



Postrevolutionary Iran

The Leader, the People,
and the Three Powers

R. R. Asaadi

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For Heather

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Introduction

“Any good volume on Iranian politics incorporates a fair dose of first-hand experiences and anecdotes,” writes Zep Kalb to open his review of Brumberg and Farhi’s 2016 edited collection of essays, *Power and Change in Iran: Politics of Contention and Conciliation*.¹ In that spirit, I begin here with my personal experiences in Tehran in the summer of 2013. I happened to be in Iran during the immediate run-up to and aftermath of the 2013 presidential election. More specifically, when the official election results were announced, I was at a small restaurant in Meydan-e Tajrish (Tajrish Square) in northern Tehran. As the news spread of the victory of Hassan Rouhani, the centrist candidate with possible reformist leanings, the streets quickly filled with his supporters celebrating the result. The roadways became impassable as revelers on foot, bicycle, motorbike, and in cars waved flags and placards, honked horns, and chanted slogans. Their chants included “Ahmadi Bye Bye” (“Ahmadi” referring to outgoing president Mahmoud Ahmadinejad), “Long live reform, long live Rouhani,” “Nuclear energy is our inalienable right,” and—at their boldest—“Mousavi, Mousavi, I got back your vote” (evoking the disputed presidential election results of 2009) and “Death to the dictator.” This initial optimism cooled after Rouhani assumed office, given the practical realities of governing in Iran. But, the gradualism of political change in Iran notwithstanding, Rouhani’s election marked a significant departure from the course followed by Mahmoud Ahmadinejad, his more conservative predecessor.

The optimism that I witnessed in this spontaneous pro-Rouhani postelection demonstration in Tehran in June 2013 marked the commencement, I argue, of a new era in Iran’s postrevolutionary politics. The high-water mark for this period came on July 14, 2015, when Iran and the P5+1² signed the Joint Comprehensive Plan of Action (JCPOA), which initiated the process

to normalize Iran's nuclear program and its relations with the international community. I argue that this period effectively ended on May 8, 2018, with the withdrawal of the United States from the JCPOA. The highly unfavorable view of Iran in American public opinion is well documented by Gallup Poll data; for instance, a February 2019 poll found that 82% of respondents held unfavorable views of Iran—a level of negativity that has held relatively constant since the late 1980s, the period from which Gallup data is first available.³ The recent span of time from May 2018 through the summer of 2020 has been particularly tumultuous in Iran. It has witnessed economic decline, periodic mass protests, and a series of suspicious incidents at nuclear sites, power plants, and military bases, all suggesting the looming specter of covert foreign intervention in the country.⁴

In his 2016 book, *Democracy in Iran: Why It Failed and How It Might Succeed*, sociologist Misagh Parsa argues that the political elite in Iran face two paths forward.⁵ On the first path, what we might call the “path of reform,” leaders in the Islamic Republic recognize that the stability of the regime is contingent on implementing fundamental changes to the political system; they therefore choose to respond to popular demands for political liberalization and democratization, strengthening civil liberties and political rights. On the second path, what we might call the “path of repression,” leaders resist society's calls for meaningful political change, and they double down on maintaining the privileges of the political elite; they thereby further alienate and radicalize increasingly larger swathes of Iranian society that are kept quiescent through the threat and use of force rather than voluntary consent. Considering these starkly divergent visions of possible futures, it is important to ask ourselves: Is the Islamic Republic immune, in perpetuity, to meaningful reform? Or is the path of change becoming more feasible as its political system transitions into the hands of the next generation?

THE ISLAMIC REPUBLIC AT FORTY

In February 2019, the Islamic Republic of Iran marked the fortieth anniversary of the revolution that had unseated Shah Mohammad Reza Pahlavi from the Peacock Throne, ending the 2,500-year history of monarchical rule in the country. A recent spate of works on Iran's postrevolutionary political development have been published in response to this milestone, analyzing the evolution of the Islamic Republic regime and offering predictions about its future trajectory.⁶ They repeatedly examine the puzzle of authoritarian resilience. What accounts for the resilience of the Islamic Republic regime, especially given the rhetorical castigation, economic sanctions, and the looming threat of military conflict the regime has faced? Many examinations of this question

prioritize structural factors in their narratives of Iran's postrevolutionary political development. For example, some authors emphasize how Iran's vast oil wealth enables the regime to reproduce its power. Others fall at times into the trap of historical determinism, explaining the present solely as a continuation of the past. These framings run the risk of uncritically reproducing the status quo and underestimating the capacity for change within the system. There is a parallel here with a theme in the academic literature on the Soviet Union in the mid-to-late 1980s. Scholars of the Soviet system were caught off guard by the rapid deterioration and eventual collapse of the Soviet Union in 1991 precisely because their analysis lacked an appreciation for the political system's contingent and contested nature. On the other hand, some authors offer overly narrow actor-based accounts, prioritizing the influence of domestic constituencies, particularly Iran's military and Islamic Revolutionary Guard Corps (IRGC), in explaining the resilience of the postrevolutionary regime. Others, such as Trita Parsi, center their analysis on political biographies and psychological profiles of individual diplomats and political leaders (namely President Rouhani and Foreign Minister Mohammad Javad Zarif), and use this information to explain the behavior of the regime.⁷ Though Parsi's work is a compelling read, one is hard pressed to come away with generalizable or testable findings, given that his account takes the "Great Man" approach to history. Last, many of the recent works on Iranian politics still focus more on explaining the causes of the Islamic Revolution rather than describing and explaining how the political institutions created by Iran's Islamic Constitution have evolved over the last four decades. This book aims to address these deficiencies.

More than four decades after Iran's 1979 revolution and the establishment of the Islamic Republic, what have we learned about the limits of this revolutionary political system and its capacity for change? A critical reassessment of its foundational document, the Constitution of the Islamic Republic of Iran, alongside a detailed historical analysis of the practical experience of the subsequent four decades of governance, can help us better understand the nature of politics in postrevolutionary Iran and the potential for reform. This book is first a study of the structure of Iran's political institutions, of their composition and function in theory; and second an analysis of their evolution in practice over the first forty years of the Islamic Republic regime. The ensuing chapters aim to correct the common fallacy of mistaking the existing for the limits of the possible, and therefore to render a clearer picture of the conditions of future possibilities within Iran's existing political framework. Theoretically, the book draws from historical institutionalism in its emphasis on critical junctures, feedback effects, and developmental pathways, and more broadly in apprehending how institutions evolve in response to a changing political environment.⁸ The book also engages regime change

theory, focusing on the question of authoritarian resilience and competitive authoritarianism in the Middle East.⁹ Methodologically, the book combines textual analysis of the Islamic Republic of Iran's constitution with analysis of a wide range of primary and secondary sources, including polling data, government publications, interviews and statements of public figures, and analysis of media sources.

One insightful source for considering the political evolution of the Islamic Republic regime is the Polity IV trends data on postrevolutionary Iran. The Polity authority measure scored Iran as a fully autocratic state during the period of 1956–1979, assigning it the maximum autocracy score of –10. From 1982 (the first year after the revolution for which a Polity score is available) to 1997, Iran scored a –6 on the measure. Although this was an improvement from the fully autocratic regime of the Shah, it still reflected Polity's assessment of the Iranian regime as within the range of autocracy on its spectrum, though much closer to the “anocracy” or hybrid regime type, which ranges from scores of –5 to +5, than its predecessor. The most significant trend toward democratic authority came in the years 1998–2004, during Khatami's presidency, when Iran's score on the Polity authority measure increased to +3, which Polity categorizes as “open anocracy.” This progress proved short-lived, however, and in 2005 Iran's score on the authority measure decreased back to –6 (“autocracy”), and decreased further in 2010 to –7, its lowest score at any time in the postrevolutionary period, and where it has remained in the most recent measure (2018).¹⁰

The emancipatory potential—theoretically—of the Constitution of the Islamic Republic of Iran is captured in the following excerpt from the preamble:

The Constitution, in view of this direction, shall lay the ground for such participation by all members of society in all stages of political and fateful decision-making so that in the course of evolution of Man, every individual would be involved in growth, development and leadership. This in fact is the realization of the concept of government on earth by the oppressed [*And we wished to be gracious to those who were weakened in the earth, and to make them the Imams, and to make them the heirs*].¹¹

The call for individual participation by all members of society captures the democratic idealism that one finds throughout the document, often paradoxically alongside descriptions of *velayat-e faqih*, which contradicts these democratic aspirations. Articles 56–61 in chapter 5 of the Constitution sketch the outlines of sovereign power in the Islamic Republic system, dividing sovereignty among the legislative, executive, and judicial powers of government and nesting the exercise of these branches' sovereignty under the authority

and leadership of the imam, whose sovereign authority is itself nested under the absolute sovereignty of God.

The legislative, executive, and judicial branches of government are clearly defined as independent from one another, with no branch having clear priority over another.¹² Also, Article 60 suggests a division of executive power between the president and ministers on one hand and the supreme leader on the other: “The executive power shall be exercised by the President and the Ministers, except in cases for which the Leader has been made directly responsible by this law.”¹³ Therefore, although the definition of sovereignty in chapter 5 of the Constitution is rather unambiguous in its assertion of divine sovereignty and empowerment of the *faqih* in its application of the doctrine of *velayat-e faqih*, it also suggests a limitation of the Leader’s political powers to those domains for which the law has made him directly responsible. I explore the constitutional provisions specific to the three branches in further detail in the body chapters of the book, but the point of introducing these basic constitutional principles on governance as outlined in the Constitution is to note that there is sufficient ambiguity in the Constitution to leave room for differing interpretations of the powers and functions of the branches in relation to the supreme leader. This is a theme I revisit throughout the book. With this conceptual background in mind, I turn now to provide a brief overview of Iran’s political development in the postrevolutionary period.

1979–1980: INITIAL OPENING AND UNCERTAINTY

The rupture with the patron–client relation and pattern of dependence that for many of the revolutionaries had come to define Iran’s relationship with the outside world, particularly with the United States, under the regime of the Shah, is perhaps most clearly articulated from Iran’s point of view in article 152 of the new constitution of the Islamic Republic. Articulated in this article of the 1979 Constitution were the three major themes that would come to define Iran’s postrevolutionary posture in global politics and draw stark contrast to the pattern of development adhered to by the Shah’s regime: (1) rejecting foreign domination, (2) nonalignment, and (3) supporting the oppressed against the oppressors.

It was in this context that Iran’s status as a rogue state emerged. Article 152 of Iran’s 1979 Constitution reflects a break from the old pattern of relations, and this would be followed in the 1980s by a decade of uncertainty and a search on the part of the United States for a consistent approach to its relationship with the new Islamic Republic. I address this history in greater detail later in the introduction, but I offer a cursory orientation here. The main progression of events involved the fallout from the hostage crisis (1979–1981)

and Iran's support for Hezbollah in Lebanon, which led to its inclusion in the U.S. State Department list of state sponsors of terrorism and its framing as an "outlaw" or "pariah" state during the Reagan administration. Whereas in the 1970s, the term "outlaw state" had generally referred to a state's internal behavior (some common examples of such states were Idi Amin's Uganda and the Khmer Rouge in Cambodia), beginning around 1980 a shift occurred that oriented this concept toward external state behavior, most notably state sponsorship of terrorism. This trend continued until 1991, and after the Soviet Union's collapse and Iraq's invasion of Kuwait we began to observe the emergence of the "rogue" appellation, which supplanted the references to "outlaws" and "pariahs." The rogue doctrine dominated until the summer of 2000, when the Clinton administration opted for the softer language of "states of concern" on its way out of office; this, however, was relatively short-lived, as the events of September 11, 2001, were followed by the January 2002 State of the Union address by George W. Bush where he introduced the "Axis of Evil" metaphor, which would go on to dominate discourse throughout the Bush presidency (2001–2009).

The legacy of Iran's dependent, patron–client relation with the United States carried over into the postrevolutionary period and continued to impact Iran's development. As Emadi observes, "the deterioration of the U.S.-Iranian relationship made it difficult later on for Iran to operationalize its dependent industries and obtain military equipment for its armed forces."¹⁴ This would prove to be a particularly bitter challenge to the Iranian state and be a potent reminder throughout the 1980s of the consequences of dependence, from the September 1980 invasion from Saddam Hussein's Iraq through the eight-year Iran-Iraq War that followed. After Ayatollah Khomeini's return to Iran from his exile in France on February 1, 1979, he appointed Mehdi Bazargan as Iran's interim prime minister on February 5, 1979. In a speech from this period, Khomeini said, "In support of this nation, I will appoint a government. I will shut this government [the Shah's government] up."¹⁵ By February 11, 1979, following violent clashes between revolutionaries and the Imperial Guard, in which hundreds were killed, power had effectively been transferred from the Shah's military regime to Khomeini's coalition headed by Bazargan.¹⁶

During this early postrevolutionary period, it seemed to many that Ayatollah Khomeini was enabling conditions for nonclerical rule in Iran. Khomeini had appointed Bazargan, a noncleric, as prime minister, and had gone on to support the presidential candidacy of Abolhassan Bani-Sadr in Iran's first presidential election in January 1980. According to one scholar, these actions "seemed to support Khomeini's statements that he and the clergy would not rule directly."¹⁷ However, while supporting the development of the elected (*entekhabi*) state structure of the Islamic Republic,

Khomeini was also developing the authority of the appointed (*entesabi*) state structure of the government. Owing to the mass support of Khomeini's regime, its organizational prowess, and the perception of external threat to the regime due to provocations by the United States during the hostage crisis of 1979–1981 and the Iran-Iraq War,¹⁸ powerful clerical institutions were able to ultimately dominate what had been a secularly led provisional government.¹⁹ While factional politics have been persistent throughout Iran's postrevolutionary history, and were present even in the early 1980s, these struggles were conducted within a context of the overriding power of state institutions. In 1983, around the time of the second parliamentary elections, as the space for contestation within these institutions contracted significantly, political groups that opposed the principle of *velayat-e faqih* were effectively excluded from participation in state institutions, and in that sense the official Islamic character of the regime was fully established.²⁰

1980–1988: THE IRAN-IRAQ WAR, KHOMEINISM, AND THE ONE-PARTY STATE

It is difficult to overemphasize the legacy of the Iran-Iraq War for Iran's efficacy at providing security and making credible commitments in international institutions and the international community, and for Iran's general level of trust toward the international community and the West specifically. Former president Hashemi Rafsanjani, for example, said that "the war [with Iraq] taught us that international laws are only scraps of paper."²¹ A particularly recurrent grievance relates to Iraq's use of chemical weapons against Iran (as well as against Iraqis) during the conflict and the international community's inaction regarding punishing Saddam Hussein's regime. General Mohsen Rezaee, the head of Iran's IRGC during the Iran-Iraq War, commented on Iraq's use of chemical weapons and its effects: "I went to see for myself. From afar, our soldiers looked alive and ready to fight. When we got closer, we found they were dead."²² Echoing this sentiment, Mohsen Rafiqdoust, an IRGC commander, described a similar battlefield scene in the wake of a chemical weapons attack: "Where those chemical shells landed, they froze everyone—instantly. One was fossilized, leaning through a window."²³ George Shultz, then U.S. Secretary of State, described the strategic logic of the United States at the time (which prompted its inaction) in simple but stark terms: "It's a very hard balance. They're [Iraq is] using chemical weapons, so you want them to stop using the chemical weapons. At the same time, you don't want to see Iran win the war."²⁴ The Reagan administration feared an Iranian victory in the war because they were concerned that Iran's alleged revolutionary expansionist tendencies would be emboldened by such an

outcome. This could then create instability in the region, threaten the security of Israel, and threaten the flow of oil in the Persian Gulf. As one scholar put it, by the late 1980s officials in the Pentagon became convinced that Iran “would need to be taught a lesson sooner or later.”²⁵ Secretary Shultz’s statement is prescient when one considers that this sentiment effectively became enshrined as American foreign policy toward Iran and Iraq in the form of the “dual containment approach” of the mid-1990s.

For many in Iran’s political leadership, this failure to act and uphold the Geneva Conventions cast considerable doubt on the legitimacy of the United Nations system and the reliability of great powers’ willingness to act in accordance with their rhetorical commitments. The ideological legacies of the Iran-Iraq War are expressed not just in Iran’s approach to international politics, but in everyday cultural representations in Iranian society, including the spawning of an entire genre of film. The latter is noted by Adib-Moghadadam: “In Iran itself, the war continues to be a central theme of the burgeoning film industry; central to the scripts of the *sinamay-e jang* (the war cinema) with its eulogistic treatment of the ‘lost generation’ who fought what continues to be referred to as *defa-ye moghadas* (the holy defence) or *jangeh tahmili* (the imposed war) in the official jargon of the Islamic Republic and by some Iranian analysts.”²⁶

Furthermore, the onset of the war with Iraq in September 1980, less than a year after the Islamic Republic Constitution was ratified and when the country’s political institutions were still in their infancy, created a hostile domestic political environment.²⁷ Iran’s first elected president, Abolhassan Bani-Sadr, went into hiding due to fear of assassination and eventually fled into exile. In an act of political improvisation, the prime minister, head of the Islamic Republican Party (IRP), and head of parliament formed a triumvirate to exercise presidential power in place of the vacant presidential seat until elections could be held.²⁸ Those elections were held in late July 1981, and saw the victory of then prime minister Mohammad-Ali Rajai as the second postrevolutionary president. Rajai assumed office in early August 1981, but served for less than a month before his assassination along with the new prime minister Mohammad Javad Bahonar on August 30, 1981, in a bombing attack. Razoux concisely summarizes the consequences of this attack: “After a mere two months, the Iranian executive branch had been decimated again. The Ayatollah Khomeini decided the time was right to put power entirely in the clergy’s hands. The progressive opposition had been gagged, the Shah’s former partisans wiped out.”²⁹

Alongside the Iran-Iraq War, the 1980s also witnessed the initiation of one of the Islamic Republic’s most enduring and strategically significant alliances—with Hezbollah in Lebanon. Following Israel’s invasion of Lebanon in June 1982, Iran began actively supporting Hezbollah and their resistance

against Israeli occupation to remove the safe haven for Palestine Liberation Organization fighters based there. On June 20, 1982, Iran deployed a force of approximately a thousand men. Rafiqdoust describes the situation: “We took 1,000 troops to Lebanon. They vacated an army barracks for us close to the Lebanese border with Syria, at our request. We took the force there to train the youth of Lebanon. Of course, later on we trained some trainers amongst them and they took over the training.”³⁰ Rafiqdoust’s description of events is validated by Sheikh Subhi al-Tufayli, a founding member of Hezbollah, who stated that “they [Iran] helped to get us established. We made good use of their training. The Iranians inspired our young men. They helped us confront Israel’s army.”³¹ Iran’s support for Hezbollah in Lebanon eventually led the U.S. State Department to add Iran to its “State Sponsors of Terrorism” list, which had been created in 1979. Iran was added to the list on January 19, 1984, three months after the October 23, 1983, truck bombing of a U.S. marine base in Beirut, which resulted in the deaths of 241 Americans, 58 French servicemen, and 6 civilians. Although Iran denied any connection to this attack, and responsibility for it was claimed by the Palestinian Islamic Jihad (and not Hezbollah), American officials argued that the Iranian contingent sent to Lebanon in June 1982 was connected to the attack due to the training and military aid they provided.

