’s Expediency Council (Majma-e-Tashkhis-e-Maslehat-e Nezam) for review and ratification.

The Regime’s Expediency Council was established via Article 112 of the Constitution with the aim of mediating issues pertaining to the interpretation of Law in case of differences of opinion between the Parliament and the Guardians Council. The members of the Expediency Council are appointed directly by the Leader.

Co-existing with the ICA is the Regime's Expediency Council (REC). The REC convenes at the order of the Leader in order to resolve those cases where the GC finds an approval of the ICA against the principles of religious law, or the Constitution. A case is sent to the REC when the ICA is unable satisfy the GC even after review of the offending law. The REC also convenes to consult on matters referred to it by the Leader.
Both permanent and mutable members of the REC shall be appointed by the Leader. Regulations related to the REC shall be prepared and approved by the REC then ratified by the Leader (Article 112).

In a democratic regime, the Parliament can enact legislation protecting the decisions of its members, all of whom are elected by people. But in the Iranian model, the REC can overturn the ICAs' legislation even though its members are elected by the direct vote of people. Therefore, the REC can openly oppose public will.

4-Judicial System:

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.²²

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.

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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 are 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.

5-The City and Village Council:

The newest feature of the Iranian political system in Post-Khatami’s era has been the formation of City and Village Councils. Article 7 of the Iranian Constitution declares participation by the citizenry in decision making as the most important condition for the establishment of a participatory system and identifies several types of popularly elected Consultative Councils as the means for ensuring mass participation.

As such, February 26, 1999 marked the first ever holding of national elections for city, town and council elections and many pundits are of the view that this date will go down in Iranian history as the date of one of the most important socio-political events of Iranian history. In effect, the elections marked for the first time in Iran's 2,500 year old history the transfer of authority over the administration of cities and villages from the Central Government to the citizenry.

These Councils will serve as agents of transparency as their functions are broad based and encompass an amalgamation of responsibilities including inter alia: the supervision and audit of the income and expenditures of the municipalities; approval of loans to and from the Municipalities; endorsement or rejection of Articles of Associations and other legal matters of companies and institutions affiliated to the Municipalities, election of mayors; study of social, cultural, educational, health, economic, and welfare requirements of their constituencies; the planning and coordination of national participation in
the implementation of social, economic, constructive, cultural, educational and other welfare affairs.

6-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 Islamic Republic of Iran'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:

1. To determine the national defense/security policies within the framework of general policies lay down by the Leader.
2. To coordinate political, intelligence, social, cultural and economic activities in relation to general defense/security policies.
3. 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 organizational 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 and 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).

7- The Role of Military and Iran’s Politics:

Unquestionably, military institutions played an important political and vital role in Islamic societies; moreover, as Manfred Halpern has noted, “military and political institutions have traditionally been intertwined and have performed overlapping functions in the Middle East.” 23 “Even in the countries that have not experienced prolonged periods of direct military rule, the armed forces have constituted a major pillar of civilian regimes in the region.” 24

In the twentieth-century Iran, the military has been involved in shaping of political events and institutions. For example, Reza Khan, the founder of the Pahlavi monarchy, was an army officer when he staged a military coup d’etat in 1921, thus paving the way for his 1925 accession to power as the king of new dynasty.

24 - Ibid., pp.253-261
Moreover, the second Pahlavi monarch Muhammad Reza relied heavily on the Iranian armed forces to sustain his regime in the formative years of his rule following Reza Khan’s abdication and exile from the country in 1941. The Shah’s reliance on the military was heightened after 1953, when he was restored to the Pahlavi throne by a U.S.-sponsored military coup that overthrew the nationalist government of Mohammad Musadeq, the prime minister.  

In Pre-Revolution, the Shah possessed the fifth largest military force in the world, with some 410,000 uniformed personnel and a budget 7.3 billion dollars in 1977. Furthermore, the Shah had carefully nurtured his top military officers. He took a personal interest in the well-being of these officers, particularly those in the Air Force (the Shah’s favorite branch of the services). The Shah also provided relatively attractive salaries and generous fringe benefits and pension plans for the officer corps of his armed forces. He supervised their training programs and was directly responsible for all promotions above the rank of major. Consequently, loyalty to the Shah, rather than military achievements on the battlefield or expertise in military strategy, became the principle criterion for field-grade and higher promotions in the Imperial Armed Forces.

