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The Quest for the State in the Islamic Republic of Iran

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On July 17, 2009, Akbar Hashemi Rafsanjani stepped up to the podium of Friday Prayers at Tehran University to deliver one of the most difficult sermons of a political career spanning five decades. The former president and regime stalwart's message went to the heart of the political dispute that had engulfed the Islamic Republic since the heady June 12 election. The Iranian state system, he reminded the attentive audience within the campus and the howling masses who were standing outside, had to be at once both 'Islamic' and a 'Republic'. The veneer of novel and creative religious principles that had separated the Islamic Republic's elite from the wider gamut of Iranian political movements for most of the past thirty years was therefore to be maintained. At the same time, Rafsanjani argued that the people should be afforded the right to select their rulers. This was, he repeatedly argued, the essence of Ayatollah Khomeini's political vision.

The present political showdown between the various factions internal to the Islamic Republic is in many ways a challenge borne out of the lack of universal consensus on the form and function of the various components of Iran's heterogeneous state system. From its inception, the Islamic Republic rapidly shifted towards the creation of a vast but exclusionary political elite. In doing so, the post-revolutionary state order progressively steered away from the aim of many of its early proponents: the establishment of a democratic order in Iran. Following Mosca's cogent definition of the latter – a state system which presents no barriers for incumbency in the political elite to society as a whole – Iran does not fall under this remit. Despite the considerable change in political culture witnessed in Iran during the course of the past three decades, the political elite of the Islamic Republic has not shifted past the exclusivity of the *khodis* – or those 'internal' to the Islamic Republic – hold on political power and their non-acceptance of a truly pluralist political class.

Ayatollah Khomeini's style of governance proved to be unique. Despite formulating his paradigmatic desire for the overarching role of a religious jurispudent, or *faqih*, above the state order, Khomeini never ventured into the exact definitions of these powers within the context of a modern nation-state. And despite being at the

helm of a vast popular movement that successfully achieved its main aim, the overthrow of the Shah's regime, in February 1979 Ayatollah Khomeini was not at the forefront of one of the more pressing concerns of the revolutionary front: the creation of the state structure that was to replace the fallen 2,500 year old monarchy.

Khomeini showed little inclination for declaring himself head of state, as the Shah had done in 1967, or asserting himself as the commander in chief of the armed forces. Instead, the Imam, as he was termed in an adulatory way by the Iranian media before the Revolution, preferred to lean upon his vast charismatic appeal both within the state system and society at large to function as the universally acknowledged supreme arbiter of the political system. A mystic whose political thought was effectively a cross between the time-honoured Shi'i philosophical principles of *irfan* and Machiavelli, Khomeini settled in his unique role of beacon and gatekeeper of the Islamic Republic's elite.

Khomeini and the constitution of the Islamic Republic

Khomeini did not play a direct role in the drafting of the final text of the Constitution. Rather, the Imam aimed to set the tone of the deliberations through his opening message, which was read by a close associate, Hujjat al-Islam Hashemi Rafsanjani. In his address, Khomeini equated democracy with Islam by recalling how a near-absolute majority of the people had chosen an Islamic Republic through the March referendum. The nascent state had therefore to be equipped with a "100% Islamic constitution" (*Surat*, 1986, p. 5). He furthermore warned Assembly members to maintain vigilance against 'deviationism' towards the Eastern or Western political blocs and to stringently verify the adherence to Islam of all articles contained within the draft text. Khomeini refrained, however, from explicitly proposing the shape or form of any state institution in his communiqué.

Khomeini's directive was left largely unheeded. Faced with an urgent need to define state authority in the midst of the escalating radicalisation of the Iranian political atmosphere caused by the US embassy crisis, the IRP opted to hastily draft a fundamental charter that ensured the *faqih's* lasting influence and primacy over the state institutions that were introduced by the draft text released by the liberal-leaning Provisional Revolutionary Government.¹ Khomeini himself was aware of the shortcomings of the final text of the Constitution. In his message to the nation on 28 November 1979, the Imam urged the people to follow him in giving a positive vote to the new fundamental charter while deferring somewhat unavoidable corrections to a future Supplement (Khomeini, 1999a, pp. 137-138).

The clash over Maslahat in 1988

By 1988, the friction between the different institutions of the Islamic Republic was conducive to an explicit unearthing of the 1979 Constitution's weaknesses and ambiguities. The long conflict with Iraq had also forced the Iranian political system to deal with the compelling issue of state interests. Khomeini himself "seemed well aware that if the regime was to survive, systemic and ideological deadlock had to be dealt with and the government conducts its affairs in an orderly and predictable manner" (Moslem, 2002, p. 72).

These factors were conducive to the emergence of a particular form of *raison d'état*, here taken to mean the justification for sudden and profound alterations of existing norms due to the rise of "challenges to the continued existence of the very basic structure of authority and legitimacy". (Robertson, 1993, pp. 406-407). Couched in Islamic terminology, this approach to governance came to be known as *maslahat-i nizam*, or 'public expediency of the political system'.