The U.S. State Department’s list of state sponsors of terrorism presently includes four countries: Iran, Sudan, Syria, and North Korea.³² For Iran, inclusion in the list in January 1984 meant, for one thing, that it would be much more difficult to purchase arms with which to fight the ongoing war against Iraq. The State Department’s website outlines the legal parameters that determine inclusion in the list and the categories of sanctions that result from this designation:

Countries determined by the Secretary of State to have repeatedly provided support for acts of international terrorism are designated pursuant to three laws: section 6(j) of the Export Administration Act, section 40 of the Arms Export Control Act, and section 620A of the Foreign Assistance Act. Taken together, the four main categories of sanctions resulting from designation under these authorities include restrictions on U.S. foreign assistance; a ban on defense exports and sales; certain controls over exports of dual use items; and miscellaneous financial and other restrictions. Designation under the above-referenced authorities also implicates other sanctions laws that penalize persons and countries engaging in certain trade with state sponsors.³³

By 1987, the war with Iraq had reached a stalemate. Iran had reclaimed its early territorial losses, but neither side had been able to deal a decisive blow against the other. Commenting on the status of the war at the time, then

deputy commander in chief Hashemi Rafsanjani observed: “The war had reached a point of no return. The West allowed Iraq to break international law. They even armed Saddam Hussein.”³⁴ On July 20, 1988, Iran and Iraq both adopted United Nations Security Council Resolution 598, and it became effective on August 8, 1988, officially bringing the eight-year war to an end. Ayatollah Khomeini famously remarked on the adoption of the resolution via national radio address: “Bless the injured, the dead and their families. Accepting the ceasefire resolution has been to me like drinking a chalice of poison.”³⁵ Khomeini’s metaphor proved more apt than he had imagined—he died of a heart attack less than a year after the end of the war, on June 3, 1989.

The end of the Iran-Iraq War in 1988 and the death of Ayatollah Khomeini in 1989 marked a transition to a new phase in Iran’s postrevolutionary politics. Ayatollah Khamenei was chosen as Iran’s new supreme leader on June 4, 1989, one day after the death of Khomeini, and Hashemi Rafsanjani assumed presidency of Iran—the number-two position in Iran’s emerging political hierarchy—in August of the same year. A constitutional referendum was held alongside the 1989 presidential election. Among other minor changes, the referendum rescinded the necessary qualification that the supreme leader be a *marja* (or Grand Ayatollah), gave the Assembly of Experts (*Majles-e Khobregan*) more oversight over the supreme leader, and eliminated the position of prime minister. Effectively, these changes enabled Ayatollah Khamenei, himself not a *marja*, to assume the office of supreme leader, while giving both the Assembly of Experts and the president a stronger role in Iranian politics. These changes helped ease Iran’s transition out of its previous phase of Khomeini’s charismatic leadership and into a post-Khomeini politics. From a doctrinal perspective, then, Iran’s potential openness in June 1989 was more similar to what it was in the early period of the revolution (1978–1979) than during subsequent efforts at regime consolidation in the early 1980s. Moslem summarizes the situation well:

By the time of his death on June 4, 1989, Khomeini had left a canon full of ambiguities and contradictions to which his followers could resort to authenticate their reading of the true Islamic state after he had left the scene. . . . His final pronouncements showed that he reluctantly recognized the need to position the revolution and the country at the head of a far less religious-revolutionary path. These rulings and the changes made to the Iranian constitution provided more legal powers for the republican institutions and further strengthened the populist dimension of the state, qualities that would ensure the regime’s survival after the demise of its founder and inspiration.³⁶

This internal shift was, of course, accompanied by a major transition in the international political landscape: the collapse of the Soviet Union and onset

of America's "unipolar moment" in the early 1990s. I turn to this development in the following section.

1989–1997: POST-KHOMEINI POLITICS AND THE RAFSANJANI ERA

Iran's new president of 1989, Hashemi Rafsanjani, signaled the country's willingness to work with Western powers early on in his presidency, stating: "Iran will be ready to work with Western countries. But only if they approach us in the right way. That means as equal partners, and with no colonial attitudes."³⁷ The cautious willingness to engage with the West and work toward normalizing its relations with the outside world would be impacted by external political events—in this case, Iraq's invasion of Kuwait in August 1990 and, subsequently, Operation Desert Storm in January 1991. Though Iran clearly had no fondness for Saddam Hussein, it was also anxious about the Western military presence in the region. This is well-encapsulated by Mohammad Javad Zarif's comments during this time in his capacity as Iran's UN envoy: "We believe the presence of foreign forces in the region are inherently destabilizing. Furthermore, we believe that the presence of foreign forces in the region, particularly those of the United States, have objectives which go beyond the liberation of Kuwait; and these are, in reality, sources of grave concern."³⁸

Iranian security concerns about the American military presence in the region centered on the fear that the stated goals of this troop presence—maintaining a stable status quo—masked a more ambitious desire to reshape the region. Given the historical legacy of foreign intervention in Iran's domestic politics, it should come as no surprise that Iranian leaders were wary of the prospect of a foreign-supported regime change. In its precarious position as a rogue state, which was amplified by its history of relations with outside powers, Iran displayed a deep mistrust toward the presence of the American military in the region and on its borders.

1997–2005: KHATAMI AND THE POLITICS OF REFORM

There were a number of push-and-pull factors that led many observers to believe that the 1990s would witness the gradual normalization of relations between the United States and Iran. Emadi, one such observer writing in 2001, summarized the sentiment: "The demise of bipolarity in the 1990s and the rise of a unipolar, capitalist world order compelled the clerical state to abandon its 'Neither West nor East' politico-economic development

alternative and seek reconciliation and resumption of diplomatic ties with the United States after a decade of hostility.”³⁹

The 1997 presidential election in Iran was notable for several reasons, not the least of which was that the candidate with the supreme leader’s official endorsement, Ali Akbar Nateq-Nouri, received a meager 25% of the overall vote, compared to nearly 70% for the reformist candidate and winner, Mohammad Khatami. Second, this election witnessed nearly 80% voter turnout, the highest turnout in any election in Iran up to that time.⁴⁰ Khatami included in his remarks at his inauguration as Iran’s new president on August 4, 1997, what would become the main foreign policy vision of his presidency, that of the “Dialogue of Civilizations”: “We are in favor of a dialogue between civilizations and a detente in our relations with the outside world.”⁴¹

Along with the desire for more cultural, educational, and nongovernmental interaction under Khatami’s “Dialogue of Civilizations” approach, the late 1990s saw shared interests between the United States and Iran concerning the rise of the Taliban in Afghanistan. Commenting on Iran’s relations with the Taliban, Khatami has said: “The Taliban saw Iran as an enemy. They reject our form of Islam. Having the Taliban on our border was a serious threat to Iran.”⁴² Furthermore, a Taliban attack on the Iranian consulate in Mazar-i Sharif in August 1998 resulted in the death of nine Iranian diplomats. This prompted Iran, through President Khatami, to speak out at the September 1998 meeting of the United Nations General Assembly in New York on the necessity for international cooperation in combating terrorism. It was not until after the terrorist attacks of September 11, 2001, however, that United States-Iran cooperation on Afghanistan came to fruition, through the mechanism of the “Six plus Two” group. The “Six plus Two” group was an informal coalition of the six states bordering Afghanistan—Iran, Pakistan, China, Tajikistan, Turkmenistan, and Uzbekistan—in conjunction with the United States and Russia. Through this group, Iran cooperated with the United States, providing critical intelligence that helped facilitate the success of the bombing campaign against the Taliban in the fall of 2001 and going into early 2002. This period of shared security interests and a seeming thaw in the United States–Iran relations (September 2001–January 2002) was disrupted by the articulation of a new foreign policy approach to Iran, framed in the context of the War on Terror.

2005–2013: THE CONSERVATIVE RESURGENCE AND THE AHMADINEJAD ERA

A major turning point in Iran’s relations with the United States came in January 2002 when President George W. Bush dubbed Iran a part of the

“Axis of Evil” in his State of the Union address. Coined by Bush’s speechwriter David Frum, the phrase was a rebranding of the Clinton-era “rogue” paradigm, and diminished the cooperation that had taken place between Iran and the United States in Afghanistan after September 11, 2001. Yet, despite this inflammatory rhetoric from the Bush administration, some in Iran, including President Khatami and reformists within his government, remained open to the idea of cooperating with the American-led coalition in the run-up to the war in Iraq. In the following interview excerpt, Khatami describes his meeting on October 9, 2003, with British foreign secretary Jack Straw, who was then in Tehran as part of a tour of the Middle East to increase support for the Iraq war: “I told him [British Foreign Secretary Jack Straw], ‘Let’s repeat the Afghanistan experience in Iraq. Let’s make it Six Plus Six. That’s the six countries bordering Iraq, America, the other Security Council members, plus Egypt’.”⁴³

Nonetheless, the consequences of the “Axis of Evil” metaphor for Iran’s domestic politics would be significant. Based on in-depth interviews with members of the Iranian oppositional elite conducted in March and April 2002, Heradstveit and Bonham found that nearly half of the statements gathered in their interviews indicated that respondents felt that the “Axis of Evil” rhetoric was “a godsend to the conservatives and ultra-conservatives.”⁴⁴ One respondent argued, for example, that “religious groups, those who exercise religious and political power, have had the greatest benefit from the [Axis of Evil] speech. The speech was perceived as an insult to the values of the Iranian people and for that reason caused the Iranians to rally around the religious values.”⁴⁵ Another respondent said, “The right wing profited from the Axis of Evil. The language used in the conservative newspaper *Kayhan* is now the same as during the war with Iraq, violent and blood-thirsty.”⁴⁶ Last, another telling interview response on the effect of the speech on Iran’s domestic politics argued that, “for Iran, all interference by foreign powers is the worst thing imaginable. When Bush used the term the Axis of Evil, it was as if he hit the moderate forces in Iran with a hammer.”⁴⁷

Despite their mutual enmity toward Saddam’s Iraq, politics within the United States and the hawkish rhetoric of the Bush administration prevented Khatami’s proposal for cooperation on fighting the Taliban from getting off the ground. Though some in the U.S. State Department were sympathetic toward the idea, the Bush administration was unwilling to cooperate with a state they had named as part of the Axis of Evil. The significance of rhetoric is clearly visible in this episode of the United States–Iran relations: the image of one’s adversary not as a traditional adversary with whom one might still cooperate under changed circumstances, but as a rogue, or part of an “Axis of Evil,” created a discourse with serious political consequences. As Khatami

himself suggested, the United States had painted itself into a corner in its thinking on Iran, and was unable to “look at Iran as a power that [could] solve problems, rather than as a problem itself.”⁴⁸

The initial optimism among reformists in Iran that swept Khatami into the office of the presidency in 1997 waned significantly in the later years of his second term (2001–2005). Municipal and parliamentary elections in 2003 and 2004 saw big gains for conservative, hard-line, and principlist candidates. The coup de grâce to the reformists came in 2005, when hard-line candidate Mahmoud Ahmadinejad assumed the office of the presidency. Having previously been elected Mayor of Tehran in May 2003, Ahmadinejad drew support from conservative elements in society who supported his “Basij militia mentality.” What one scholar characterized as his “Basij candidacy” for president in 2005 is illustrated in antidemocratic speeches he gave as a candidate, of which the following remark is an example: “Some people keep saying that our revolution is aimed at establishing democracy. No. Neither in the Imam’s statements nor in the message of the martyrs . . . has any such idea been considered.”⁴⁹ The 2005 presidential election itself, according to one scholar, is best described as an “electoral coup d’etat” orchestrated by the IRGC and Basij in mobilizing voters and bringing them to the polls; this followed on the heels of similar efforts in the 2004 parliamentary elections and 2003 municipal elections, all of which saw large gains for conservative and hard-line candidates.⁵⁰ This conservative resurgence is distinctive precisely because it was motivated less by a return to religious orthodoxy under the leadership of the clerics and more by a return to the militarism of the 1980s under the leadership of the IRGC and Basij, with Ahmadinejad as the personification of the new “Basij mentality.”

The conciliatory posture of Khatami and his attempt to transcend boundaries and decades of enmity between Iran and the West through a “Dialogue of Civilizations” contrasted starkly with Ahmadinejad’s foreign policy rhetoric. To cite one example related to the issue of nuclear arms, Ahmadinejad said in a speech on February 11, 2006: “The West are not scared of nuclear weapons. They are scared of our self-confidence. Iran will never abandon its rights. This is what the Iranian nation says about nuclear power: [crowd chants along] ‘nuclear power is our absolute right’.”⁵¹ The confrontational, absolutist tone of the new president used Iran’s exclusion for domestic political gain. For Khatami and the reformists, Iran’s rogueness and the attendant boundary between Iran and the international community was something to be overcome, whereas for Ahmadinejad and the hard-liners, this boundary was an opportunity to bolster their position in Iran’s internal politics, quiet dissent, and reinforce their notion of Iran as under threat by dominant powers.

2013–2018: ROUHANI AND THE PROMISE OF A NEW PATH

As I witnessed in Tehran in June 2013, Hassan Rouhani won a landslide election to become the Islamic Republic's seventh president. Rouhani himself is more a moderate conservative than liberal reformist, though he was backed by Iranian reformists such as former presidents Mohammad Khatami and Hashemi Rafsanjani. Moreover, compared to his opponents (Mohammad Baqer Qalibaf, Tehran mayor and hard-line conservative; Saeed Jalili, principalist and nuclear negotiator for the Ahmadinejad administration; Mohsen Rezaee, former IRGC commander; and Ali Akbar Velayati, close adviser to Ayatollah Khamenei), Rouhani was the clear choice for those favoring reform and a departure from the politics of the Ahmadinejad era.

While domestic political change moved slowly and experienced some setbacks where democracy and free expression were concerned, the major accomplishment of President Rouhani's first term was undoubtedly the achievement of the nuclear deal in summer 2015. The signing of the JCPOA brought a sense of euphoria and possibility that had been absent from Iran's relations with the outside world since the late 1990s to early 2000s. However, the fall of 2015 and spring of 2016 brought significant challenges that deflated the optimism that initially followed the nuclear agreement. The resurrection of claims against Iran in the case of the 1983 Beirut bombing gave new life to the image of Iran as a state sponsor of terrorism. Despite the easing of nuclear sanctions, nonnuclear sanctions remain in place, and Iranian leaders claim that the United States is using its influence to dissuade foreign investors from investment in Iran, depicting it as high risk. As Ayatollah Khamenei stated in a speech on his website in late April 2016, "America engages in tricks and practices deceit. . . . They write on paper that banks can cooperate with Iran, but in practice they promote Iranophobia so that no one trades with Iran. . . . American officials say that sanctions are still in place so that foreign investors get scared and do not come."⁵²

Despite significant progress in the normalization of Iran's nuclear program after the JCPOA (particularly in 2016 following Implementation Day on January 16, 2016), much of the history of the negotiations on this issue have centered on the notion of conditionality. Conditional negotiations meant, in practice, that the United States refused to begin talks of any kind with Iran unless the Iranian regime acquiesced to certain demands as a sign of good faith. These demands at times included recognition of the state of Israel, suspension of all nuclear activity, zero enrichment, zero centrifuges, and release of political prisoners, among other things. The issue of conditional negotiations had long limited the potential for direct, bilateral diplomatic progress between Iran and the United States. From Iran's point of view,

these measures were evidence of America's effort to define the terms of its encounter with Iran, and undermined the idea of mutual respect and equality in the negotiations.