The Shah viewed the armed forces as the major pillar of his regime is beyond doubt. The phenomenal in the Iran’s military budget from $290 million in 1963 to more than $1.9 billion in 1973 and again to $8 billion in

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27 - Ibid., p.436
1978 was indicative of the Shah’s determination to strengthen his regime’s stability. Moreover, the Shah’s arms purchases from abroad in the decade of the 1970s constituted “the most rapid buildup of military power under peacetime conditions of any nation in the history of the world.”

For all their apparent power, Imperial Armed Forces were never able to obtain the needed legitimacy in the eyes of the Iranian people. They were generally perceived not as patriotic forces designed to defend the country against foreign aggression but, rather, as a military unit performing primarily the twin task of maintaining the Shah in power and serving U.S. interests in the region.

The presence of 10,000 Americans working in the military-related projects in Iran reinforces the perception of U.S. domination of the Shah’s regime among many Iranians. Many Iranians, as well as some members of the Congress of the United States, began to question the implications of the major U.S. military presence in Iran and the close identification of the Shah’s armed forces with the U.S. posture in the region.

At the last day of Shah’s regime on February 11, 1979 the chairman of the Joint-Chief-Staff of Imperial Armed Forces had been issued a “declaration of neutrality” which was tantamount to surrender, the government of Shahpur Bakhtiar, the Shah’s last prime minister, collapsed and the new provisional revolutionary Islamic government came to power on February 11, 1979. Both Ayatollah Khomeini and Mehdi Bazargan, the new prime minister, were cognizant of the need to have strong armed forces to maintain internal order.

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and to thwart foreign military threats. Therefore, the total dismantling of the Shah’s armed forces was not on the priority list of the Post-Revolution authority and Ayatollah Khomeini himself.

In the immediate aftermath of the Revolution, the armed forces, which had fallen into disarray because of massive rank-and-file desertions and the collapse of morale during the revolutionary upheaval, began to be reconstituted. Necessary to this reconstitution, was the purging of some senior officers from the Imperial Armed Forces. However, as Gregory Rose has shown, the first purge period (February-September 1979) was not “aimed at dismantling the Pre-Revolutionary armed forces”.  

A more extensive purge within the armed forces, however, did occur when Moftafa Chamran, the deputy prime minister in charge of revolutionary affairs, was given the defense portfolio in September 1979. Under his auspices the second purge of the Iranian armed forces was aimed at ideological purification of military personnel at all levels. Chamran contended that the existing military order had been created by the “satanic” Pahlavi regime and, therefore, was not amenable to reform. These purges however, were to be conducted as an “Islamic Revolutionary” manner based on the officers’ belief in the tenets of the Revolution and the concept of Velayat-e Faqih (as mentioned earlier in this chapter) under the leadership of Ayatollah Khomeini.

In addition, as mentioned previously in this chapter, the Post-Revolution Constitution insisted on establishment of a Maktabi or doctrinaire

military in the country in order safeguarding the countries frontiers and also to do holy war in the name of God if necessary.

Along with the armed forces, the Islamic Revolutionary Guards Corps (IRGC) or Sepah-e Pasdaran-e Inqilab-e Islami is another Post-Revolutionary military force in Iran. This force established in May 1979 and his main goal is safeguard of nascent Islamic Revolution. Numbering some 250000 uniformed personnel, the IRGC had a cabinet level ministry that reported directly to Ayatollah Khomeini.

According to article 150 of the Constitution the functions of the IRGC “will be determine by law in conjunction with the duties of other military forces of the nation and with regard to the principle of brotherly cooperation and coordination among all military forces. Expressing his desire to have been a Pasdar (Guard) himself, Ayatollah Khomeini has called the IRGC the “eyes and ears of the Revolution”.  