On 1 January 1988, the President, Seyyed Ali Khamenei, addressed the crowd of worshippers on the grounds of Tehran University, where he was leading that week's Friday prayers. For a few weeks a tug of war had been ongoing within various institutions. Khamenei had sided with the Guardian Council in a dispute with the government, which had obtained permission from Khomeini to bypass in some instances the clerical supervision mechanism imposed upon it by the constitution. Khamenei's intervention on the matter surprisingly belittled his own role within the institutional framework of the Islamic Republic. He claimed that in an Islamic state, only the supreme religious jurispudent possessed the right to decide on key political matters. The remainder of the institutions could act only if delegated to do so by the *faqih*. Khamenei thus effectively interpreted the presidency as akin to being a mere administrative appendix of the Supreme Leadership (*Jumhuri-i Islami*, 2 January 1988).

Khamenei's remarks puzzled many, including Khomeini. The Imam replied a few days later by declaring that the 'state' was to be considered a primary ordinance of Islam. As such, it was higher than all secondary ones, such as praying, fasting and performing the Haj, and was not subject to the somewhat inflexible reliance on the *shari'a* upon which the deliberations of the Guardian Council were often based (Khomeini, 1999b, 451). Khomeini eventually resolved the issue by calling, in a reply to a letter sent to him by high authorities of state to the creation of a new institution, the Council for the assessment of the expediency of the system. This body had to arbitrate in cases of dispute between the Guardian Council and Parliament. Khomeini therefore diffused once more his powers within state bodies, institutionalising as he

did the arbitration role he cherished, but which he probably chose to progressively relinquish due to his advanced age.

The succession to Khomeini and the reform of the constitution

By late 1988, the Constitution of 1979 presented severe shortcomings. The executive branch was marred by frequent fighting between President Khamenei and Prime Minister Mousavi, while the addition of institutions such as the permanent Assembly of Experts, which was entrusted with choosing the *faqih*-in-waiting, and the Assessment Council, meant that a revision of the constitution was indeed necessary. Subsequent to the dismissal of Ayatollah Muntaziri from the post of Khomeini's appointed successor in early 1989, a 20-member Revision Council nominated by Khomeini set forth to reform the constitution. Khomeini offered specific advice to the Council: that of removing the requirement from the articles pertaining to the *faqih*, calling it a provision he had accepted a decade earlier upon "pressure from friends".² The Council's proceedings were given sudden urgency by the death of Ayatollah Khomeini at the start of the sixteenth session of its meetings, on June 3, 1989. The Assembly of Experts moved rapidly to elect the then president, Hujjat al-Islam Khamenei, as the new Leader, despite the fact that the powers and prerogatives of the Leadership were still, at that point in time, under heavy discussion.

The new supreme figure was structurally different from that of the charismatic Imam personified by Khomeini. Despite maintaining the role of incumbent of the most powerful institution of the Islamic Republic, the figure of the *rahbar* was now intrinsically defined as a political leader appointed by a restricted group of theologian peers and did not carry the vestiges of popular support or charisma that were, on the other hand, hallmarks of the authority of Khomeini. The *faqih* position ultimately retained its lifetime duration. The Revision Council hence eventually devised a powerful Leadership institution whose incumbent, or *primus inter pares*' preservation of power was based upon the recourse to political, rather than charismatic means in its tactful relationship with other influential institutions and its quest to acquire and maintain popularity within society.

The executive *faqih*

The last two decades have seen the tensions over the revision of the constitution remain unresolved. The new executive role of the Supreme Leader eventually became the fault line between different factions. The 'reformist' one, mainly grouped around some of Khomeini's closest associates, was loosely organised around the strand of thought that saw in the *faqih* a largely aloof supervisor of the political system. Their

primary aim was to capture control of the elective institutions and reach their goal through governance of the latter. The 'conservatives', on the other hand, believed in an executive role for the *faqih* and sought a novel interpretation of the rule of the religious jurist, one that was based on his absolute rule or on his right to micromanage the state system. In the middle were pragmatic personalities such as Hashemi Rafsanjani, for whom the imperative of national reconstruction and progress after the devastating war with Iraq had precedence over political squabbling. Their role was essentially that of steering the state system as a whole off potentially lethal collision courses. All three factions crucially competed for the right to define *maslahat* according to their own goals and interests.

For most of the past two decades, Ayatollah Khamenei has sought to carve a path more akin to executive leadership rather than spiritual guidance of sorts. The lack of universally acknowledged clerical credentials and the unelected nature of his office produced a *faqih* who would refrain from delegating his powers to suitable state officials, like his predecessor did, and form his own parallel military, security and political corps. On the other hand, the reformist strand of the Islamic Republic aimed for a limited adoption of Western strands of political thought. In the attempt to wrestle executive control away from the *faqih*, the reformists embarked upon the twin route of loyalty to the *nizam*, or political system as a whole, and reliance upon popular participation. The reformists succeeded in engaging a vibrant 'civil society' in the otherwise arcane mechanisms of the Islamic Republic's politics. The flourishing of avenues through which their power base could be enhanced, such as freer press and Internet connection, also became staples of reformist ideology. Also prominent was the rejection of the claustrophobic attitude of the conservatives to foreign policy and detente with the West.