2018–2020: REFORMISM IN DECLINE UNDER “MAXIMUM PRESSURE”

What impact has the Trump administration's “Maximum Pressure” campaign had on Iranian public opinion? A study published by the Center for International and Security Studies at the University of Maryland in October 2019 sought to answer that very question.⁵³ The study polled Iranians on the following eleven issues: current views of the JCPOA, attitudes toward renegotiating the JCPOA, attitudes toward nonnuclear security challenges, views of the United States, views of other countries and international organizations, views on Iran's economy, perceptions of corruption, views on specific public figures in Iranian politics, views of the IRGC, views on environmental issues, and, last, media and news consumption habits.⁵⁴ The study's findings support the hypothesis that the “Maximum Pressure” campaign has shored up support for Iranian conservatives and weakened the domestic political position of moderates and reformists. In May 2019, for the first time since the signing of the nuclear resolution in July 2015, a majority of Iranians (52%) expressed disapproval of the agreement, and that disapproval figure increased to 58% in October 2019.⁵⁵ Given that Rouhani and the reformists were the strongest advocates of the JCPOA, this suggests, looking to the future, that reformist candidates in future elections will not receive a boost from their association with the nuclear deal and, in fact, may have political incentives to distance themselves from the deal. Furthermore, by October 2019, 59% of Iranians polled said that, now that the United States had withdrawn from the JCPOA, Iran should also withdraw, and general public opinion has soured on the prospects of diplomacy in response to threats of military action from the United States.⁵⁶

Interestingly, 61% of respondents in the May 2019 survey of the University of Maryland study said that they thought Iran should keep military personnel in Syria, compared to 32% who favored the withdrawal of military personnel from Syria. Also, 59% of respondents in the October 2019 survey said that they felt that the United States' response to an Iranian military withdrawal from Iraq and Syria would be to extract more concessions from Iran in other areas, while only 11% believed that an Iranian military withdrawal would make the United States more accommodating in its behavior toward Iran in other areas.⁵⁷ Clearly, this data suggests that Iranians perceive the United States as an adversary rather than a partner in the region, and the prominence

of this view in Iranian society aligns more with Iranian conservatives than moderates and reformists (moderates and reformists favor diplomacy over confrontation). Indeed, unfavorable views of the United States among Iranians reached a peak in recent years in August 2019, with 86% of respondents saying they viewed the United States unfavorably and only 13% reporting a favorable view. The lowest unfavorableness score over the time range of the data (July 2014–August 2019) was in August 2015, one month after the signing of the JCPOA, when 67% of Iranians reported an unfavorable view of the United States.⁵⁸

Where views of other countries are concerned, the 2019 data suggest a shift in popular attitudes away from relations with the United States and Europe and toward greater integration with Asian countries. For example, 49% of respondents in October 2019 said that Iran should try to strengthen relations with Asian countries, compared to 42% of respondents who said the same about European countries.⁵⁹ State behavior in recent years has further reinforced this conclusion, with Iran and China reaching what is reportedly a \$400 billion agreement in July 2020 to collaborate on China’s Belt and Road Initiative, and Japanese prime minister Shinzo Abe making the first visit of a Japanese prime minister to Iran in forty-one years in June 2019.⁶⁰ Further evidence of this shift in mindset is illustrated by the country-specific opinion questions in the study, in which respondents were asked to rate their opinion of several countries.⁶¹ In order of most favorable to least favorable, the survey found that Iranians had the most favorable views of Japan (70%; Japan also had the highest “very favorable” rating at 22%), China (58%), Russia (57%), Germany (55%), the United Nations (45%), France (41%), the United Kingdom (24%), and the United States (14%).⁶² Dynamic assessment of the August 2019 data showed declines in favorability toward all European countries from January 2018 to August 2019, with Germany declining by 8 points, France 16 points, and the UK 5 points. Given that the United States withdrew from the JCPOA on May 18, 2018, one can reasonably infer that this shift in Iranian public opinion toward the European signatories of the JCPOA stemmed at least in part from Iranians’ frustration that the Europeans were not advocating more strongly in support of the JCPOA against pressure from the United States.

THE REGIME CHANGE ARGUMENT

With this brief overview of Iran’s postrevolutionary political development in mind, it is useful here to consider some of the dominant assumptions about Iran’s political behavior, which I have summarized in table 0.1 above. The debate on Iran in the American public and foreign policy community

Table 0.1 Five Key Assumptions about Iran's Postrevolutionary Political Behavior

<i>Assumption</i>	<i>Reasoning</i>
The Iranian regime remains, and will remain for the foreseeable future, a revolutionary political movement	Political elites are "true believers" and are guided by revolutionary religious ideology rather than pragmatism. The regime has not and cannot become politically moderate. The regime has not and cannot adapt to the prevailing international order. Foreign policy will remain fixated on exporting the revolution, will remain hostile toward Israel and the Gulf Arab monarchies, and will resist the dominance of outside powers like the United States
The supreme leader singularly dominates Iran's politics. The other branches of government have no meaningful political power	The supreme leader wields executive power and, most importantly, control over the coercive apparatus of state. The Guardian Council mitigates the legislative and executive functions of the elected branches. The judiciary is dependent on the supreme leader
Elections have not and cannot lead to meaningful political change	The parties and candidates do not offer a meaningful ideological choice for voters at the ballot box. Regardless of who wins an election, government policy remains the same. Policy is not responsive to public preferences
Reformist efforts in society will not lead to meaningful political change	Social movements like the reform movement, women's movement, and environmental movement have failed to create meaningful political or social change. The state is unwilling to change according to the demands of society
Political socialization through state-sponsored institutions, such as education and the media, shape public opinion in favor of the regime	Iranian society remains and will remain socialized around revolutionary religious ideology because the regime exercises a monopoly over the media landscape. Iranian public opinion does not favor meaningful political reform. Iranian public opinion has no impact on the behavior of the regime

Note: The five key assumptions are summarized most succinctly in Eric Edelman and Ray Takeyh, "The Next Iranian Revolution: Why Washington Should Seek Regime Change in Tehran," *Foreign Affairs* 99, no. 3 (May/June 2020): 131–145. Collectively, these assumptions serve as the foundation of the argument made by those who favor a coercive U.S. foreign policy approach to Iran. Table created by author.

generally revolves around the core concept of regime change: Should the United States advocate, whether publicly or privately, for regime change in Iran? If one accepts the soundness and immutability of the assumptions outlined in table 0.1, that the Iranian state is still a revolutionary state guided primarily by ideology, that the supreme leader monopolizes all political

power, that elections are a mere façade of democracy, that the social movements are weak and ineffective, and that official state narratives are widely accepted by the Iranian public, then the notion that regime change is the sole feasible path toward reform of the Iranian political system appears as self-evident. However, do these assumptions stand up against closer scrutiny of the evidence? The analysis which follows in the book's subsequent chapters is oriented toward addressing this question, and I revisit these assumptions again in table 7.1 in the book's concluding chapter.

To summarize, I argue that this policy debate on regime change in Iran, a legacy of the Cold War approach of George Kennan and containment, turns on a false dichotomy. The notion of regime change implies that there are only two options on the table: either regime continuity or regime change. Scholars and casual observers of global politics know otherwise; political regimes are always undergoing complex processes of both reproduction and transformation. While the field of comparative politics has historically focused more on the process of democratization (as evidenced, for instance, by the flood of scholarly work on this subject accompanying the Third Wave of democratization in the 1980s and 1990s), greater attention has been given more recently to processes of de-democratization. Following the election of President Trump in the United States in 2016 and that of other populist leaders such as Jair Bolsonaro in Brazil, Viktor Orbán in Hungary, and Rodrigo Duterte in the Philippines, scholars have increasingly switched their focus within the topic of regime change from democracy to authoritarianism. We know, therefore, that regimes change in a variety of ways, and that this change is often incremental and gradual rather than the result of external intervention or whole-cloth revolutionary transformation. The question, then, is the following: How adaptive or flexible are Iran's political institutions to gradual regime change? In the subsequent chapters, I address this question by identifying the potential for genuine reform within the existing structure of the Iranian political system.

As an instructive point of comparison in the Middle East region, one might consider the cases of Egypt and Turkey. Both states have a long history of suppressing opposition movements, particularly Islamic movements. The founding figures of both states, Nasser and Atatürk, favored secular nationalism over Islamism, and took measures to isolate religious movements and parties from institutional channels of representation in their political systems. However, over time, these secular political systems changed to accommodate religion in the public sphere, as evidenced by the rise to power of the nominally conservative, democratic *Adalet ve Kalkınma Partisi* (Justice and Development Party) in Turkey from 2002 onward and the brief though significant rise of the *Freedom and Justice Party* in Egypt from 2012 to 2013. These episodes illustrate the form of internal, gradual regime change I refer

to above. The Islamic Republic of Iran, however, presents an inverse case. Can the explicitly religious–political system and institutions of Iran change to accommodate secular political ideas and groups in a similar fashion? Through a detailed engagement with Iran’s Constitution and a historical review of the ways in which these institutions have already adapted in significant ways over the course of the last forty years, I suggest that this type of change in Iran is not an impossibility. Moreover, an inquiry into this question challenges the assumption that Islam and secularism are necessarily mutually exclusive categories. The book’s analysis is distinctive in that it suggests that reformers in Iran would do well to frame their argument in favor of change within an Islamic paradigm, and with the recognition that political Islam has always incorporated a broad spectrum of views (ranging, for example, from the conservative to neorevivalist, neomodernist, and, indeed, secular) on the core questions of state power, institutional design, and state–society relations.

This book, therefore, is the result of an effort to think both critically and comparatively about the Islamic Republic of Iran, and as such it is distinguished in its purpose from much of the existing literature on Iranian politics. By thinking *critically*, I mean that the book attempts to uncover the prevailing tendencies of Iran’s governance since the Islamic Revolution as well as the conditions and limits of possible future change. By thinking *comparatively*, I mean that the book challenges what I argue is the reductive and fraught conceptualization of Iran as an outlier case—as the exception that validates otherwise settled norms in global politics. Even a cursory review of comparative politics textbooks will give the reader the clear impression that Iran is a fundamentally deviant case study. Whether characterized as a fanatical, millenarian regime; a nondemocracy; a competitive authoritarian regime; or a militaristic personality cult; the image that many texts and media outlets convey of Iran is oriented more toward what the country is not—toward what the political system and society lack—than toward describing and analyzing the salient features and historical context of the case itself. Consider, by contrast, the more nuanced appreciation of other twentieth-century postrevolutionary states such as the Soviet Union, China, or Cuba and the initial forty-year periods of postrevolutionary political, social, and economic development in their cases.

The absence of nuanced treatment of the Islamic Republic case in the comparative politics literature is born not only out of this tendency to define Iran on the basis of what the case lacks rather than what it exhibits, but is also due to the general unavailability of the type of data that comparativists, particularly those inclined toward quantitative methodology, tend to employ in their work. For instance, consider the Arab Barometer and World Values Survey—to name only two prominent examples—and the breadth of data they have compiled on popular attitudes in the Middle East and North Africa

region.⁶³ Data on Iran is either absent or inconsistent in such survey instruments. This makes the task of the curious observer of Iranian politics all the more challenging, and it also muddies the waters by enabling ideologues, propagandists, and regime opponents and apologists alike to speak on behalf of Iranian public opinion, often by recourse to anecdote and rhetorical trope. The good news for the curious observer is that reliable data on popular attitudes in Iran is beginning to become more readily available. Work done by IranPoll, an independent research and polling company based in Canada, using computer-assisted telephone interviewing, has yielded compelling findings on Iranian public opinion in recent years, which I address in further detail in part 2 of the book. Also, the Group for Analyzing and Measuring Attitudes in Iran (GAMAAN), based in the Netherlands, has produced new data on Iranian public opinion through analysis of social media applications like Facebook, Twitter, and WhatsApp.

The analysis in the following chapters attempts to normalize Iran as a case study by shifting our focus from one that emphasizes what the country's lacks, as described above, to one that instead emphasizes the dynamic, contested, and contingent nature of Iran's unfolding politics. In the following chapters, I deconstruct Iran's core political institutions by analyzing their constitutional design and evolution over the past four decades. The Constitution of the Islamic Republic of Iran defines itself as the guiding framework for Islamic government; as such, I will highlight what it outlines as the key structures of the Islamic Republic's political system as well as the overall style of government that follows from these institutional arrangements. How is Iran governed? Is the state accountable to its society? How have Iran's political institutions evolved since the revolution? In short, this book argues that the answers to these critical questions are neither as certain nor as fixed as much of the existing literature on this topic would lead one to believe.

THE FRAMEWORK OF THE BOOK

Part 1 of the book (chapters 1–3) analyzes what Iran's Constitution refers to as “the three Powers”: the executive, legislative, and judicial branches of government along with the unique mediating institutions of the Guardian and Expediency Councils. In each chapter, I describe the unique structure and function of the institution, then discuss how the institution has developed in practice over time. Several trends emerge from this analysis, including, among others, the growing influence of the military in politics, the expanding power of the Guardian Council at the expense of the parliament, and the growing asymmetry of executive power favoring the supreme leader at the expense of the president. In part 2 of the book (chapters 4–6),

I shift from an analysis of Iran’s formal political institutions and the three Powers to consider instead the relationship between state and society, with chapters on military and economic structure, social movements, and public attitudes and the media. Finally, in the concluding chapter, I offer a more holistic view of what this analysis of Iran’s political institutions in theory and practice reveals about both the resilience of Iran’s political system and its capacity for change. I finish by revisiting in table 7.1 the assumptions outlined in table 0.1, offering an assessment of these assumptions against a summarized version of the evidence presented in Parts I and II of the book. Ultimately, I argue that meaningful political change in Iran is not only possible, but inevitable, and that the regime change approach is fundamentally misguided in its underappreciation of the dynamic potential of Iran’s political institutions—both in theory and in practice. Contrary to the idea that the Iranian state and society are fundamentally static or otherwise unable to change, or the idea that there are no “Iranian democrats” pushing for political reform, one of the core arguments that emerges instead from the institutional analysis in this book is that reform has been stifled by the particular manner in which the Iran’s political institutions have developed over the past four decades. In part, this development was influenced by international factors, from the Iran-Iraq War to Iran’s branding as a member of the “Axis of Evil” to take only two notable examples, and in part this development was the result of internal power struggles between Iranian political factions. The theoretical foundations for reform are present in principle in Iran’s institutional architecture. If Iran’s institutions can favor flexibility rather than rigidity, and adapt by discerning and responding to the changing demands and aspirations of large segments of Iranian society, then meaningful political reform is possible without the need for political revolution.

NOTES

1. Zep Kalb, review of *Power and Change in Iran: Politics of Contention and Conciliation*, ed. Daniel Brumberg and Farideh Farhi, *Iranian Studies* 50, no. 4 (2007): 647.
2. The P5+1 acronym refers to the five permanent members of the United Nations Security Council with the addition of Germany.
3. For full poll results, see Gallup, “Gallup Historical Trends: Iran,” <https://news.gallup.com/poll/116236/iran.aspx>.
4. “Iran and the Bomb: Booms in the Night,” *Economist*, July 11, 2020.
5. Misagh Parsa, *Democracy in Iran: Why It Failed and How It Might Succeed* (Cambridge, MA: Harvard University Press, 2016).

6. See, for instance, Amin Saikal, *Iran Rising: The Survival and Future of the Islamic Republic* (Princeton, NJ: Princeton University Press, 2019); the revised and updated republication of Ervand Abrahamian's classic work, *A History of Modern Iran* (Cambridge: Cambridge University Press, 2018); or Yann Richard's *Iran: A Social and Political History since the Qajars* (Cambridge: Cambridge University Press, 2019); to name only a few.

7. Trita Parsi, *A Single Roll of the Dice: Obama's Diplomacy with Iran* (New Haven, CT: Yale University Press, 2012).

8. Kathleen Thelen, "Historical Institutionalism in Comparative Politics," *Annual Review of Political Science* 2 (June 1999): 369–404.

9. See, for example, Sean L. Yom, *From Resilience to Revolution: How Foreign Interventions Destabilize the Middle East* (New York: Columbia University Press, 2016); and Jason Brownlee, Tarek Masoud, and Andrew Reynolds, *The Arab Spring: Pathways of Repression and Reform* (Oxford: Oxford University Press, 2015).

10. Data retrieved from Monty G. Marshall, director and principal investigator, "Polity IV Project: Political Regime Characteristics and Transitions, 1800–2013," <http://www.systemicpeace.org/polity/polity4.htm>. In fact, the +3 score during the Khatami presidency was the high-water mark for democratic political authority in Iran (taking into account its political history going as far back as 1800), rivaled only by 0 scores in two periods: the period immediately following Iran's Constitutional Revolution (1905–1911) but prior to the rise of Reza Shah in the early 1920s, and the period in the mid-to-late 1940s to early 1950s, prior to the 1953 coup against the Mossadegh government, what Abrahamian terms "the nationalist interregnum." Abrahamian, *History of Modern Iran*.

11. Constitution of the Islamic Republic of Iran, Preamble, § Islamic Government. The bracketed quotation (formatting and italics in the original) is cited in the Constitution as from the Qur'an 28:5.

12. Constitution of the Islamic Republic of Iran, art. 57. "These powers are independent of each other."

13. Constitution of the Islamic Republic of Iran, art. 60.

14. Hafizullah Emadi, *Politics of the Dispossessed: Superpowers and Developments in the Middle East* (London: Praeger, 2001).

15. Norma Percy, producer, *Iran and the West: The Man Who Changed the World*, aired February 7, 2009, on BBC Two.

16. Nikki R. Keddie, *Modern Iran: Roots and Results of Revolution* (New Haven, CT: Yale University Press, 2003), 238–239.

17. Keddie, *Modern Iran*, 241.

18. Beginning with the bombing of Mehrabad airport by Iraqi forces on September 22, 1980.

19. Keddie, *Modern Iran*, 241.

20. Mehdi Moslem, *Factional Politics in Post-Khomeini Iran* (Syracuse, NY: Syracuse University Press, 2002), 47.

21. Etel Solingen, *Nuclear Logics: Contrasting Paths in East Asia and the Middle East* (Princeton, NJ: Princeton University Press, 2007), 175.