The IRGC has become a fundamental factor in the regime’s stability in Post-Revolutionary Iran. It has been instrumental in containing a myriad of domestic uprising; it has also played a pivotal role in the Iran-Iraq war. As Morris Janowitz has noted in his study of the role of military in developing countries, the coercive arm of the state in Third World nations “requires a perspective that encompasses more than the military, one that can include coercive institutions, such as police and paramilitary formations, and the various form of repression”.  

30 - Pasdaran Magazine, August 28, 1979, p.1
F) Recent Constitutional Developments:

After President Khatami came to power some reformists opened a discussion about the inadequacies of the Constitution. For example, they believed that the responsibilities of President are not enough and they must be extended.

As noted earlier, a referendum to decide the type of political system was held on 1 April 1979, only 50 days after the revolution. More than 98.2 percent of the electorate vote came in favor of an Islamic republic in preference to the previous monarchical regime. A draft Constitution was prepared before the summer of 1979 and a 72-member "Assembly of Experts" approved it after lengthy deliberations. The Constitution was subsequently ratified by the Leader of the Islamic Republic, Ayatollah Khomeini, as well as by a plebiscite on 3 December 1979. This time, 98.5 percent of voters cast their votes for the Constitution.32

The general framework of the Islamic system of government was therefore decided upon, but many details had yet to be worked out. The first general election on 28 May 1980 and the convening of the first parliament were the subsequent steps in that direction. Ever since, the laws passed by the parliament have brought the founders of the Islamic Republic step by step closer to their objectives. Nevertheless, Iranian leaders and officials unanimously agree that there is still a long way to go to achieve the ultimate goal. Their proclaimed aim is to create a full- fledged Islamic system of government based on the teachings of the Prophet Mohammed and his

successors, which has never been in operation anywhere during the 14-century history of Islam. Iranian officials only have the general instructions provided by the Koran, the Prophet's tradition and narrations as guide for action.\textsuperscript{33}

Lawmakers believe that every constitution in the world has some inadequacies. It means that you can not find any perfect constitution in any country. This is because of several factors.

\textit{Firstly} it is impossible to predict the inadequacies of the law or rules before execution of them in the society. Then step by step the law and rules will change with the aim to solve the important problems of the society.

\textit{Secondly} the aspiration levels of the society are changeable through the times.

\textit{Thirdly} the society is not only in a static status but also in a dynamic situation. Moreover Islamic Republic of Iran situation is more severe because it is a youthful society and the levels of expectations are higher than the others.

\textit{Fourthly} some of the rules in our constitution were idealistic because of the revolutionary situations of the society. In that time most of the lawmakers or intellectuals and religious persons have been thought utopianism. It means that they believed to create an Islamic Utopia (Ummolghoraye-Islami) in Iran. This is an important point to understand the transitions of that time. In a revolutionary situation it is difficult to predict the future events.

\textit{Fifthly} because of the revolutionary condition in Iran, constitution of the Islamic Republic of Iran ratified in short time. This is one important reason for inadequacies of the rules.

\textsuperscript{33} - Amir Saedvakil and Poorya Asgeri, (2004), \textit{“Constitution in today Law Order"}, (Tehran: Majd Pub.) PP.7-12
Sixthly if we analyze all the discussion that have been made by the representatives for approval of one article of the constitution it shows that some of them are not so deep to understand that why this article ratified.

Lastly, it is natural, in every revolution in the world the person who came to power is not so journeyman to do his jobs in every case.

Most of the prominent Iranian reformist lawmakers believe that constitution of the Islamic Republic of Iran like the other constitutions in other countries need to revise and it is not an exception. It is the duty of new revolutionary descendants to discover its inadequacies and try to revise it. This is the main reason that Imam Khomeini ordered to revise of the constitution.

In this case another example is: president Khatami in his second round of presidency tried to extend the authorizations of president because the reformists believed that the president is not so active and responsible and able to do his job according to the constitution of the Islamic Republic of Iran.

The revision of the constitution is not so easy to start in a short time. This is a skilled work and it must be done by the lawmakers. Naturally it takes a long time to research in this case. The new generation in Iranian society has his or her own needs and they consider that their important citizenship rights ignored by the government.