Faced with the need to shore up his authority, Khamenei embarked in a Weberian interpretation of the state by reinforcing his constitutional control over the means of organised violence. At the turn of the century, the clerical oversight bodies had been largely turned to obsequious allies of the Supreme Leader, who then leaned upon a group of 'Young Turks', largely stemming from a group of authoritarian modernisers linked to the Guardians of the Islamic Revolution to bring an end to the reformist control of Parliament and the presidency. The latter eventually fell to Mahmoud Ahmadinejad, a wily populist who set forth to oust the remaining associates of Khomeini from office by exploiting a humble and downtrodden image. The maverick president has, however, unwittingly carved a pivotal role for his institution, and he has progressively used the platform afforded to him to shape state policy at higher levels, thus occasionally pitting himself in contrast with the Supreme Leader.

Conclusion - one state, multiple visions

On June 4, 2009, the Islamic Republic's top brass met for one last show of unity. Nearly all the heads of the *nizam* gathered at the sprawling Holy Shrine, Khomeini's tomb on the outskirts of the Bihisht-i Zahra cemetery, to mark the twentieth anniversary of the passing away of the founding father of their political system. It was to be a fitting farewell to the harmonious coexistence that had marked the previous two decades. A week later, Khomeini's acolytes, all of whom in their late sixties or seventies, would publicly break ranks with their erstwhile colleague and current Supreme Leader, who had chosen to decisively side with the much younger generation that saw in Khamenei the lynchpin of their thirst for the monopoly over political and economic power. After successfully portraying their June 12 defeat as a product of widespread fraud, former President Mohammad Khatami and defeated reformist candidates Mir-Hossein Mousavi and Mehdi Karroubi defiantly called for the respect of those values and rights they strenuously believe their old mentor, Ayatollah Khomeini, would have never infringed: respect for popular participation within the contours of the *nizam*. In doing so they captured the imagination of a significant segment of society that has progressively grown disenchanted with the *status quo* and that has waded into the debate over the state in imaginative and potentially decisive ways that include staging noisy and well choreographed mass rallies and acute political activism, some of which falling outside the *nizam's boundaries* furthered via the Internet.

The Constitutional revision of 1989 has now held sway for the past two decades, twice the duration of validity of the previous charter. During this time-frame, the Islamic Republic has uneasily hovered between the *jomhuriyat* (the republican element that has survived the streamlining of the executive branch) and the strands of thought that see in the new Supreme Leader the real holder, and direct dispenser, of executive power in Iran. Despite remaining in the political wilderness for two decades, Mousavi has returned to the political scene to ward off that very same drive towards 'dictatorship' that he wistfully decried in the revision proceedings. In doing so, he has called for a return to the constitutional arrangement of the Khomeini era, when the *faqih* was limiting himself to intervening in case of need, and mostly eschewed the executive grip on state affairs that has progressively become the *modus operandi* of his successor. This has created recurring tension between the Supreme Leadership and presidential institutions, regardless of Ayatollah Khamenei's ideological closeness to the "conservative" faction that includes current President, Mahmoud Ahmadinejad, within its ranks.

Despite its success in surviving repeated international sanctions and enmity and endless domestic infighting, the Islamic Republic must now face the most pressing

of its concerns, the willingness of all of the actors of Iran's congested political elite to adhere to a universally accepted vision of the state. The difficult cohabitation between the rule of supposedly divinely-mandated figures and the will of the people, to paraphrase articles 5 and 6 of the Constitution of 1979, is more pressing than ever for the future of the post-revolutionary Iranian state structure. The prospect of generational change will become ever more close as the Islamic Republic ploughs through its third decade of existence. In this sense, the framers of the Islamic Republic's two constitutions have been hounded by the intrinsic weakness of the state-building process that Iran underwent in the past century and the hitherto elusive quest to equip Iran with a harmonious and adequately defined institutional framework.

Notes

- 1 This haste was exemplified by cohabitation of article 5, which heralded the *faqih* as supreme political authority, with article 6, that placed popular sovereignty as fundamental pillar of the state system. Ayatollah Kazim Shariatmadari, a liberal-leaning cleric from Tabriz, demanded the correction of this contradiction in favour of article 6. The IRP's refusal to heed to the request provoked a brief uprising in Tabriz in December 1979 that constituted the only instance of violent opposition to the new Constitution.
- 2 The *marjyyat* provision was most likely included in the 1979 Constitution by the leaders of the Assembly of Experts, Muntaziri and Bihishti, who were probably influenced by a blueprint written by Ayatollah Muhammad Baqir al-Sadr of Najaf in the dying days of the Shah's rule. Baqir al-Sadr called for the establishment of a government led by an esteemed *marja-i qaid*, or supreme member of the *marjyyat*.

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