22. Norma Percy, producer, *Iran and the West: The Pariah State*, aired February 14, 2009, on BBC Two.
23. Percy, *Pariah State*.
24. Percy, *Pariah State*.
25. Pierre Razoux, *The Iran-Iraq War*, trans. Nicholas Elliott (Cambridge, MA: Harvard University Press, 2015) Razoux 2015, 421.
26. Arshin Adib-Moghaddam, *Iran in World Politics: The Question of the Islamic Republic* (New York: Columbia University Press, 2008), 86.
27. The Constitution was ratified on December 3, 1979.
28. Razoux, *Iran-Iraq War*, 171.
29. Razoux, *Iran-Iraq War*, 176.
30. Percy, *Pariah State*.
31. Percy, *Pariah State*.
32. U.S. Department of State, "State Sponsors of Terrorism," <https://www.state.gov/state-sponsors-of-terrorism/>.
33. U.S. Department of State, "State Sponsors of Terrorism." Rafsanjani's comment about Iraq's breaking of international law referred to their use of chemical weapons and their territorial aggression.
34. Percy, *Pariah State*.
35. Percy, *Pariah State*.
36. Moslem, *Factional Politics*, 81. The "rulings" alluded to here include Khomeini's support for various amendments to the Constitution which would be approved through a national referendum in August 1989, including the elimination of the prime minister position, the elimination of the requirement that the supreme leader have the special religious designation of *marja*, specifying the process for future constitutional revision, and other changes.
37. Percy, *Pariah State*.
38. Percy, *Pariah State*.
39. Emadi, *Politics of the Dispossessed*, 74.
40. According to official results from Iran's ministry of interior, this voter turnout figure was later exceeded in the disputed 2009 presidential election, which saw 85.2% voter turnout.
41. Michael Rubin, "Iran's 'Dialogue of Civilizations'—A First-Hand Account," *Middle East Quarterly* 7, no. 1 (March 2000): 31.
42. Percy, *Pariah State*.
43. Norma Percy, producer, *Iran and the West: Nuclear Confrontation*, aired February 21, 2009, on BBC Two. The "Afghanistan experience" that Khatami refers to is Iran's provision of intelligence on targets and general military collaboration. The six countries bordering Iraq are Jordan, Syria, Turkey, Iran, Kuwait, and Saudi Arabia, and the "Security Council members" are the P5.
44. Daniel Heradstveit and Matthew G. Bonham, "What the Axis of Evil Metaphor Did to Iran," *Middle East Journal* 61, no. 3 (Summer 2007): 432. Sixteen of the thirty-six responses coded articulated this as the primary effect on Iranian politics and the Iranian factions.
45. Heradstveit and Bonham, "Axis of Evil Metaphor," 434.

46. Heradstveit and Bonham, "Axis of Evil Metaphor," 435.
47. Heradstveit and Bonham, "Axis of Evil Metaphor," 436.
48. Percy, *Nuclear Confrontation*.
49. Said Amir Arjomand, *After Khomeini: Iran under His Successors* (Oxford: Oxford University Press, 2009), 150–151.
50. Arjomand, *After Khomeini*, 151.
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52. Thomas Erdbrink, "U.S. Ruling over Compensation for '83 Beirut Bombing Riles Iran," *New York Times*, April 27, 2016.
53. Nancy Gallagher, Ebrahim Mohseni, and Clay Ramsay, *Iranian Public Opinion under "Maximum Pressure": A Public Opinion Study* (The Center for International and Security Studies at Maryland (CISSM), University of Maryland's School of Public Policy, October 2019), https://cissm.umd.edu/sites/default/files/2019-10/Iranian%20PO%20under%20Maximum%20Pressure_101819_full.pdf. The report is based on three nationally representative telephone surveys from May, August, and October 2019 conducted using computer-assisted telephone interviews (CATI) in collaboration with IranPoll.
54. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 4–6.
55. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 7.
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57. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 20.
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60. Adnan Aamir, "China-Iran Deal Overshadows Pakistan Belt and Road Project," *Nikkei Asian Review*, July 21, 2020, <https://asia.nikkei.com/Spotlight/Belt-and-Road/China-Iran-deal-overshadows-Pakistan-Belt-and-Road-project>; Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 24.
61. Respondents were given the options of "very favorable," "somewhat favorable," "somewhat unfavorable," "very unfavorable," and "don't know / no answer." For the favorability statistics presented here, I have combined "very favorable" and "somewhat favorable" into a single score. The survey asked for opinions on the United Nations, United States, United Kingdom, France, Germany, Russia, China, and Japan.
62. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 24.
63. Arab Barometer, "Survey Data," <https://www.arabbarometer.org/survey-data>; and World Values Survey, "Online Data Analysis," <http://www.worldvaluessurvey.org/WVSONline.jsp>.

Part I

**THE "THREE POWERS" IN
PRINCIPLE AND IN PRACTICE**

Chapter 1

Executive Power

Emerson once wrote: “Every revolution was first a thought in one man’s mind.” In the case of the Islamic Revolution in Iran, that man was Ayatollah Khomeini. In this chapter, I review the Islamic Republic’s constitutional provisions on executive power, with special attention to the interplay between the supreme leader and the president as dual executives. The question of the division of policy authority between the dual executives—more fundamentally, between the president, legislature, and judiciary (the “three powers”) on one hand and the supreme leader and Guardian Council on the other—is arguably what is most at stake when assessing the Islamic Republic system’s potential for reform.

One scholar has described the complexity of the December 1979 Constitution of the Islamic Republic as follows:

Thanks to its ideological character, the constitution was riddled with oddities and paradoxes as it simultaneously affirmed both religious and secular principles, democratic and antidemocratic tendencies, and populist and elitist predilections. . . . To deal with the anachronisms, complications, and inconsistencies resulting from the gap between text and practice, leaders increasingly resorted to the “exigency of the state” argument to circumvent the letter as well as the spirit of shari’a.¹

Beginning in this chapter with the executive branch, and continuing in the following two chapters on the legislative and judicial branches, the following analysis aims to highlight the gap described by Boroujerdi between “text and practice” in the functions and performance of Iran’s political institutions.

CLERICAL DEBATE

While debates between secular and religious revolutionaries regarding their vision for a postmonarchical political system for Iran are well rehearsed in the literature on the early revolutionary period, less well-known is the spectrum of intraclerical opinion on the proper form and functions of government. Just as it is incorrect to assume that all revolutionaries shared the same political vision for Iran after the end of the Shah's rule, so, too, is it incorrect to assume that all of the ulama in Iran agreed with the particular interpretation of *velayat-e faqih* that became synonymous with the full ideological potential of this concept. It is especially important to highlight the competing interpretations of what I will refer to here as "regime insiders," the influential figures in Iran's religious and governing institutions in the postrevolutionary era.

One such regime insider, whose views made him somewhat of a champion of the reformist cause in Iran, was Ayatollah Hossein-Ali Montazeri. Ayatollah Montazeri served as Tehran's first postrevolutionary Imam Jume'h (Friday Prayer Leader) and later as deputy supreme leader to Ayatollah Khomeini from 1985 until March 1989, just three months before Khomeini's death in June of that year. In October 1997, Montazeri was placed under house arrest for his political views, and he remained in this isolation until January 2003. Journalist and author Geneive Abdo conducted the first interview with Montazeri for a Western audience in the winter of 1999–2000, inquiring into his views on the role and functions of the supreme leader and other aspects of proper governance in Iran's Islamic Republic system.² I now turn to some of the most illuminating findings from Abdo's interview, which highlight, as articulated by a high-ranking cleric, the differing interpretations among the ulama themselves of explicitly political questions.

First, Montazeri responds to Abdo's question on the role and qualifications of a supreme leader and the method of selecting the leader by challenging the notion of a singular, dogmatic ideology of *velayat-e faqih*: "I recall that my great master the late Grand Ayatollah (Hossein) Boroujerdi once said: 'I am a different man every day'. This statement expresses an important point: that no one can claim to have access to the absolute truth, and that everyone should always strive to correct one's positions and views in the direction of the superior truth."³ This theme of continuous reinterpretation runs through Montazeri's remarks and is a defining feature of his political thought. Montazeri goes on in the interview to argue that the basis of the Islamic Republic government's legitimacy at all levels is popular sovereignty—the consent of the people through the mechanism of elections. In fact, Montazeri argues that Khomeini, both while in exile prior to the revolution and while in Iran afterward, frequently reaffirmed in his interviews and

speeches the republican essence of Islamic government. Montazeri recalls: “He [Khomeini] said: ‘The measure is the vote of the nation’.”⁴

Montazeri also expresses his view of the exclusive competencies of the supreme leader, arguing that the 1979 Constitution established a much more narrow domain of authority for the supreme leader than that which had been acquired in practice in the twenty-year period from 1979 to 1999. For Montazeri, the ideal role of the supreme leader in Iran’s political structure is limited to compliance with Islamic criteria and are derived from the specific areas outlined in article 110 of the original Constitution.⁵ He bemoans the centralization of institutional power around the supreme leader in areas outside of those explicitly identified by the Constitution, seeing that and the corresponding dispossession of power for the other government actors as one of the greatest problems facing the regime. Twenty years after Montazeri’s astute observation, this imbalance of power between the branches, particularly between the supreme leader and the “three Powers,” remains the defining challenge, I argue, in the institutional development of the Islamic Republic.

According to Montazeri, what is to be done? Regarding solutions to the constitutional challenges facing the Islamic Republic, Montazeri argues in favor of two core principles: the *dispersal* and *strict separation* of powers. On the subject of dispersal, or nonconcentration, Montazeri describes the false equivalence between the prophet Muhammad and infallible (*ma’sum*) imams and governments today. He argues that, while the rule of the Prophet and the imamate were defined by the unity of religious, executive, and judicial power,⁶ these powers should rightly be divided among different branches of government during the period of the occultation of Imam Mahdi. On the subject of strict separation, Montazeri outlines his vision for the independence of the branches and appropriate designation of authority to each branch, a significant departure from what he observed as the concentration of governing power in the office of the supreme leader alone. Summarizing these ideas, he asserts:

Islam is for the separation of powers and does not recognize the concentration of power in the hand of a fallible human being. . . . Even on the religious issues, considering the complexity and vastness of the juridical issues and the multiplicity of the emerging problems [*masa’el-e mostaheddeh*] in the modern age, it would be more appropriate to separate the various subjects, so that the people could have the opportunity to emulate the most knowledgeable [*a’lam*] in every specific field, similar to specialization in branches of other sciences in the modern time.⁷

Reassessing the claims of former regime insiders such as Montazeri is significant because one sees much of their reasoning and critique repeated

in the rhetoric of reformist movements and politicians.⁸ While conservative and principlist factions within the regime may wish to dismiss all forms of critique as foreign subterfuge or disloyal dissent, this becomes increasingly difficult to do when the critique itself is levied by individuals who held key positions within the regime, especially senior theologians from the ulama class.

SUPREME LEADER

In assessing the powers of the office of the supreme leader, it is useful to make the conceptual distinction between *institutional rules*—those provisions of Iran’s Constitution that clearly attribute a specific function to a government entity such as the supreme leader—and *institutional norms*, the practice of how power operates within a political system at a particular moment in its development. An institutional norm in Iran’s case may reflect the outcome of an interbranch or inter-elite struggle for authority, or reflect society’s consent to grant extraordinary powers to one government actor in a given circumstance, but is less clearly the outcome of intentional institutional design. Instead, it emerges through a process of contention between multiple actors. In the 2018 book *How Democracies Die*, Steven Levitsky and Daniel Ziblatt make a similar distinction between rules and norms, arguing that one of the harbingers of democratic collapse is the degradation of the norm of institutional restraint rather than institutional power maximization.⁹ With this distinction in mind, I now further specify the provisions for executive power in Iran’s Constitution.

The Constitution of the Islamic Republic establishes a semipresidential system, where executive power is divided between the supreme leader and the president. Prior to the 1989 constitutional amendments, the system also included a third executive—a prime minister; however, this position was abolished by the amendments, and the office of the presidency was strengthened in its wake. According to the language of the Constitution, the supreme leader’s position (referred to in the text of the Constitution as the “Leader”) is considered separate from the executive, legislative, and judicial branches (which the Constitution refers to as the “three Powers”). Although the supreme leader takes on a number of functions that are commonly associated with these branches of government elsewhere in the world, the position of the “Leader or Council of Leadership” is conceptually distinct from the “three Powers,” and, in fact, is tasked with resolving disputes and coordinating relations between the three branches.¹⁰ Along with this dispute resolution power, article 110 outlines the ten additional express powers of the Leader: determining the general policies of the political system in consultation with the

Expediency Council; supervising government performance; decreeing referendums; convening the supreme command of the armed forces; declaring war and peace; appointing, dismissing, or accepting resignations from specified government actors;¹¹ resolving what the Constitution terms “intricate questions of the System that cannot be settled through ordinary means” (where “ordinary means” implies dispute resolution by the Expediency Council); ratifying the qualifications of presidential candidates and signing the order of appointment of the president after popular election; dismissing the president after either a vote of incompetence by the Majlis or a Supreme Court verdict on violation of conduct; and, finally, pardoning or mitigating the sentences of prisoners upon the recommendation of the Head of the Judiciary.¹² Article 110 is therefore the key constitutional provision outlining the express powers of the supreme leader, and it concludes with the following critical proviso: “The Leader may delegate some of his functions and authorities to another person.”¹³ This condition allowing for delegation suggests that the drafters of the Constitution, in their specific attention to the critical position of the supreme leader and its functions, created sufficient flexibility for the office to take on a more limited role in the political system. As the Islamic Republic continues to evolve and the revolution recedes into the more remote past, this delegation provision may prove critical to creating space for institutional adaptation and the reconfiguration of the sharing of power to empower other actors in the political system.

Further comment is warranted on the supreme leader’s power to dismiss the president. In the political science literature, one of the key dimensions of executive–legislative relations is the separation of origin and separation of survival. In short, in presidential systems, both the executive (the president) and the legislature enjoy separation of origin, meaning that they are elected through distinct processes with separate ballot items; and separation of survival, meaning that, under ordinary circumstances, one branch does not have the power to dismiss another (the obvious extraordinary circumstance being that of impeachment). On the other hand, in parliamentary systems the executive (the prime minister) and the legislature enjoy neither separation of origin nor separation of survival. In parliamentary systems, voters cast ballots for members of parliament, and the executive (the prime minister) then emerges from the majority party or coalition within the legislature. Furthermore, the legislature can dismiss the executive through a vote of no confidence, and the executive can dismiss the legislature through a call for snap elections. Presidential and parliamentary systems vary around the world in how they define the specificities of these processes; however, political scientists apply the general parameters of separation of origin and separation of survival as just described to distinguish between system types and how they organize executive–legislative relations.

When applying this to the case of the Islamic Republic, it is useful to consider how separation of origin and separation of survival apply within the dual executive structure (supreme leader and president) of this system. Both the supreme leader and president enjoy separation of origin: the supreme leader is selected by the Assembly of Experts, and the president is selected by popular vote in a national election using a majority runoff electoral system. Where separation of survival is concerned, however, the supreme leader's power to dismiss the president (after either a vote of incompetence has passed the Majlis¹⁴ or a Supreme Court verdict has been issued on the president's violation of his legal functions) means that only the supreme leader enjoys separation of survival; the president does not. This creates an asymmetry in the executive power of the state in favor of the supreme leader. It is important to note, however, that this power of dismissal is not unrestrained, and that, in fact, it is contingent on a prior action taken either by the legislative or judicial branch. This power of dismissal is not a blanket authority of the supreme leader that exists apart from the involvement of any other process of government.

Who, then, has the power to dismiss the supreme leader? Article 111 of the Constitution addresses this concern, clearly empowering the Assembly of Experts in this regard: "In case the Leader is unable to carry out his legal functions, or loses one of his qualifications mentioned in Article 5 and Article 109, or if it transpires that he did not qualify some of the conditions from the very beginning, he shall be dismissed from his position. Such decision shall be made by the Khobregan [Assembly of Experts]."¹⁵ Article 111 is significant not only for outlining the process through which the supreme leader may be dismissed, but also for explaining what happens in the interim between the death, resignation, or dismissal of one supreme leader and the selection of his successor. This is a critical and often overlooked feature of the Constitution, and the way in which the interim powers of the supreme leader are managed during such an interval is extremely important for the envisioning of alternate possible futures for this office. Article 111 explains: "As long as the Leader is not declared, a council composed of the President, Head of the Judiciary and one of the Faqihs of the Guardian Council chosen by the Majma'-e Tashkis-e Maslehat-e Nezam [Expediency Council] shall collectively discharge the functions of the Leader on a temporary basis." I will henceforth refer to this council as the Supreme Council.¹⁶

Article 111 does not imagine that such a Supreme Council should possess the exact same functions and authorities as the supreme leader. Rather, of the eleven powers of the supreme leader outlined above, the Supreme Council would wield only four in exactly the same form: determining the general policies of the system; decreeing referendums; declaring war and peace; and dismissing the president, contingent on either judicial or legislative prior

action. It would wield one power—the power of appointment, dismissal, and acceptance of resignations—in a modified form that applies only to the military actors outlined in article 110, section 6 (the joint chief of staff, commander of the Islamic Revolutionary Guard Corps, and commanders of the armed forces and police forces), and not to the faqihs of the Guardian Council, Head of the Judiciary, or head of the Islamic Republic of Iran Broadcasting Corporation. The Supreme Council, then, lacks the powers of the supreme leader to supervise policy performance, hold supreme command of the armed forces, resolve disputes and coordinate relations between the three branches of government, and resolve intricate questions of the political system that cannot be settled by the Expediency Council; nor can it ratify the qualifications of presidential candidates or sign the order appointment of the president following the election. These distinctions between the powers of the supreme leader and Supreme Council, summarized in table 1.1, invite reflection on this critical question: Would the stability and representativeness of the Islamic Republic system be enhanced if the powers of the supreme leader

Table 1.1 Comparison of the Powers of the Supreme Leader and Supreme Council

<i>Supreme Leader</i>	<i>Supreme Council*</i>
Determining the general policies of the system in consultation with the Expediency Council	
Supervising the policy performance of government	X
Decreeing referendums	
Holding supreme command of the armed forces	X
Declaring war or peace; mobilizing the armed forces	
Appointing, dismissing, or accepting the resignations of the faqihs of the Guardian Council, the head of the judiciary, the head of the IRIB, the joint chief of staff, the commander of the IRGC, and the commanders of the armed forces and police forces	Appointing, dismissing, or accepting the resignations of the joint chief of staff, the commander of the IRGC, and the commanders of the armed forces and police forces
Resolving disputes and coordinating relations between the three branches of government	X
Resolving “intricate questions” of the political system not settled by the Expediency Council	X
Ratifying the qualifications of presidential candidates and signing the order of appointment of the president	X
Dismissing the president, after prior action by either the judicial or legislative branch	
Pardoning prisoners on the recommendation of the judicial branch	X

Note: This comparison of powers is based on provisions outlined in articles 110 and 111 of the Constitution of the Islamic Republic of Iran. Merged cells indicate that the power exists for both the supreme leader and Supreme Council. An “X” indicates the absence of a power. Table created by author. * The term “Supreme Council” is my coinage.

more closely resembled the powers delineated for the Supreme Council? Or, indeed, if, after the death or resignation of the current supreme leader, Ayatollah Khamenei, the Assembly of Experts opted, instead of selecting a new supreme leader, to adopt the Supreme Council framework in perpetuity rather than as an interim measure?