G) Different interpretations of the constitution:

The Islamic Republic of Iran’s constitution like the other constitution in the World has some strength and weaknesses. But the main important thing in
constitution is the execution or enforcement of the rules in the society and outcome of rules execution is sovereign of law and orders in the country. So it is very important to have a special organization to follow how the rules of the constitution of a country enforce or execute and if some of the rules are non executable then they must be specify that what is the problem and how it must be solve.

Some important specifications of the rules and regulations in the constitution:

Firstly the constitution is a mother law of a country so it should be flexible not harsh.

Secondly it is very important that in the constitution the duties and authorizations of every responsibility must be as like that nobody misuse his authorities or to have the right to interfere in others responsibilities.

Thirdly there must be no ways for misinterpretation in the rules of the constitution.

Some reformists like Mohsen Sazgara believe that in the constitution of the Islamic Republic of Iran there are some democratic or republican articles like the articles about the elections, referendum, parliament or president. Execution of these rules in long term tends to an open and civil society.

On the other hand most of the articles of the constitution are non-democratic like the articles about Jurisprudent or Guardian Council. Execution of these articles tends the society to a dictatorship that the mass votes have no mean.
Moreover, some reformist analysts believe that if we compare these two kinds of articles with each other then conclusion is the number of non-democratic articles are more than the democratic ones and it causes a paradoxical problem. These paradoxes decrease the level of regime legitimacy and cause a gap between nation and government.

They explain that the Islamic Republic of Iran at the beginning was so popular and vote of the people were more precious than the will of the statesmen. However, steps by step and especially after the revision of the constitution, the situation has been changed completely.

**H) Guardian Council or Constitutional Court:**

The constitution, of whatever form, is often protected by a certain legal body in each country with various names, such as supreme, constitutional or high court. This court judges the validity of legislation, its interpretation, and the manner in which such legislation is implemented by the executive branch of the state. Such legal bodies are normally the court of last resort, the highest such body without further recourse, where this process of judicial review are integrated into the system of courts of appeals. This is the case, for example, with the Supreme Court of the United States. Other countries dedicate a special court solely to the protection of the constitution, as with the German Constitutional Court.

Finally, some countries have no such courts at all – for example, as the United Kingdom traditionally functions under the principle of parliamentary supremacy, the legislature has the power to enact any law it wishes. However, through its membership in the European Union, the UK is now subject to the
jurisdiction of European Community law and the European Court of Justice; similarly, by acceding to the Council of Europe's European Convention on Human Rights, it is subject to the European Court of Human Rights. In effect, these bodies are constitutional courts that can invalidate or interpret British legislation.

According to the constitution in Iran there is no any court to protect the constitution’s articles but the Guardian Councile do this duties. Some Iranain jurists and parleament members believed that it needs to establish a high court to protect the constitution. In this regard up to now tow bills offer to the parleament as folows: 34

1-the first bill offered to the fourth Majlis in 1995. According to this bill the Constitution Hihg Court will consist of one chief of justice and 2 justices that appoint by the Chief of judiciary branch. Moreover, a high delegation consist of president, chief of justice, 2 persons from Guardin Councile and the cief of high court behold all of the authorizations of the constituitonal court.

2-in 1997 the second bill in this regard offered to the fifth Majlis. This bill is now in the parleament but no one speak about it. According to this bill the constitution court consist of 4 jurists. One chief, tow members and one vice chief. All of these jurists offered by the chief of justice and appoint by the jurisprodent. Moreover a High Court consist of Chief of Judiciary, chief of High Court and Attorney General review all the judiciary votes of this Court.

According to articles 92-99 of the constitution a non judiciary and independent organ we call it Gardian Councile (Shura-ye- Negahban) consist of 6 jurists and 6 Faghih do the duties of constitutional Court. The authority of the interpretation of the Constitution is vested with the Guardian Council, which is to be done with the consent of three-fourths of its members. But the president is responsible for the enforcement of the constitution.

I) Post-Revolution Development of Iranian political system:

After having explained the salient features of the Iranian constitution and the structure of power in the system, it is equally important to take a brief review regarding the major developments in the growth of Iranian Republic since 1979. We can divide these 25 years into three distinct periods.

1- The first period might be referred to as the "first republic" or the period of revolutionary Islam, from 1979 to 1988.

2- The second period, from 1988 to 1997, might be referred to as the “second republic” or the reconstruction period.

3- The “third republic” or the period of searching for a more open society began with the election of Mohammed Khatami in 1997. We can also call it Post-Khatami’s Era.
1-First Republic:

Ayatollah Khomeini assigned Mehdi Bazargan the task of establishing a provisional government in Iran following the Islamic revolution of 1979. Bazargan adopted a cautious approach, defending gradual, step-by-step change, opposing the use of any domestic violence so as to mobilize support for the new regime. He closed the revolutionary courts that had been founded following the Islamic revolution and sought to provide and strengthen the rule of law in Iran. He resigned, however, after the student attack on the U.S. embassy on November 4, 1979. The Iranian people voted for Abulhassan Bani-Sadr for the presidency; but, he was soon dismissed by Khomeini. The next president, Mohammad Ali Rejaee, was assassinated by the opposition Mojahedeen-e Khalq Organization (MKO).³⁵

After 1981, control of the Iranian political system shifted to pro-revolutionary elites who closely followed Ayatollah Khomeini's line of thinking. Throughout this period, the state attempted to maintain society in a state of emergency with the help of radical religious factions, declaring that their goal was not only to "free" Iranian society, but the whole world as well. All resources were mobilized to conduct this "war" and to provide the world with a more happy future founded upon religious principles. These elites sought to mobilize mass support for their cause of establishing a permanent Islamic regime in Iran.³⁶

³⁵- For more information see Sadik Zibakelam,(2000), ‘‘Jame’e Madani, (Civil Society)’’, (Tehran: Tarh-e Now Pub.)
This period was characterized by an attempt to stifle all divergent opinions, declaring all opposition to be "anti-revolutionary" and "agents of imperialism." Other salient characteristics of this period were a belief in a charismatic Leader (the mandate of the jurist) and an overtly ideological character of the state machinery. Islam was seen as the only legitimate source of political thought and it completely dominated the public sphere; revolutionary elites accepted the politico-religious doctrines of neither East nor West and sought to struggle against what they saw as "global imperialism," especially as represented by the United States. As a result, virtually all forms of foreign investment were discouraged.\(^{37}\)

This period continued until the end of the Iraq Imposed war against Iran in 1988. The end of the war, however, along with Ayatollah Khomeini's death, laid the foundation for a political restructuring of society. The recognition of the need to change the direction of state policy was mostly due to the regime's inability to cope with the massive problems that it faced as a result of its isolation. In addition, the revolutionary elite began to lose its ideological cohesiveness and profound differences began to emerge.

By 1988, the Iranian economy nearly collapsed and domestic production had decreased by five-fold. Iran continuously used up its resources during the war and at the same time population increased around 40 percent. Iranian economy was not in good shape even shortly after the revolution. A profound currency crisis, the loss of human life and material damages that resulted from the war, a severe budget deficit, and floating petroleum prices presented extremely grave problems for Iran’s economy.

\(^{37}\) Saeed Berzin, (2000), "Jenahhayi Siyyasi Der Iran Emrooz (Contemporary Political Positions in Iran”), (Tahran: Tarh-e Now Pub.), p.52.
2-Second Republic:

The second republic began with Ayatollah Khamenei in a position of religious authority and the assumption of Rafsanjani to the presidency. In this era, the rights that accompanied religious leadership were extended by legal amendments and the office of the premier was merged with that of the presidency. The subsequent erosion of the legitimacy of the religious regime, the economic demands of the people, coupled with the collapse of the Soviet bloc led to a search for a new economic order in Iran. Rafsanjani’s tenacious personality and his progressive ideas concerning economic development were central factors that led to an eventual restructuring of the economy. Economic reconstruction became the central goal of this era. Other government objectives included a gradual separation of the economic realm from ideological elements, large-scale privatization, greater freedom with respect to foreign trade, and a restructuring of the legal framework in conformity with international laws and norms.