On the subject of the separation of powers between the supreme leader and the president, it is useful to consider the broader academic literature on the effects of the separation of powers on regime stability and democratization. Linz argues that, in presidential or semipresidential systems where the executive and legislative branches have separation of origin, conflict between branches is more likely, as the separation of powers in this system of executive–legislative relations discourages moderation and gives both actors a separate sense of their own legitimacy.¹⁷ The exact mechanisms that make conflict between branches more likely under presidentialism and semipresidentialism as opposed to parliamentarism remain a matter of debate in the literature. Perhaps the most important finding in this literature for postrevolutionary Iran is that, although regimes with separation of powers still experience *crisis*, “regime ‘collapse’ is far less frequent today than in decades past,” summarizes one observer, and there is much less tolerance at both domestic and international levels for coups d’état and military interventions in politics as paths to political change.¹⁸

In theory, the areas in which the Supreme Council is not empowered (relative to the Supreme Leader) could then be delegated to other branches of government, as permitted by the delegation clause of article 110. The power to pardon prisoners could remain solely within the judiciary or could be delegated, for example, to the president. The power to resolve disputes between the branches could be assigned to the branches to manage for themselves. The Supreme Council’s nonintervention could therefore compel intergovernmental cooperation, or at least make elected officials more visibly accountable if political gridlock were to occur, as opposed to resorting to the intervention of the supreme leader to stave off such gridlock. Supreme command of the armed forces could be delegated to the president, which would give the electorate more power to hold the military accountable. Removing the additional layer of oversight in the vetting of presidential candidates could create more political space for a broader range of candidate ideologies in presidential elections, though the vetting function would still exist at the level of the Guardian Council. All of the foregoing suggestions are an exercise in thinking differently about the constitutional possibilities of Iran’s political system. While some might criticize such suggestions as pie-in-the-sky speculation, I defend them on the grounds that these alternative formulations are derived directly from the Constitution of the Islamic Republic itself. As postrevolutionary societies develop and new generations come to populate the institutions

structured by their predecessors, such innovations are not only common but, one could argue, also essential for the longevity of the political system.

Ayatollah Khamenei was elected supreme leader by the Assembly of Experts in June 1989 and has held the office for over thirty-one years, more than three times the duration of Ayatollah Khomeini's term as supreme leader. As such, the functions of the office have been determined, in practice, one could argue, more by Khamenei's tenure than by Khomeini's. While Khomeini's imprimatur as the theoretical architect of the office is undeniable, Khamenei's behavior in office is likely to leave an indelible impression on his successor.

Some have argued that the very principle of *velayat-e faqih*, along with the political institution of the Islamic jurist or supreme leader that it envisions, establishes the immutable and pervasive guardianship of clerical rule at the expense of popular sovereignty; instead, I argue that this has been the trend, in practice, of how the power of the office has operated in what are still the early years of Iran's Islamic Republic system. Indeed, Boroumand, a strong critic of clerical rule, observes: "In its traditional form, the concept of *velayat-e faqih* was modest in its reach. It was meant to apply to specific social matters such as the management of certain types of property and the care of orphans and persons lacking their full faculties. This limited guardianship was not a general writ to rule."¹⁹ Boroumand goes on to note the objections—from several prominent ayatollahs and Shia Grand Ayatollahs—to the more robust and wide-ranging interpretation of clerical guardianship that Khomeini advocated.²⁰

ASSEMBLY OF EXPERTS

The electoral system used in the Assembly of Experts elections is a single-round plurality system. Unlike majlis elections, which have a 25% threshold and therefore include a provision for a second-round runoff election, the electoral system for the Assembly of Experts does not include such a provision, and therefore a seated candidate may have low levels of support from the public as long as they receive more support than their challengers. The eligibility of a candidate to stand for the Assembly of Experts is based upon criteria similar to those required for majlis candidacy, but adds further requirements, such as a reputation for religious belief and moral behavior, familiarity with and understanding of the political and social issues of the day, not having an antisocial or antipolitical background, and, critically, possessing *ijtihad* (the ability to interpret Islamic law) to a level sufficient for determining the fitness of a candidate for the role of supreme leader. Notably, in 2016, a series of written examinations began to be used to assess candidates' proficiency in Islamic jurisprudence (*fiqh*) and reasoning (*ijtihad*).

Table 1.2 Assembly of Experts Election Data: Voter Turnout and Candidate Vetting

<i>Election Year</i>	<i>Voter Turnout (%)</i>	<i>No. of Registered Candidates</i>	<i>No. (%) of Registered Candidates Disqualified</i>	<i>Final no. (%) of Registered Candidates who Competed in the Election</i>
1982 (First Assembly)	77.4	168	12 (7.14)	146 (86.9)
1990 (Second Assembly)	37.1	180	74 (41.11)	106 (58.89)
1998 (Third Assembly)	46.3	396	215 (54.29)	146 (36.87)
2006 (Fourth Assembly)	60.8	493	209 (42.39)	167 (33.87)
2016 (Fifth Assembly)*	61.0	801	215 (26.84)	161 (20.1)

Source: Data compiled from Boroujerdi and Rahimkhani (2018), 265–269. Table created by author. *Members of the Fifth Assembly of Experts (2016–2022) who occupied other notable political offices included Sadeq Larijani (Chairman of the Expediency Council), Ebrahim Raisi (Head of the Judiciary), and Hassan Rouhani (President)—to name a select few.

Data assembled by Boroujerdi and Rahimkhani on voter turnout and candidate vetting in Assembly of Experts elections from 1982 to 2016 is particularly instructive for understanding the evolution of this critical political institution. Table 1.2 outlines how voter turnout declined by nearly 40% between the 1982 and 1990 Assembly of Experts elections. While in 1982 only 7% of registered candidates were disqualified by the Guardian Council, in 1990 this number increased to 41%—by a factor of nearly six. Comparing all five Assembly of Experts elections, we can observe the steady increase in registered candidates, with that number more than doubling between 1990 and 1998, and doubling again between 1998 and 2016. As the number of registered candidates increased, however, the final number of candidates who actually competed in each election (presented as a percentage of the number who registered) moved in the opposite direction. This figure declined from 86.9% in 1982, reflecting the relatively minimal role in candidate vetting played by the Guardian Council, to just over one in five (20.1%) in the 2016 election. If only one in five registered candidates actually compete in an election, there is cause for serious concern about the representativeness of the candidate pool.

THE PRESIDENCY IN THEORY

Article 60 of the Constitution establishes the basic criteria for the division of powers within the executive branch between the supreme leader and the president: “The executive power shall be exercised by the President

and the Ministers, except in cases for which the Leader has been made directly responsible by this law.” These areas of direct responsibility were summarized in table 1.1. The powers of the president and cabinet are outlined in the Constitution in chapter 9, treatise I, articles 113–142. Many express powers common to executives in presidential systems are clearly recognizable in these articles. Article 113 characterizes the president as the “Chief Executive,” although this power is subject to the exception of those matters “that directly relate to the Leader.” Articles 114–121 detail the eligibility requirements for office and election method. Interestingly, where presidential responsibility is concerned, article 122 specifies three lines of accountability: “The President shall be responsible vis-a-vis the Nation, the Leader and the Majlis, within the limits of his authorities and responsibilities undertaken by him.” This means that the office of the president is constitutionally defined in relation to both the nation and two other political institutions.

In addition, the president sits at the top of an executive bureaucracy. Acting as chief bureaucrat, the president is empowered to appoint deputies (article 124), appoint ministers (article 133), and bear direct responsibility over the administrative and civil services (article 126). The president, not the supreme leader, acts as top-ranking diplomat, and is empowered to “sign treaties, conventions, agreements and contracts concluded by the Government of Iran with other governments” (article 125) and appoint ambassadors (article 128). The office of the president bears significant economic responsibilities, and is tasked with direct responsibility over the state plan and budget (article 126). In sum, while the express powers of the president in Iran’s Constitution do not create the “Imperial presidency” that Arthur Schlesinger Jr. warned of (his concern was in the American context), neither do they create an effete, constitutionally impotent office. The core ambiguity, I argue, derives from the language used in article 113, which describes the president as the highest official state authority “Next to the Leader.” In the practical evolution of executive power in Iran in the last forty years, it is undeniable that the phrase has been interpreted to imply presidential submission and inferiority to the supreme leader; whether such an interpretation is a necessary requirement of the Constitution, however, is subject to debate.

THE PRESIDENCY IN PRACTICE

One of the recurrent critiques in the literature on electoral authoritarianism is that, even if elections in authoritarian political systems are relatively open to participation, choice is effectively limited by a lack of ideological

diversity among office seekers. Thus, even if voter turnout is relatively high (as it has been in Iran's presidential elections, especially from 1997 onward), these elections are considered suspect due to the lack of meaningful ideological differences among the candidates. When one applies the principlist-reformist framework as the basis for a unidimensional political spectrum and judges the candidates based on their platforms and public statements, one observes relatively low levels of ideological difference among candidates in Iran's presidential elections from 1981 to 1993; this trend noticeably shifts in the 1997 presidential election, however, when voters were first presented with starkly different political platforms. On the reformist end of the political spectrum were the eventual winners, Mohammad Khatami and the Ruhaniyun (Assembly of Militant Clerics, or AAC), while on the other end of the spectrum were Ali Akbar Nateq-Nouri and the hard-line Ruhaniyyat (JRM, or Society of the Militant Clergy). The other two candidates in the 1997 presidential election were both conservatives and received less than 3% of the vote put together, meaning that the effective choice at the polls was limited to Khatami and Nateq-Nouri. Nonetheless, voters did have a clear ideological choice to make.

Iran's presidential elections between the years of 1997 and 2017 have typically narrowed down to a choice between one conservative and one reformist candidate. The possible sole exception was the 2005 election, in which the top two candidates, Ahmadinejad and Rafsanjani, both ran with support from conservative factions, with their ideological differences expressed through Ahmadinejad's more conservative populism and Rafsanjani's more traditional conservatism. Rafsanjani, for example, tinged with his characteristic pragmatism, was endorsed by the Ruhaniyyat (JRM) in this election. By 2009, however, the trend had turned back toward typical post-1997 ideological differences, with a clear distinction between conservative Ahmadinejad and reformist Mousavi. The scope of ideological differences narrowed in 2013 with the absence of a true reformist presidential candidate in the spirit of Khatami or Mousavi, but it did present a variety of conservative candidates against the more moderate Rouhani, the eventual winner. And finally, following on the heels of 2013's lull in ideological diversity, 2017 presented voters with a starker choice: between the incumbent Rouhani, as the clear favorite of the moderates and many reformists, and the more conservative candidacies of Ghalibaf—who polled as the likely challenger until his withdrawal from the race just days prior to the election—and the eventual runner-up, Raisi.

A number of themes quickly emerge in a review of the history of Iran's presidential elections. First, candidates experience a strong incumbent advantage. Every presidential candidate who was eligible for a successive second term and sought reelection was successful. Second, starting in the second presidential election (July 1981), the Guardian Council began to vigorously

Table 1.3 Presidential Elections: Voter Turnout and Candidate Vetting

Election	Date	Voter Turnout (%)	No. of Registered Candidates	No. (%) of Registered Candidates Approved by the Guardian Council	Winner (% of Vote)
First	1/25/1980	67.42	124	96 (77.41)	Banisadr* (75.6)
Second	7/24/1981	64.24	71	4 (5.63)	Rajai** (90)
Third	10/2/1981	74.26	46	5 (10.87)	Khamenei (95.05)
Fourth	8/16/1985	54.78	50	3 (6)	Khamenei (85)
Fifth	7/28/1989	54.59	79	2 (2.53)	Raisanjani (94)
Sixth	6/11/1993	50.66	128	4 (3.12)	Raisanjani (63)
Seventh	5/23/1997	79.92	238	4 (1.68)	Khatami (69.1)
Eighth	6/8/2001	66.77	814	10 (1.23)	Khatami (77)
Ninth***	6/17/2005	62.84	1,014	8 (0.79)	—
Tenth	6/12/2009	85.2	475	4 (0.84)	Ahmadinejad (63.13)
Eleventh	6/14/2013	72.9	686	8 (1.1)	Rouhani (50.6)
Twelfth	5/19/2017	73.3	1,636	6 (0.36)	Rouhani (57.14)

Note: The data presented here are Ministry of Interior official election results.

Source: Iran Data Portal, "Presidential Elections," <https://irandataportal.syr.edu/presidential-elections>. Table created by author.

* Impeached June 21, 1981.

** Assassinated August 20, 1981.

*** The ninth election is the only presidential election in the postrevolutionary period that has required a runoff (Iran's presidential electoral system is based on majority rule, and no candidate received 50%+1 in the first round of any election except the ninth). The ninth election data reflected in the table is for the first round. The second-round runoff between Raisanjani and Ahmadinejad took place on June 24, 2005; voter turnout was 59.76% and the winner was Ahmadinejad (61.7% of the vote).

assert its candidate vetting function. From 1989 to 2017, it approved only 46 of the 5,070 registered candidates, or a meager 0.9%. Third, despite this tendency for approximately only one in a hundred candidates to pass the vetting of the Guardian Council, voter turnouts according to official assessments remain quite high, especially from 1997 onward. For comparative context, it is useful to consider voter turnout figures globally. The Voter Turnout Database of the Institute for Democracy and Electoral Assistance surveys data for presidential election voter turnout in 114 countries around the world, and analysis of this data finds an average global turnout of 64.95% (based on the most recently available data in July 2020).²¹ Iran's average voter turnout over the twelve presidential elections in the postrevolutionary period stands at 67.24%, which is 2.29% above the 2020 global average.²² Lastly, in parallel with the same tendency observed in the Assembly of Experts, we see in Iran's presidential elections a steady increase in the number of registered candidates over time, particularly from the third presidential election (October 1981) onward. Over the entire range of postrevolutionary presidential elections, the number of registered candidates declines only three times,²³ and the total number of registered candidates in a single election reaches an all-time high in 2017 with 1,636 registered candidates. Last, the margin of victory for the winning candidate has generally declined over time, indicating that presidential elections have become more competitive among the limited number of candidates positively vetted by the Guardian Council.

As for the cabinet and vice president positions, a novel measure of their composition is presented by Boroujerdi and Rahimkhani: one that uses the unconventional variable of members' imprisonment prior to the revolution, under the Shah's regime. Boroujerdi and Rahimkhani find, under the Bazargan government (February–November 1979), that 44.8% of cabinet ministers and vice presidents had been imprisoned before 1979. That number declined to 30.4% among cabinet ministers and vice presidents under the short-lived Bani-Sadr presidency (February–June 1981), increased to 47.6% under the Rajai presidency (August 1980–August 1981), decreased slightly to 41% under Khamenei's first-term administration (1981–1985), and decreased further to 28.6% in Khamenei's second term (1985–1989). Going on from there, Boroujerdi and Rahimkhani find that only 12.5% and 18.8% of Rafsanjani's cabinet ministers and vice presidents—the figures drawn from Rafsanjani's first (1989–1993) and second (1993–1997) terms, respectively—had been imprisoned before 1979. Pre-1979 imprisonment declined further to 17.7% under both Khatami presidential administrations (1997–2001 and 2001–2005). Only one cabinet minister or vice president under each of the Ahmadinejad administrations (2.4% and 2.9% of all such positions in Ahmadinejad's 2005–2009 and 2009–2013 terms, respectively) had been imprisoned prior to 1979, and likewise only one under the first

Rouhani administration (2013–2017, 2.9%). Finally, for the first time in post-revolutionary Iran's political history, in Rouhani's second term (2017–2021), not a single cabinet minister nor vice president had been imprisoned prior to the Islamic Revolution.²⁴

AFTER KHAMENEI? INSTITUTIONAL CHANGE AND THE PROSPECT OF THE "SUPREME COUNCIL" MODEL

Analysis of Iran's 2016 parliamentary and Assembly of Experts elections can shed some light on the nation's possible future political trajectory.²⁵ The Assembly of Experts is the body constitutionally empowered to choose the next supreme leader in the event that the current leader either dies or becomes medically unfit to perform his duties. The 2016 elections were especially significant due to concerns that Ayatollah Khamenei, an octogenarian who had undergone prostate cancer surgery in September 2014, might not live until the next Assembly of Experts election in eight years (the year 2024). Elections to the eighty-eight-member body of the Assembly of Experts are held at the provincial level, with representation roughly based on the populations of each province. Centrist and reformist-backed clerics saw major gains in the 2016 election, increasing their representation in the Assembly from approximately 25% to 60%. Most notably, in Tehran, reformist-backed candidates won fifteen of the sixteen eligible seats, with the only principlist, Ahmad Jannati, finishing in sixteenth place. Candidates with the highest numbers of votes included former president Rafsanjani with over 2.3 million votes, current president Rouhani, and reformist-backed cleric Ayatollah Mohammad Emami-Kashani. Both the previous chairman of the Assembly of Experts, Mohammad Yazdi, and the staunch conservative cleric Mohammad Taqi Mesbah-Yazdi failed to gain reelection to the body. The significant gains made by more centrist candidates notwithstanding, the election for the new chairman of the Assembly held on May 24, 2016, resulted in the selection of Jannati, the sole hard-liner from Tehran province. In his capacity as the Assembly's new chairman, Jannati will wield significant influence should an election for a new supreme leader take place.

In their 2017 *Foreign Affairs* article, Sanam Vakil and Hossein Rassam speculate on possible candidates to succeed Ayatollah Khamenei as Iran's next supreme leader. They dismiss the possible candidacies of Hassan Khomeini (Ayatollah Khomeini's grandson), President Hassan Rouhani, and Mojtaba Khamenei (Ayatollah Khamenei's son), reasoning that they fall short of either sufficient religious authority or the commitment to hard-line ideology that is likely to carry currency in the current Assembly of Experts. Vakil and Rassam argue instead that "the next supreme leader is likely to

be one of the three men: Sadeq Larijani, Mahmoud Hashemi Shahroudi, or Ebrahim Raisi.”²⁶ Since the publication of Vakil and Rassam’s article in May 2017, Shahroudi, a former head of the judiciary and former chairman of both the Expediency Council and Assembly of Experts, has died (December 24, 2018), leaving Larijani and Raisi—if we are going by Vakil and Rassam’s estimation—as the two most likely candidates to succeed Ayatollah Khamenei.

Both Larijani and Raisi are affiliated with the principlist JRM faction and what one scholar terms the “theocratic right” in Iran’s factional politics.²⁷ Larijani was the head of the judiciary from 2009 to 2019, and was succeeded in that role by Raisi in March 2019. Since December 2018, Larijani has served as the chairman of the Expediency Council, and has been a member of the Assembly of Experts since 1999, serving as one of four members from Mazandaran Province.²⁸ Raisi, as mentioned above, succeeded Larijani as the head of the judiciary in March 2019, and continues to serve in that role. Also, like Larijani, Raisi is a member of the Assembly of Experts, having won election to that body in 2016 in the fifth assembly (2016–2024) as the sole representative from South Khorasan Province.²⁹ Mohseni argues that, for the “theocratic right,” which includes Larijani and Raisi, “the divine legitimacy of the regime is paramount, and economically they prefer less state regulation of the economy—though not necessarily neoliberal policies as they prefer state protectionism too for certain important mercantile arenas.”³⁰

NOTES

1. Mehrzad Boroujerdi, “Iran,” in *The Middle East*, ed. Ellen Lust, 15th ed. (London: Sage, 2020), 403.

2. Geneive Abdo and Ayatollah Hossein-Ali Montazeri, “Re-thinking the Islamic Republic: A ‘Conversation’ with Ayatollah Hossein ‘Ali Montazeri,” *Middle East Journal* 55, no. 1 (Winter 2001): 9–24.

3. Abdo and Montazeri, “Re-thinking the Islamic Republic,” 13.

4. Abdo and Montazeri, “Re-thinking the Islamic Republic,” 15.

5. The six domains of authority are as follows: appointment of six clerics to the Guardian Council, appointment of the head of the judiciary, role as commander of the armed forces, confirmation of the president, power to dismiss the president on the recommendation of the Supreme Court or Parliament, and the power to pardon convicted criminals.

6. Montazeri associates the three branches of powers with the concepts of *efta’* (the authority of issuing *fatwas*—religious rulings), *ejra’* (executive power), and *qaza’* (judgment). Abdo and Montazeri, “Re-thinking the Islamic Republic,” 18.

7. Abdo and Montazeri, “Re-thinking the Islamic Republic,” 19. Brackets in the original.

8. One can see this reasoning and critique in, for example, the rhetoric of presidents Khatami and Rouhani and the rhetoric of the Green Movement.

9. Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Broadway Books, 2018).

10. Constitution of the Islamic Republic of Iran, art. 110, § 7. This provision empowers the Leader “To resolve disputes and coordinate relations between the three Powers.”

11. These actors include the faqihs of the Guardian Council, the head of the judiciary, the head of the Islamic Republic of Iran Broadcasting Corporation, the joint chief of staff, the chief commander of the IRGC, and the chief commanders of the armed forces and police forces. Constitution of the Islamic Republic of Iran, art. 110, § 6a–f.

12. Constitution of the Islamic Republic of Iran, art. 110 (“Functions and Authorities of the Leader”).

13. Constitution of the Islamic Republic of Iran, art. 110.

14. On the impeachment power of the Majlis, see article 89 of the Constitution of the Islamic Republic of Iran. I revisit this power in further detail in the next chapter.

15. Article 5 of the Constitution of the Islamic Republic of Iran stipulates that the officeholder must be just, virtuous, knowledgeable, courageous, and efficient in administration. Article 109 outlines the qualifications and attributes of the Leader in three subsections: (1) “Academic qualifications necessary for issuing decrees on various issues of Fegh”; (2) “Fairness and piety necessary for leading the Islamic Ommat”; and (3) “Proper political and social insight, prudence, courage, authority and power of management necessary for leadership.”

16. In coining this term, I have substituted “Council” for “Leader” to distinguish the Supreme Council from the indivisibility of the supreme leader, but I have retained the appellation of “Supreme” to reflect the continuity in the general authorities and functions of the office.

17. Summarized in David Samuels, “Separation of Powers,” in *The Oxford Handbook of Comparative Politics*, ed. Carles Boix and Susan C. Stokes (Oxford: Oxford University Press, 2007), 714.

18. Samuels, “Separation of Powers,” 717.

19. Ladan Boroumand, “Iranians Turn Away from the Islamic Republic,” *Journal of Democracy* 31, no. 1 (January 2020): 170.

20. Boroumand quotes Arjomand: “Doctrinal objections to the *velayat-e faqih* have been voiced by the Grand Ayatollahs Kho’i, Qomi, and Shari’at-madri. . . . and by Ayatollahs Baha’ al-Din Mahallati, Sadeq Ruhani, Ahmad Zanjani, Ali Tehrani, and Morteza Ha’eri Yazdi.” Said Amir Arjomand, *The Turban for the Crown: The Islamic Revolution in Iran* (New York: Oxford University Press), 156, quoted in Boroumand, “Iranians Turn Away,” 180n5. Ellipses in the original.

21. I calculated the global average based on the 114-country sample data retrieved from the International Institute for Democracy and Assistance (International IDEA) Voter Turnout Database, <https://www.idea.int/data-tools/question-view/522>.

22. The validity of the results of the tenth presidential election (2009) is highly contested, and this election also has the highest level of reported voter turnout of all the elections (85.2%). Omitting this election from the calculation of Iran's voter turnout average results in an adjusted average voter turnout of 65.61%, which is lower than the average listed above that includes the 2009 election (67.24%). Even with the omission of the disputed 2009 election, however, Iran's average voter turnout in presidential elections still remains slightly above the global average (+0.66%).

23. The declines were from the first to the second election (-42.7% change), from the second to the third election (-35.2% change), and from the ninth to the tenth election (-53.2% change).

24. Mehrzad Boroujerdi and Kourosch Rahimkhani, *Postrevolutionary Iran: A Political Handbook* (Syracuse, NY: Syracuse University Press, 2018), 42.

25. The title of this section was inspired by Said Arjomand's 2009 book, *After Khomeini: Iran under His Successors*. Eleven years after the publication of Arjomand's work, and with Ayatollah Khamenei now in his early eighties, attention is increasingly focusing on how the political system of the Islamic Republic of Iran will evolve in its second transition of office from one supreme leader to his successor.

26. Sanam Vakil and Hossein Rassam, "Iran's Next Supreme Leader: The Islamic Republic after Khamenei," *Foreign Affairs* 96, no. 3 (May/June 2017): 81.

27. Payam Mohseni, *The 2016 Iranian Parliamentary Elections: And the Future of Domestic Politics under the JCPOA* (The Iran Project, Harvard Kennedy School Belfer Center for Science and International Affairs, Harvard Kennedy School, December 2016), 8, https://www.belfercenter.org/sites/default/files/files/publication/Iran%20Elections%20-%20web_0.pdf.

28. According to results published by *Khabar Online*, in the 2016 Assembly of Experts election, Larijani received the highest number of votes of all candidates in Mazandaran Province (682,817 out of a total 1,618,263 votes cast in the province; or approximately 42%). "The Final Results of the Elections of the Assembly of Experts and the Islamic Council in Mazandaran" [in Persian], *Khabar Online*, February 28, 2016, <https://www.khabaronline.ir/news/515185>.

29. According to results published by the Iranian Students' News Agency, in the 2016 Assembly of Experts election, Raisi received the highest number of votes of all candidates in South Khorasan Province (325,048 out of a total 406,131 votes cast in the province; or approximately 80%). "Voter Turnout Exceeded 72% in South Khorasan Province" [in Persian], *Iranian Students' News Agency*, February 28, 2016, <https://www.isna.ir/news/birjand-21282>.

30. Mohseni, *2016 Iranian Parliamentary Elections*, 10.

Chapter 2

Legislative Power

Political scientists associate legislatures ideally with four core functions: representing constituents, passing legislation, exercising oversight of the executive branch (horizontal accountability), and providing services to constituents.¹ Legislatures in the Middle East and North Africa region are notoriously weak in these parameters. According to one analyst, “for many [in the Middle East], parliament is a service organization, not a legislative body, and elections are a competition over access to a pool of state resources, not struggles over policymaking or the rules of the game.”²

Nonetheless, to counterbalance the powers accorded to the supreme leader and what we might think of as the “Islamic ordinances” of Iran’s political system, popular sovereignty, and republican principles are repeatedly highlighted in the Constitution. These repeated references to the republican features of the Islamic Republic political system highlight the important role accorded to the principle of popular sovereignty. Article 6 of the Constitution, for example, closes the loop connecting society and state by describing the principle of popular sovereignty as follows: “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 *Majlis-e Shura-e Islami* [Parliament], members of the councils and the like, or through referendum in cases set forth in other articles of this law.” This understanding of the importance of elected offices in directing state affairs is supported by several statements made by Ayatollah Khomeini prior to the revolution. For example, in describing the functions of the supreme leader during the course of the revolution itself, Khomeini argued in favor of a more limited advisory role for the supreme leader after the revolution was consolidated, eschewing the monopolization of executive power within the office of

the supreme leader. Such conceptualizations indicate that, in practice, executive power would be vested in the elected president.

Unlike executive power, which is distributed between the president and supreme leader, legislative power is more coherently unified under the democratically elected leadership of the Majlis. The core democratic elements of Iran's Constitution are expressed in relationship to the legislative branch. In the constitutional provisions related to legislative power, we can see the clearest articulations of the principles of popular sovereignty, individual rights, and separation of powers. These notions stand in contrast to the theocratic principles that underpin the description of other political institutions, such as the office of the supreme leader and the Guardian Council. As for the separation of powers and parliamentary oversight, article 90 of the Constitution empowers the Majlis to investigate claims against both the executive and judicial branches.

THE LEGISLATURE IN THEORY

Where Khomeini's general ideological orientation is concerned, his endorsement of constitutionalism and representative government over rule based on religious leadership is clear. His articulation of Islamic governance harkens back to the tradition of Sheikh Fazlollah Nuri, who led a conservative movement against the First Majlis in 1907–1908, and recalls Nuri's ideas of "sharia-based constitutionalism" (*mashruta-ye mashru'a*) rather than democratic constitutionalism per se. In the immediate aftermath of Iran's Constitutional Revolution, many among the ulama, including Sheikh Nuri, came to hold the view that the religious leaders had been unfairly excluded from power within the constitutional government. They believed that although religious leaders' mobilization of the masses had been vital in the creation of the Constitution, the intellectuals and nonclerical elite unfairly dominated the parliament. Arjomand connects this negative view of constitutionalism to Khomeini, whom he interviewed in January 1979 just prior to Khomeini's return to Iran. According to Arjomand, the Ayatollah "was unqualified in his endorsement of Sheikh Fazlollah Nuri."³

This view was shared by other high-ranking clerics during the revolutionary period as well. For example, Arjomand also cites an interview he conducted with Grand Ayatollah Musavi Shirazi in the late 1970s, in which Shirazi said, "In reality, the Constitutional Revolution was only a game, and the foreign powers launched it to bring about the separation of the spiritual powers and government. The cause of all the calamities in this country is this very constitutionalism (*mashrutiiyyat*)."⁴ Furthermore, Arjomand observes that this view persists well into the postrevolutionary period: "Even as late

as 1997, less than two months before the election of President Khatami, the conservative Ayatollah Mahdavi-Kani would react to the reformist claim that political legitimacy stems from the will and allegiance of the people by asserting that ‘I fear that the episode of the constitutional revolution might be repeated’.⁵

Khomeini shared this view, and an appreciation for it helps us understand the apprehension toward popular sovereignty and robust elected institutions espoused by some conservative and hard-line factions: they link it back to the Constitutional Revolution period, in which they understand that constitutionalism made Iran vulnerable to foreign interference. This, in their view, demonstrates the necessity of centralizing power around a single, incorruptible religious leader who is insulated from direct accountability to the electorate.

Four decades after its inception, the enduring debate in Iranian politics—indeed, what we might term the “great debate” in postrevolutionary Iran—between republicanism and *velayat-e faqih* is more resolved in society, in favor of republicanism, than it is within the state. Within the state, the push-and-pull between the two main factions, principlists and reformists, endures, while society at large is more resolved in their opinion that political reforms are a necessary response to mounting domestic and international pressures. From the drafting of the Constitution in 1979, to the amendments in 1989, through the unsettling of the reform era, through what one scholar terms the rise of the “religious intelligentsia” (*degar andishan-e mazhabi*) and what we might understand as Iran’s iteration of Muslim Democrats⁶ (akin to the AKP in Turkey or the PML in Pakistan), and finally to the militarization of the state through the rise of the IRGC, the animating tension between the principlists and the reformists has been the motive force of Iran’s postrevolutionary political evolution.

The argument of the principlists has hinged on notions of divine rather than popular sovereignty. Hojatoleslam Ferdosi Fard, for example, argues: “The responsibility of the Assembly of Experts is to discover the *mojtahed* who is chosen by the twelfth Imam. The council does not elect the *faghih* [Leader] on behalf of the people. God appoints the Leader.”⁷ Others, such as Ayatollah Khaza’li, have echoed this reasoning: “Following the orders of the *faghih* is mandatory. The law that is issued by the *faghih* is not his own. It is from God.”⁸ Still others, such as Mohammad Nategh Nouri, equate the legitimacy of the *faghih* with the legitimacy of the prophets. On the other hand, the reformist perspective in this great debate questions the inviolability of the Leader. Ayatollah Montazeri, for example, has argued that “we cannot proceed in the New World by having two or three people making decisions for the country. ‘Republic’ means the government of the people. . . . We have the ‘*velayat-e faghih*’ mentioned in our constitution. But this does not mean that the *faghih* runs everything. In that case, the ‘republic’

will be meaningless. The authority and responsibilities of the *faghih* are specified in the constitution.”⁹ Others, such as Abdollah Nouri, reinforce Montazeri’s emphasis on the specification of the Leader’s authorities within the Constitution. Nouri concisely observes, in a view definitive of the reformist line: “The leader is not an institution above the law in the Islamic Republic.”¹⁰ While the initial impetus behind the Constitutional Revolution’s creation of the Iranian constitutional order and legislative assembly in 1905 was the desire to constrain the actions of the Shah, it remains a matter of debate among the clergy in Iran as to what extent that system of checks and balances is needed to constrain the actions of the supreme leader. In the next section, I elaborate further on this debate between divine and popular sovereignty and how it translates into the division of power in Iran’s political institutions.

VOX POPULI AND VOX DEI: COMPETING NOTIONS OF SOVEREIGNTY

Returning now to the theme of the tension between divine and popular sovereignty that I presented in the introduction to this book, what are the further insights into this tension that can be gained by revisiting the text of the Constitution? Concern for public opinion is not merely a practical calculation to ensure regime survival for Iran’s political leaders; rather, according to article 6 of the Constitution, it is a constitutional mandate. Article 6 reads: “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 Majlis-e Shura-e Islami, members of councils and the like, or through referendum in cases set forth in other articles of this law.”¹¹ State affairs, according to article 6, rely on public opinion as expressed through the mechanism of elections. This is a clear argument in favor of popular sovereignty as the basis for state legitimacy. While other articles of the Constitution trace the origins of national and individual sovereignty back to divine providence,¹² this does not negate or contradict claims like this one that the state must rely on manifestations of popular will in managing the affairs of state.

While the Constitution is unequivocal in its attribution of absolute sovereignty to God, article 58 entrusts the legislative exercise of this power to the Majlis. The Rafsanjani era witnessed the expansion of parliamentary power in practice: the Majlis blocked several economic reform measures during Rafsanjani’s second term (1993–1997) that his administration sought to implement. Furthermore, the Majlis has exercised oversight of the president through the impeachment of members of the president’s cabinet.¹³

For the reasons mentioned above, elections are critical expressions of public opinion and therefore act as manifestations of popular sovereignty. The onerous process required to suspend an election in Iran is outlined in article 68 of the Constitution: “In time of war or military occupation of the country, elections shall be suspended for a definite period of time at the places under occupation or in the entire country, upon proposal by the President, approval by three-fourths of the total number of representatives and ratification by the Guardian Council. In case a new Majlis is not formed, the former Majlis shall continue to function.”¹⁴ Moreover, indefinite suspension of an election is prohibited under any circumstance, and definite suspension must be proposed by the president, approved by a supermajority (75%) of the Majlis, and ratified by the Guardian Council, therefore involving three possible veto players from the political system.

Further evidence of constitutional provisions for the popular accountability of government can be found in the requirements for transparency in legislative deliberations outlined in article 69. Part of article 69 reads: “The deliberations of the Majlis must be open and a full report thereof shall be made public through the Radio and the official Gazette.” It further stipulates that while majlis sessions can be conducted privately under emergency conditions, such sessions must be recorded and the recordings made public after emergency conditions have ended.