These attempts at economic reconstruction and political liberalization created great excitement throughout the society and the debate over passing from a religious to a more modern or secular administration dominated discussions in intellectual circles. Cornerstone premises of the revolution, such as the hegemony of religious values, came to be seen by many as obstacles to reconstruction. By March 1989, Iran had moved into a period of a planned economy that initiated widespread economic changes throughout the country.

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At the same time that economic reconstruction was pursued throughout the country, the ruling elite also adopted a more pragmatic line with respect to foreign policy, especially toward Europe and the Persian Gulf Arab monarchies. Their principal goal was to attract foreign investment and aid in order to overcome the massive damages caused by the war. They sought to find a place for Iran in the international political economy. Rafsanjani gained legitimacy in the eyes of the religious leadership by putting forward the idea that reconstruction would create an exemplary state for other Muslim countries, through economic development and advancement.\textsuperscript{39} He was successful, therefore, in getting permission to attract and accept foreign investment.

The ruling elite failed, however, to accept fully the extension of economic liberalization into the cultural and political realms. The resistance of the religious leadership restricted progressive development to economic considerations. The gains made during this period, therefore, were very limited. Conservative attitudes remained dominant, especially in the cultural sphere and success in economic reconstruction was limited as well. Attempts at political and economic reconstruction and liberalization, for the most part, only served to facilitate the emergence of a new class of wealthy people who prospered on the basis of state resources. Poverty among the common people increased even further.

The period of second republic, though on a limited scale, led to an opening of space in which the main premises of the revolution came to be

\textsuperscript{39} Feramerze Refi Pur, (1999), \textit{“Tose-e ve Tezad (Progress and Conflict)"}, (Tehran: Kavir Pub.).
questioned and a more open and civilian style of government was first imagined and then slowly put into place. These developments came to be called the "intellectual religious movement"--it was fostered, in particular, by the writings of Abdulkarim Soroush. Reformist intellectuals became increasingly alienated from the state and organized privately. Much of this activity took place in the universities. Probably the most important aspect of this era was the emergence of a variety of political demands, supported by various institutions and organizations. The emergence of new politico-economic demands, the increasing search for a more open society and rich intellectual debates constituted the main source of "Khordad 2," (May 23, the day Khatami was elected) as the new Iranian revolution came to be called. Nevertheless, the conservative bloc of religious leadership, although faced with a profound legitimacy and authority crisis, continued to dominate developments throughout this period.

3-Third Republic:

Demands for continued reform became united under the umbrella movement led by Mohammed Khatami, who the Iranian people selected as their third president on May 23, 1997. At least in theory, there was a shift from a system based on a charismatic leader to a system inspired by the will of the people.\(^{40}\) This opened up new horizons and provided greater opportunity for the representation of popular demands in the administration. It also meant that, for the first time, the Iranian people were able to constitute a serious challenge to the dominant minority, which had heretofore ruled the country with an iron hand. Most of the basic premises of the revolution came to be

\(^{40}\) See www.moshareket.com, 12 February 2000.
seen as outmoded and a new social contract became both a necessity and a reality.

Khatami gave priority to civil society, the rule of law, greater political freedom, respect for pluralism and a more open dialogue with the West. While he did not describe freedom as anti-religious, he emphasized that institutions that did not appreciate the importance of freedom were destined to fail and disappear. Khatami sought to establish an institutionalized freedom in the public sphere and attempted to draw boundaries that would allow for necessary constitutional amendments.

The Khordad 2 movement was the result of differences among powerful factions, the crystallization of new ideological tendencies, and the demands of the people. Iranian society is still in search of a new social contract based on openness, civil society, pluralism, and freedom. In accord with these demands, important positive developments have come to life: there is greater (though still very limited) freedom of the press and an increasing acknowledgment of the civil and human rights of opposition groups.