THE LEGISLATURE IN PRACTICE

Those in what we might term the “radical opposition” are not represented in Iran’s party system. “Radical opposition” here means those who favor systemic change; they advocate for an effective end to the Islamic Republic political system and a wholesale political change in favor of some combination of liberal democracy and secularism. Many of these voices, though not all, come from the Iranian diaspora and are present on the domestic political scene only in a clandestine, peripheral way. Instead, opposition politics at the party level is dominated by the “loyal opposition,” meaning those who support the Islamic Republic political system in principle but aim to reform its function in practice. The one-party system in Iran, which lasted from 1979 to 1987, officially ended with the dissolution of the Islamic Republican Party (IRP) in 1987; factional politics reemerged after Ayatollah Khomeini’s death in 1989, but political parties themselves were not formally legalized until 1998.¹⁵ As one scholar argued in 2020, party formation, development, discipline are still “embryonic” in Iran. The scholar goes on to note: “One of the ironies of Iranian politics is the fact that citizens have not so far benefited from the presence of recognized, legitimate, or effective political parties. . . .

Today, there are more than 240 registered ‘parties’, but a great majority of them resemble professional groupings engaged in political ventures rather than full-fledged groups of full-time activists.”¹⁶ Which of these parties, then, rise above mere “professional groupings” to constitute the leading actors in the principlist and reformist factions? I address this question in the following pages.

In distinguishing between principlist and reformist factions in Iran’s politics, it is possible to sketch out some general differences of viewpoint on critical questions of governance and policy. As with any general framework, it is important to note that these distinctions describe general patterns in views. Any individual who self-identifies as either a principlist or reformist may hold contrary views. Nonetheless, a consistent pattern emerges from a review of public statements by politics elites associated with each faction and from studying the behavior of government officials from the respective factions.

On the conservative or principlist (*Osul-garayan*) side, the JRM is perhaps the most influential bloc. The Alliance of Veterans of the Islamic Revolution, representing the military wing of the conservative faction, is another important group. Principlists, particularly those associated with the Ruhaniyyat (JRM), the leading principlist faction, tend to favor a maximalist definition of the authority of the supreme leader, arguing that the supreme leader is not constrained by a narrow interpretation of the powers of his office in the Constitution. Where the basic principles of governance are concerned, principlists prioritize divine sovereignty over popular sovereignty and are generally wary of democratizing government decision-making processes. For them, Islamic law, as interpreted and applied by the clergy, is the basic guiding principle for society, and society is obliged to obediently adhere to the rulings of the clerical class. Traditionally, principlists have favored a more assertive foreign policy strategy, aiming to export the revolution; domestically, they are opposed to changes in society that they perceive as undermining traditional beliefs and values. It is useful here to apply a widely used framework for Islamist ideology. As outlined by Esposito, scholars have identified four categories of Islamist thought according to their orientation toward change: secular, traditionalist, neorevivalist, and neomodernist. Secularists, who argue in favor of a separation of religion and politics, and traditionalists, who favor a return to a more austere, ascetic life (akin perhaps to the Mennonite or Amish denominations in Christianity), are marginal in Iran’s politics. The political debate between neorevivalists and neomodernists, however, is much more prominent. The JRM provides a clear example of the neorevivalist position. Esposito offers an insightful overview of the neorevivalist Islamist ideology when he argues that neorevivalists “share much in common with conservatives or traditionalists.” He elaborates:

They too emphasize a return to Islam to bring about a new renaissance. Although they respect classical formulations of Islam, they are less wedded to them. Neorevivalists claim the right to go back to Islam's original sources, to reinterpret and reapply them to contemporary society. Like conservatives, they attribute the weakness of the Islamic world primarily to the westernization of Muslim societies, the penetration of foreign, "un-Islamic" ideas, values, and practices. In contrast to conservatives, however, they are much more flexible in their ability to adapt to change.¹⁷

Reformists (*Eslahtalaban*), in particular those associated with the leading reformist faction, the Ruhaniyun, are much closer to the fourth category on the spectrum of Islamism: neomodernism. Besides the Ruhaniyun, the Islamic Iran Participation Front (IIPF), formed in 1999 and banned in 2009, was one of the largest voices representing the reformist faction. Neomodernists such as the Ruhaniyun and IIPF are nonsecular in their political worldview, and therefore are Islamists; however, they maintain a more flexible, creative outlook on politics and emphasize themes of "Islamic modernization" and "Islamic development." Neomodernists attempt to build a bridge between more traditional, nonsecular, and secular groups in society. As Esposito describes,

Islamic neomodernists do not reject the West in its entirety; rather, they choose to be selective in approach. They wish to appropriate the best of science, technology, medicine, and intellectual thought but to resist acculturation or the assimilation of Western culture and mores, from secularism and radical individualism to the breakdown of the family and sexual permissiveness. The goal is thus to learn from the West but not to westernize Muslim society.¹⁸

The Ruhaniyun and Iranian leaders such as Khatami, Mousavi, and Rouhani fit this characterization. Iranian reformists—to draw specific points of contrast with the principlists described in the previous paragraph—view the supreme leader as not wholly untethered from the control of the people, and tend to favor a view of the supreme leader's authority as constrained by constitutional provisions. Reformists tend to speak more about popular sovereignty and the decision-making power of the electorate, and argue in favor of the compatibility of Islam and democracy, thereby deemphasizing the immutability of Islamic law and clerical pronouncements. Where policy is concerned, reformists have generally favored a liberal worldview, advocating for greater integration with the international community via international organizations, greater economic openness, and more diplomatic interaction. Reformists have tended to favor the addressing of domestic problems over efforts to export the revolution through military adventurism in the region.

Last, reformists advocate for less direct state supervision over society, promotion of the free flow of information, and promotion of cultural exchange.

The reformist Ruhaniyun emerged with the consent of Ayatollah Khomeini in the late 1980s. Ruhaniyun candidates for elected office have faced significant obstacles in their disqualification by the Guardian Council. In fact, after widespread disqualification of their candidates in the fourth majlis election in 1992, the group suspended their activities until 1995. One source quotes a Ruhaniyun member who claims that 80% of their candidates for the 1992 majlis election were disqualified by the Guardian Council, and who explains the group's reason for suspending their activities thus: "After the fourth parliamentary election and its campaign it was not possible to continue our political activities. . . . Rival wings spread propaganda that the most important obstacle to reform and rebuilding the country . . . is the left wing such as the [Ruhaniyun]. . . . In sum, bad conditions before and after the fourth parliamentary election caused the [Ruhaniyun] to announce the cancellation of their political activities until better times."¹⁹

Better times for Iranian reformists came in 1997: the Ruhaniyun-backed candidate Khatami won the presidency and, in alliance with other reformist factions, won a majority in the sixth majlis in the 2000 elections. Factional infighting broke out among the reformists, however, during Khatami's second term (2001–2005). They conflicted especially over disagreements regarding the pace of political development and a divergence of opinion between those, like Mehdi Karroubi, who favored sustained consultation with the supreme leader, and those who opposed the gradual approach to change. This resulted in the Ruhaniyun not endorsing any candidate in the 2005 presidential election. This explains in part the shift toward the more conservative Rafsanjani and Ahmadinejad as the two top contenders in the 2005 presidential race.

The principlist Ruhaniyyat (JRM) was formed as a political faction during the revolutionary period; however, it existed under the umbrella of the IRP and the one-party state that defined the first decade following the revolution. In the early and mid-1990s, prior to Khatami's pivotal election as president in 1997, the JRM wielded considerable influence in both the executive and legislative branches, as they had thrown their support behind Rafsanjani in his successful presidential bids in 1989 and 1993. Even more significant, however, was the influence that the JRM exercised over other branches of government. One source observed in the early and mid-1990s that the JRM "had great influence in appointing some positions such as the Judiciary Power, the Guardian Council, Iranian Revolutionary Guards and Religious organizations."²⁰ Due to their exercising of this influence, the JRM encountered principlist obstructionism from several important nonelected political institutions after Khatami and the reformists gained control of the presidency and Majlis in the late 1990s.

In the aftermath of the dissolution of the IRP in May 1987 and the official transition away from the one-party state, factions within the IRP began to take on a more meaningful political role. The Society of the Militant Clergy (Ruhaniyyat) was the home of Khomeini's followers; however, internal division within the Ruhaniyyat resulted in the emergence of the Assembly of Militant Clerics (Ruhaniyun) from within their ranks in the spring of 1988. The split was authorized by Khomeini. By the mid-1990s, pragmatists—many of whom supported President Rafsanjani—were increasingly frustrated with the conservatism of the Ruhaniyyat, and formed the Servants of Construction Party (also known as the Constructionists, or *Kargozaran-e Sazandegi*) in 1996. They represented the third force in Iranian politics, that of pragmatism, distinct from both the ideological conservatism of the Ruhaniyyat and the reformism of the Ruhaniyun. To a large extent, these three forces, their ideological worldviews, and their political prescriptions have dominated the political landscape in Iranian politics from the mid-1990s to the present.

It is important to note that the general absence of official “parties” and the presence instead of political factions is not based on a constitutional prohibition, but rather an argument by some political leaders against the “party” form of collective mobilization. Arjomand insightfully summarizes this view: “The objections to political parties range from the clerical paternalism of the long-time JRM Secretary, Ayatollah Mahdavi-Kani, who declared, ‘I am against party formation among the clergy because the cleric is the father of the people’; to the fascistic view . . . that parties sow dissension and destroy the sacred unity of the community.”²¹ Political parties play an important role in ensuring citizen control over government. This fluidity and precarity of the party system and the presence of factions in most cases rather than parties has made mass political mobilization more ephemeral, ramping up in the weeks preceding an election, but then diminishing until the next election cycle draws near. Therefore, strong partisan identities are largely absent in Iran compared to other democratic political systems. Weak or absent parties likely mean that it is more difficult for the society to hold government officials accountable.

The year 2016 marked the first time that both majlis and Assembly of Experts elections were held in the same year. The Assembly of Experts elections, originally scheduled for 2014, were legally postponed in an effort to bolster voter participation and reduce voter fatigue from yearly elections. The Majlis exercises not only important legislative powers (article 71 of the Constitution empowers the Majlis to “enact laws on all matters”), but also significant powers in appointment, vetting, and oversight, all of which impact the other political institutions. For example, article 88 states that when at least one-fourth of the members of the Majlis wish to pose a question to the president or representative of the executive bureaucracy, that person “shall be required to appear before the Majlis and answer the question,” stipulating a

time allowance of one month for the president and ten days for a government minister to appear.

Majlis constituencies are roughly represented at 150,000 voters per seat, and the 290 total seats are divided among 207 constituencies. The largest constituency comes from Tehran Province, with thirty-eight members of parliament (MPs), while less populous provinces such as Ilam and South Khorasan, for example, elect only three MPs. The electoral system used for the Majlis is a two-round plurality runoff with the requirement that the winning candidate or candidates must receive at least 25% of the vote. Failing to reach this threshold requires a second round of voting, where single-member constituencies would allow the top two vote recipients to stand in the runoff, while multimember constituencies would allow for one-and-a-half times the number of candidates as the number of seats in the constituency to run. While out-of-country voting is allowed for presidential elections, it is not allowed in majlis and Assembly of Experts elections.

To be eligible for a seat in the Majlis, a candidate must be between thirty and seventy-five years old, be a citizen, possess at least an associate's degree or equivalent, be in good physical health, not have a bad reputation in their electoral district, express loyalty to the constitution and the principle of *velayat-e faqih*, and believe in Islam and the system of the Islamic Republic. Interestingly, individuals must self-nominate. This is another possible explanation for the weakness of the political parties in Iran, as candidate nomination is an essential function of parties in other political systems. Iran's nomination process is candidate centered rather than party centered, and the rigidity of the formal process of party registration has given rise instead to more fluid factions of independent candidates that change from one election cycle to the next. As I explore further in a later chapter, the competition is most prominently configured as being between the conservatives and principlists on one side, and the moderates and reformists on the other.

Iran's party system is commonly framed in the literature as being bifurcated, with "traditionalists," "conservatives," or "hard-liners" on one side and "reformists" and "moderates" on the other. This is clearly expressed, for example, in Saikal's notion of the *jihadi-ijtihadi* ("combative-reformist") approach to governance that, in his view, has come to define Iran's postrevolutionary political development.²² The constitutional allowance for parties comes from article 26, which states that the nation "shall be allowed to form parties, societies, political or professional associations and Islamic or other religious societies of the recognized minorities, provided that they do not violate the principles of freedom, independence, national unity, Islamic standards and essentials of the Islamic Republic. No one may be stopped from participating in them or forced to participate in one of them." While partisan identification and discipline remain comparatively weak in Iran, and, indeed,

have only become more influential in Iran's politics in recent years, it is possible to broadly characterize the general political orientation of the Majlis in the postrevolutionary period. Principlist factions have held majorities and the Speakership in all sessions of the Majlis except the third (1988–1992) and sixth (2000–2004); they also regained a large majority in the current session (the eleventh session, 2020–2024) following elections in February 2020.

Saikal offers the following delineation of the *jihadi* and *ijtihadi* dimensions: “Although each term has a complex history in Islamic thought, *jihadi* may be taken here to signify a combative, revolutionary, and inward-looking approach to the implementation of Islam. *Ijtihadi* . . . denotes a creative interpretation of Islam according to changing times and conditions, based on independent human reasoning (*aql*).”²³ Within the clerical stratum that were politically active in the revolutionary movement, Saikal identifies three distinct factions or networks: the Ruhanniyat, the Islamic Students Associations (Anjuman-e Islami-e Daneshjuyan, or AID), and Islamic Society (Anjuman-e Islami, or AI).²⁴ In the wake of the revolution, the Ruhanniyat, through its advantages in leadership and organization, distinguished itself as the leading actor and voice of the clerical stratum. Members of this group included notable figures who would later serve in critical positions in the Islamic Republic political system, including future heads of the judiciary, speakers of the Majlis, president, chairman of the Assembly of Experts, members of the Guardian Council, and even, in the case of Ayatollah Ali Khamenei, future supreme leader.

Here, it is instructive to consider the variable of political imprisonment prior to 1979—developed by Boroujerdi and Rahimkhani—and apply it to members of the Majlis. Of the 2,892 total individuals who served as members of parliament in the first (1980–1984) through tenth (2016–2020) parliaments, 10.8% had been imprisoned before 1979.²⁵ The percentage of formerly imprisoned MPs has steadily declined in each successive parliament, with one exception of a slight increase from 6.1% in the Seventh Parliament (2004–2008) to 7.6% in the Eighth Parliament (2008–2012). The imprisonment figure was at its highest in the First Parliament (1980–1984), in which 26.6% of MPs (87 out of 327) had been imprisoned under the Shah's regime. The low point over that range of time (1980–2020) was in the Tenth Parliament (2016–2020), in which only 2.1% of MPs (6 out of 290) had been imprisoned prior to 1979.²⁶

Iran's 2016 parliamentary elections witnessed what were initially framed as sweeping gains for moderate and reformist candidates, suggesting a vote of confidence in the path laid down by President Rouhani in his first term in office. All thirty of the seats from Tehran Province went to candidates from the Reformist-Moderate list. The first round of voting was held on February 26, and was followed by a second round for constituencies where no candidate

Table 2.1 Majlis Elections: Voter Turnout and Candidate Vetting

<i>Session</i>	<i>Years</i>	<i>Voter Turnout (%)</i>	<i>No. of Registered Candidates</i>	<i>No. (%) of Registered Candidates Approved by the Guardian Council</i>
First	1980–1984	52.14	3,694	1,910 (51.71)
Second	1984–1988	64.64	1,592	1,231 (77.32)
Third	1988–1992	59.72	1,999	1,417 (70.88)
Fourth	1992–1996	57.81	3,233	2,741 (84.78)
Fifth	1996–2000	71.1	8,365	6,954 (83.13)
Sixth	2000–2004	67.35	6,853	5,742 (83.78)
Seventh	2004–2008	51.21	8,172	5,450 (66.69)
Eighth	2008–2012	55.4	7,600	4,476 (58.89)
Ninth	2012–2016	63.87	5,283	3,793 (71.8)
Tenth	2016–2020	61.64	12,072	4,844 (40.13)
Eleventh	2020–2024	42.57	14,444*	7,148 (49.49)

Sources: Data on voter turnout, candidate registration, and candidate disqualification for the first through tenth sessions is compiled from Boroujerdi and Rahimkhani (2018), chap. 10, tables 85–94. Data on the eleventh session is compiled from the Ministry of Interior, Islamic Republic of Iran, “Minister of Interior: Turnout in Parliamentary Elections 42.57,” February 24, 2020; and Azizi, “Factbox: The Outcome of Iran’s 2020 Parliamentary Elections,” February 26, 2020.

* There is some ambiguity regarding the exact number of registered candidates in the eleventh session. Azizi (February 26, 2020) notes that 7,296 candidates were disqualified and that 7,148 candidates competed in the election. These figures are the basis for the number I have used here (14,444); however, Azizi also asserts that “more than 15,000 people applied [as candidates],” and other sources also somewhat ambiguously refer to more than 14,000 or more than 15,000 initial registered candidates. While the Ministry of Interior (February 24, 2020) provided clear data on voter turnout, their information on registered candidates was not available at the time of this writing. Table created by author.

met the 25% threshold for victory on April 29. The List of Hope, tacitly supported by President Rouhani and endorsed by former presidents Rafsanjani and Khatami, gained 42% of the seats—the largest plurality. The Principlist Coalition garnered 29% of the seats, while independents and smaller factions, many of whom are reformist-leaning, accounted for the remaining 31%.²⁷ Furthermore, Rouhani’s reelection to a second term as president on May 19, 2017, is a further reflection of the desire of Iranian society to support the JCPOA and Iran’s engagement with the international community, despite the anti-Iran rhetoric from the new administration in Washington, DC.