**J) Post-Khatami’s Political System:**

Following the elections of 1999, a two-bloc political model emerged within the Iranian political system. Executive and legislative offices, along with the presidency, remained in the control of the reformists, while the economy, the intelligence, the military and the judiciary remained under the hegemony of the conservative bloc. While traditional institutions established after the revolution--including the Jurisprudent--have stayed in the hands of conservative groups; they have lost much of their influence over the Iranian
political system.\textsuperscript{41} Jurisprudent is an institution that closely follows the principles of Ayatollah Khomeini's doctrine and sermons of the 1960s. He explained in his famous book titled “\textit{Velayet Faghih} and Islamic Government” this new doctrine.

After the revolution, the demands of prominent religious figures like Hussein Ali Montazeri, Hassan Ayet and Mohammed Hussein Beheshti were included in the constitution. This resulted in a constitutional recognition that the right to govern belonged to the highest religious jurist (Jurisprudent), in the absence of prophets and imams. Ayatollah Khomeini, therefore, was seen as both the predominant religious and political leader. This only changed with his death and the ascension of others to positions of religious and secular authority.\textsuperscript{42} This institution has remained a powerful force in Iranian society despite the fact that it has faced a severe legitimacy crisis. It has served, more or less, as a tool for the conservative bloc.

Other institutions like Islamic Consultative Assembly, Guardian Council, Supreme National Security Council, Regime’s Expediency Council and Council of Experts have also been dominated by conservatives.\textsuperscript{43} Ironically, this has meant, in a sense, that the country's president is also the leader of the opposition. Yet while reformists have not won this conflict among government institutions, the very existence of a continuous debate paves the way for the creation of a civil society or, in Fariba Adelkhah's

\textsuperscript{42} - Shahroukh Akhavi, ”\textit{Contending Discourses on Shi'i Law on the Doctrine of Wilayat- al Faqih},” Iranian Studies, Vol 29, Nos. 3-4 (Summer-Fall 1996); Muhsen Kediver, Hukmet-e Velayi, Tahran, 1378
\textsuperscript{43} - For the roles of these institutions see, Iranian constitution provided in English at http://eurasianews.com/Iran/const.htm.
formulation, "religious public space." However, the intense rivalry between the two opposing political blocs has also demolished the sense of national harmony within the state bureaucracy and created an atmosphere of instability characterized by a profound lack of confidence.

The current political constellation has led to the emergence of increasing strife in public life. Particularly following the assassination attempt on Saeed Hajjarian, a near civil war-like atmosphere has emerged. Unsolved murders, increasing political pressures and arrests have served to maintain high levels of tension between the two groups. Conservatives not only escalated the tension but also compelled the other bloc to respond in kind. Although coming to office on a platform of reform, Khatami has been indecisive in his tactics and approaches to emerging problems. The climate of increasing political tension is especially detrimental to the reform movement, its cadres, tools and aims. Khatami's vague policies have created great disappointment and a sense of loneliness among the Iranian people. The cyclical, political repercussion of mass political events in the big cities is a result of this general frustration.

Khatami and his reformist colleagues were trying to change the system without being perceived as threatening to the state's security. The conservative bloc, on the other hand, was trying its best to paint the reformists as a threat to the future of Iranian society by provoking them to radical alternatives. Their aim is to force them to give up any serious attempts at meaningful reform. This situation may result in increasing levels of political violence, as has been

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45 - Sobh-e Emrooz, 17 February 2000.
the case before when political institutions failed to answer to the increasing demands of the people.

After two round of President Khatami’s presidency, still the most crucial problem between Reformist and Conservative is the unlimited authorities of the two institutions; Leadership and Guardian Council. This problem emerges in the elections time, when the breeze of political change blows.
K) Tables and Charts:

J-1. Legislation Process

Note: Phase no.3 is not for all of the legislations. But if there was a serious difference between ICA and GC then it must send to the REC.
J-2. The Political System of the Islamic Republic of Iran
### J-3. Organizational Chart of the I.R. of Iran’s Presidency

<table>
<thead>
<tr>
<th>V.P.&amp; Head of Presidential Office</th>
<th>First Vice President</th>
<th>Head of Iran's Atomic Energy Org.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister of Housing and Urban Development</td>
<td>Minister of Post, Telegraph and Tel.</td>
<td>V.P. for Legal &amp; Parliament Affairs</td>
</tr>
<tr>
<td>Minister of Health</td>
<td>Minister of Cooperatives</td>
<td>Minister of Energy</td>
</tr>
<tr>
<td>Minister of Industries and Mines</td>
<td>Minister of Agricultural Jihad</td>
<td>Minister of Roads and Transport.</td>
</tr>
<tr>
<td>Minister of Foreign Affairs</td>
<td>Interior Minister</td>
<td>Minister of Labor</td>
</tr>
<tr>
<td>Minister of Science, Research &amp; Technology</td>
<td>Minister of Education</td>
<td>Minister of Culture and Islamic Guidance</td>
</tr>
<tr>
<td>Oil Minister</td>
<td>Minister of Justice</td>
<td>Minister of Economic Affairs &amp; Finance</td>
</tr>
<tr>
<td>Minister of Intelligence</td>
<td>Minister of Commerce</td>
<td>Minister of Defense and Logistic</td>
</tr>
<tr>
<td>V.P. and cultural Heritage and Tourism Organization Chief</td>
<td>Spokesman of IRI Government</td>
<td>Vice President &amp; martyrs and self sacrifice’s affairs foundation, chief</td>
</tr>
<tr>
<td></td>
<td>Minister of Social Affairs</td>
<td></td>
</tr>
</tbody>
</table>

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46 - Internet Web Site of Islamic Republic of Iran President Khatami
**J-4. Outcomes of Presidential Election 8 June 2001**

*(Second Round of President Khatami’s Presidency)*

<table>
<thead>
<tr>
<th>Name of the Candidates</th>
<th>Percentage of votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-Sayyed Mohammad Khatami(Reformist)</td>
<td>78/3</td>
</tr>
<tr>
<td>2-Ahmad Tavakoli(Conservative)</td>
<td>15/9</td>
</tr>
<tr>
<td>3-Ali Shamkhani(Conservative)</td>
<td>2/7</td>
</tr>
<tr>
<td>4-Abdolah Jasbi(Conservative)</td>
<td>0/9</td>
</tr>
<tr>
<td>5-Mahmood Kashani</td>
<td>0/9</td>
</tr>
<tr>
<td>6-Hasan Ghafoorifard(Conservative)</td>
<td>0/5</td>
</tr>
<tr>
<td>7-Mansoor Razavi(Conservative)</td>
<td>0/4</td>
</tr>
<tr>
<td>8-Shabeddin Sadr(Conservative)</td>
<td>0/2</td>
</tr>
<tr>
<td>9-Ali Fallahian(Conservative)</td>
<td>0/2</td>
</tr>
<tr>
<td>10-Mostafa Hashemi Taba(Reformist)</td>
<td>0/1</td>
</tr>
</tbody>
</table>

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47 - Internet Web Site of Iran Mania: http://www.iranmania.com
J-5. Organizational Chart of Islamic Consultative Assembly

Speaker

Vice Speaker  E.C.O.M.&Clerks  Committees

J-6. Seats of Factions in Sixth Islamic Consultative Assembly

<table>
<thead>
<tr>
<th>Name of Factions</th>
<th>Number of Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-Reformists or Second Khordad Groups</td>
<td>189</td>
</tr>
<tr>
<td>2-Consevatives or Radical Islamists</td>
<td>54</td>
</tr>
<tr>
<td>3-Independents</td>
<td>42</td>
</tr>
<tr>
<td>4-Religious Minorities</td>
<td>5</td>
</tr>
<tr>
<td>Total Numbers</td>
<td>290</td>
</tr>
</tbody>
</table>

48 - Internet Website of Iran Mania: http://www.Iranmania.com
6J-7. Organizational Chart of Judiciary

- Ministry of Justice
- Civil Courts
- Clerical Courts
- Revolutionary Courts
- Administrative Justice Court
- Criminal Courts
- Supreme Court
- Head of Judiciary