According to Iran’s Ministry of Interior, the national average for voter turnout in the February 2020 parliamentary elections was 42%, the lowest figure since the Islamic Revolution.²⁸ The lowest turnout by province came from Iran’s most populous province, Tehran, with just 26.24% of eligible voters casting a ballot in the election, while traditionally more conservative provinces had higher turnout levels (e.g., 66.12% in South Khorasan Province and 47.45% in Semnan Province, both of which had gone for conservative presidential candidate Ebrahim Raisi in the 2017 presidential election).²⁹ This low level of turnout calls into question society’s view of the efficacy of

the Majlis and, by extension, the overall legitimacy of the government itself. Despite the constitutional functions of the Majlis previously outlined, these have been mitigated in practice by other provisions empowering the Guardian Council to constrain the power of the Majlis. For example, article 93 specifies: “Without the Guardian Council the Majlis shall have no legal validity except in case of approval of credentials of its representatives and election of six jurist members of the Guardian Council.” Even more significantly, article 94 reads: “All legislation passed by the Majlis shall be sent to the Guardian Council. Within a maximum period of ten (10) days from the date of its receipt, the Guardian Council shall be required to examine the same to ensure that it conforms to the principles of Islam and the Constitution. If the Guardian Council finds any inconsistency in the legislation, it shall return it to the Majlis for review. Otherwise the said legislation shall be enforceable.” Given the substantial oversight of the Majlis by the Guardian Council, and this on top of the gridlock resulting from factional infighting, perhaps the low voter turnout in 2020 is less puzzling than the comparatively higher levels witnessed in previous majlis elections. In the next chapter, I continue this inquiry into the role of the Guardian Council along with the judiciary and Expediency Council in Iran’s political architecture.

NOTES

1. Joel D. Barkan, “Progress and Retreat in Africa: Legislatures on the Rise?,” *Journal of Democracy* 19, no. 2 (April 2008): 124–137.
2. Ellen Lust, “States and Institutions,” in Lust, *The Middle East*, 156.
3. Arjomand, *After Khomeini*, 17.
4. Arjomand, *After Khomeini*, 17.
5. Arjomand, *After Khomeini*, 18.
6. On Muslim Democracy, see Vali Nasr, “Iran’s Peculiar Election: The Conservative Wave Rolls On,” *Journal of Democracy* 16, no. 4 (October 2005): 9–22.
7. Behzad Yaghmaian, *Social Change in Iran: An Eyewitness Account of Dissent, Defiance, and New Movements for Rights* (Albany: State University of New York Press, 2002), 205.
8. Yaghmaian, *Social Change in Iran*, 205.
9. Yaghmaian, *Social Change in Iran*, 205–206.
10. Yaghmaian, *Social Change in Iran*, 206.
11. Majlis-e Shura-e Islami refers to the Islamic Consultative Assembly or the Majlis.
12. This is perhaps most explicit in article 56 of the Constitution of the Islamic Republic of Iran.
13. An example is the June 1998 impeachment of minister of the Interior Abdollah Nouri in the Khatami administration.
14. Constitution of the Islamic Republic of Iran, art. 68.

15. Boroujerdi, "Iran," 405.
16. Boroujerdi, "Iran," 405.
17. John L. Esposito, "Contemporary Islam: Reformation or Revolution?," in *The Oxford History of Islam*, ed. John L. Esposito (Oxford: Oxford University Press, 1999), 683.
18. Esposito, "Contemporary Islam," 683.
19. Hossein Asayesh et al., "Political Party in Islamic Republic of Iran: A Review," *Journal of Politics and Law* 4, no. 1 (March 2011): 225.
20. Asayesh et al., "Political Party," 223.
21. Arjomand, *After Khomeini*, 65.
22. Saikal, *Iran Rising*. Saikal argues that both the combative and reformist dimensions have shaped the evolution of the theopolitical order of postrevolutionary Iran since its inception.
23. Saikal, *Iran Rising*, 67.
24. Saikal, *Iran Rising*, 53.
25. Author's calculation based on data outlined in Boroujerdi and Rahimkhani's *Postrevolutionary Iran* (table 6), 42. 313 of the 2,892 members identified in the data had been imprisoned before 1979; therefore, rounding to the nearest tenth yields the 10.8% figure.
26. Boroujerdi and Rahimkhani, *Postrevolutionary Iran*, 42.
27. Ministry of Interior, 2016.
28. Trend, "Iran's Interior Ministry Discloses Voter Turnout of Provinces in Parliamentary Elections," *AzerNews*, March 1, 2020, <https://www.azernews.az/region/162377.html>.
29. Trend, "Iran's Interior Ministry."

Chapter 3

Judicial Power and the Mediating Councils

Where the ambiguity of Iran's legal system and its political consequences are concerned, an interview of journalist Ramin Mostaghim (a *Los Angeles Times* special correspondent) featured in the 2018 PBS Frontline documentary *Our Man in Tehran* is insightful. Conducted by fellow journalist Thomas Erdbrink, then serving as Tehran bureau chief for the *New York Times*,¹ the interview took place during the time of the imprisonment of Jason Rezaian, a *Washington Post* journalist, in Iran. In the interview, Mostaghim concisely and artfully elaborates on the opacity of Iran's legal system:

That is part of the power; ambiguity, unpredictability. This is also part of the tradition, part of the culture. It was in Sassanid times the same. Pre-Islamic times was the same. The Sassanid Kings ruled the same way. Now is the same, and in monarchy time was the same. Unpredictability, then you don't know what is the punishment for anything wrong I do. For the same wrong things that you commit and I do, we have different jails, different punishment. You may be forgiven, I may be in jail for ten years. So, what is the result? As a citizen, I'm always intimidated. There is less and less risk-takers. Less and less people are eager to speak out their minds. Less and less dialogue, debates, interactions. More isolation. Everybody makes a wall around himself to be safe because he can not trust [*sic*].²

A vast and intricate judicial bureaucracy has developed in Iran in the post-revolutionary period that, in the vein of Mostaghim's characterization above, one may rightly characterize as Kafkaesque in its uncertainties. The head of the Judiciary, having replaced the High Council of the Judiciary (HCJ) in the 1989 constitutional amendment process, sits at the top of this bureaucratic structure. The first Deputy, Ministry of Justice, Leadership Council, National

Judicial Organization, Intelligence Center (created in 2002), Special Judicial Supervision, and other affiliated organizations³ are placed under the direct supervision and authority of the head of the Judiciary in the judiciary's formal organizational chart.⁴ Ghaemi observes, echoing Mostaghim's remarks on the system's ambiguity, that after the revolution "many of the new laws were legislated in vague terms, allowing for subjective interpretations as well as diverse and even contradictory rulings by judges. As a result, the judiciary is widely considered one of the Islamic Republic's most dysfunctional institutions."⁵ But is this alleged dysfunction irredeemable? That is, is it constitutionally inherent in the Islamic Republic system, or does the judiciary have the capacity to reform? In this chapter, I begin by reviewing the constitutional provisions for the judiciary, paying particular attention to the articles included in chapter 7 of the Constitution ("The Judiciary"), and then transition to an analysis of how judicial power has functioned in practice over time.

THE JUDICIARY IN THEORY

Treatise II, article 91, section 2 of the Constitution outlines one of the most significant powers of the judiciary in relation to the general political structure—that is, the power of the Head of the Judiciary to propose the six jurist members of the Guardian Council for the Majlis's consideration. The composition and function of the judiciary is outlined in further detail in chapter 11 of the Constitution, articles 156–174. Article 156 broadly defines the function of the judicial branch as one of protecting individual and social rights. To carry out this mandate, article 157 creates the position of the Head of the Judiciary, to be appointed for a five-year term by the supreme leader, and who is defined in the article as a *Mojtahed* (Doctor in Religious Law) "who is just, has knowledge of judicial matters, is prudent and has managerial skills."⁶ The Head of the Judiciary is unequivocally defined as the highest authority in the judiciary, and at present only four individuals have held this position (see table 3.1).

Table 3.1 Heads of the Judiciary

<i>Name</i>	<i>Period in Office</i>
Mohammad Yazdi	August 15, 1989–August 14, 1999
Sayyid Mahmoud Hashemi Shahroudi	August 14, 1999–August 14, 2009
Sadeq Amoli Larijani	August 14, 2009–March 7, 2019
Ebrahim Raisi	March 7, 2019–present

Note: The position of Chief Justice was created in the constitutional amendments of 1989. It replaced the High Council of the Judiciary (HCJ), which was created by article 157 of the original 1979 Constitution of the Islamic Republic of Iran. Table created by author.

Furthermore, articles 157 and 162 specify that the judicial system will be under the control of Islamic rather than lay jurists. The explicit functions of the Head of the Judiciary in Iran's political system are defined in three sections in article 158, and include empowering the Head of the Judiciary to create the organizational structure of the justice system necessary to perform its duties as outlined in article 156, to draft bills related to judicial matters, and to appoint and dismiss judges in the justice administration system. The cabinet representative of the judicial branch, the minister of justice, is responsible for managing relations between the judicial branch and the executive and legislative branches, and, according to article 160 of the Constitution, is appointed by the head of the judiciary's proposal to the president. Interestingly, the president is therefore constrained in their choice of minister of justice and limited to those candidates who are recommended by the head of the judiciary.

Further elaborating on the judicial structure, articles 161 and 162 provide for the creation of a Supreme Court, itself with a president and an attorney general, both of whom are directly appointed by the head of the judiciary in consultation with judges of the Supreme Court for five-year terms. The Supreme Court, composed of three judges with separate branches for civil and criminal cases, is empowered to hear cases against the president of the Republic, and the court's judgment verdict on a violation of conduct by the president is one of the conditions under which the supreme leader may dismiss a president from office.⁷ Further describing the function of the Supreme Court in Iran's judicial system, Zare explains: "The Supreme Court as a court of appeals does not issue a substantive decision. It only reviews cases with regards to the application and interpretation of law. It then sends the case to the lower court to review the facts and the law for a second time and issue a new decision. Lower courts do not have to comply with the Supreme Court's decision."⁸

Also, the Constitution provides for the creation of special military courts and an Administrative High Court. The former addresses crimes related to members of the army, police, and IRGC in the former case, while the latter deals with crimes related to government employees, administrative regulations, or government institutions.⁹ Last, article 174 outlines the creation of an organization called the State Chief Inspectorate to supervise the good conduct of government administrative departments, and places this organization under the direct supervision of the Head of the Judiciary. The shift in the 1989 constitutional amendments to abolish the HCJ and create the head of the judiciary is an example of the effort to concentrate government authority in the name of effectiveness at the expense of more dispersed, limited, and therefore responsive government. The Head of the Judiciary now sits alone at the top of an extensive judicial bureaucracy.

The political science literature highlights several important variables for differentiating the powers of courts when comparing judicial systems around the world. One such measure is judicial independence, meaning the autonomy of courts from other institutional actors. According to one source, the more that other government institutions exercise influence over the court's "personnel, case selection, decision rules, jurisdiction, and enforcement of laws, the less independent it is."¹⁰ In the Iranian case, the head of the judiciary is appointed by the supreme leader, meaning that this selection is insulated from the political fragmentation of the other branches. Scholars have argued that political fragmentation "gives courts space to take more independent action."¹¹ It follows in this line of reasoning, therefore, that where political fragmentation is high, judicial independence is likely to be high, because "courts have less need to worry about reprisal or override."¹² Conversely, where political fragmentation is low, judicial independence will be low, and highly cohesive political systems will tend to have weaker judiciaries. In Iran's case, given the candidate-vetting function of the Guardian Council, political fragmentation in government is limited, with much higher divergence of views in society than government. As a result, the fragmentation hypothesis would suggest that Iran's judiciary is structurally less independent than judiciaries in higher-fragmentation systems.

The ensuring of the independence of the judiciary is recognized in the literature on democratization as an essential institutional feature of democracy. Ellen Lust quotes an Egyptian activist's succinct expression of this idea in 2006: "We cannot aspire to have reform without an independent judiciary. . . . It is the first and most important block in the reform process."¹³ Judicial independence, and therefore the strength of the rule of law, is low in Iran compared to consolidated democracies; however, in the MENA region, the dependent relationship between the judiciary and the ruling elite in Iran would not make it an outlier.¹⁴

The monitoring of the electoral process is a function performed jointly by entities within the Ministry of Interior's National Election Commission, including the Electoral District Executive Committees; and the Guardian Council, through its Central, Provincial, and District Supervisory Committees, as well as its own Poll Monitors. The judiciary is not involved in supervising elections. The judiciary along with the Guardian Council and the supreme leader have been described as the three pillars of clerical power in Iran's institutional structure.¹⁵ Article 156 of the Constitution provides for the independence of the judiciary; however, according to Boroujerdi, "its political role in practice reflects the ideological composition of judges who are quite uniformly conservative clerics either wholly opposed to or, rather, suspicious of allowing legal reform."¹⁶ The practical obstructionism of the court system notwithstanding, it is important to observe here that the courts

exhibit *de jure* independence, and therefore, at least in their design, are open to change.

THE JUDICIARY IN PRACTICE

The secularization of the judicial system under the Pahlavi dynasty was reversed in the aftermath of the Islamic Revolution, and this change in orientation is evident in legal matters ranging across the criminal and civil code, perhaps most visibly in matters of family law and women's rights. In practice, the presence of the *ulama* is most pronounced in the judiciary compared to the executive and legislative branches. Ghaemi notes: "Only clerics who trained in Islamic jurisprudence or have degrees from religious law schools can now become judges. Women are barred from becoming judges altogether. The head of the judiciary, the country's prosecutor general, and all Supreme Court judges have to be *mojtahids*, or high-ranking clerics."¹⁷ Scholars such as Ghaemi persuasively argue that the judiciary has become politicized, functioning more to suppress and prosecute political dissent from street protesters and political reformers alike. In particular, Ghaemi highlights the 2009 Green Movement as a critical juncture in the politicization of the judiciary. "After the 2009 presidential election, the judiciary emerged as a key instrument to intimidate protestors and remove many leading activists and opinion makers, steps that were both critical to the regime's survival," he argues.¹⁸ In the wake of the protests, many political opposition figures were charged with various offenses, including acts against national security, and were compelled to give televised confessions. These figures included Mohammad Abtahi, one of Khatami's former vice presidents for legal and parliamentary affairs; and Mohsen Mirdamadi, a former member of parliament and former governor of Khuzestan Province, who was a leading figure in what was Iran's largest reformist party, the now-banned Islamic Iran Participation Front.¹⁹

One of the important functions of the judiciary is its role in combating government corruption, and this function is understood as a judicial power by the public. For example, in an August 2019 survey, 73% of respondents indicated that they thought the judiciary was engaged in efforts to fight economic corruption, and 60% of respondents said that they felt those efforts to fight economic corruption had increased in comparison to the previous year.²⁰

The constitutional amendments of 1989 changed the course of Iran's postrevolutionary political development in several ways. As Arjomand aptly summarizes, the Council for the Revision of the Constitution aimed to revise "the Constitution's clauses on Leadership, centralization of authority in the Executive, centralization of authority in the Judiciary, centralization of management of the radio and television network, the number of Majles deputies

and the changing of its official designation to the National Islamic Assembly, the place of the new Maslahat [Expediency] Council, and making provisions for subsequent constitutional amendments.”²¹ The passage of the constitutional amendments in July 1989 took place at precisely the time of domestic political opening—with the dissolution of the Islamic Republic Party in May 1987 and therefore the end of the one-party state, and immediately after the death of Ayatollah Khomeini in June 1989. It effectively centralized government power across the political institutions of state in such a way that it limited society’s capacity to hold government accountable and translate public attitudes to policy change. How has society responded to these developments in the post-Khomeini era?

THE GUARDIAN AND EXPEDIENCY COUNCILS

The existing literature on Iran’s postrevolutionary political system exhibits a bias toward actor-centered analysis, an approach that favors the question, “Who rules Iran?” This literature therefore more exclusively studies the ideologies of particular individuals or focuses on factional politics. In contrast, the question I address here is “How is Iran ruled?” This shift in framing invites a process-based inquiry into Iran’s institutional structure, explores the limits of Iran’s institutional rules and norms, and reincorporates Iranian society into the consideration of Iran’s political system instead of focusing exclusively on the state alone. While other studies of Iran’s political system classify the Expediency and Guardian Councils under the rubric of the executive branch, I argue instead that these bodies should be considered separately as what I term “Mediating Councils” alongside the judiciary. The reasoning for this novel categorization is twofold. First, the Constitution does not discuss these bodies wholly under the heading of executive power. In fact, the first mention of the Guardian Council comes in article 91 under Treatise II of the Constitution in a discussion of the authorities and competence of the legislature. Second, given that the primary justification for the creation of the Expediency Council was to mediate between the Majles and the Guardian Council, there is a clear sense in the architecture of the political system that it occupies a place between the legislative and executive branches. Though powers of appointment to these bodies, either in whole or in part, are traced back to the supreme leader, their existence as distinct, separate institutions, and their independence of action from the supreme leader, at least in theory, warrant in my view a separate classification for both the Expediency and Guardian Councils as “Mediating Councils” rather than components of the executive branch. While I believe this shift in perspective offers an improvement in correcting the tendency to view these institutions as wholly

subservient in both theory and practice to the supreme leader, some may reasonably disagree and argue instead that the power of appointment essentially creates a principal—agent relationship in which members of these councils act on behalf of the supreme leader rather than in accordance with their constitutional mandate. My point here in classifying these institutions differently is that this is not a constitutionally necessary outcome, and, following the letter of the constitution, one could envision greater independence for these institutions, and that this augers in favor of conceptualizing them apart from the executive branch.

Expediency Council

Unlike the Guardian Council, Assembly of Experts, and Majlis, the Expediency Council was not initially envisioned in Iran's 1979 Constitution, and instead was founded by Ayatollah Khomeini in February 1988 and later codified in the constitutional amendments of 1989. The Expediency Council performs two core tasks: mediating between the Majlis and Guardian Council in their disputes, and advising the supreme leader. Article 110 of the Constitution establishes the advisory role of the Expediency Council, noting that the supreme leader will determine the general policies of the Islamic Republic after consultation with the Council. Article 112 defines the Expediency Council's conflict mediation role: "The *Majma-e Tashkhis-e Maslehat-e Nezam* shall be convened at the order of the Leader to determine such expedience in cases where the Guardian Council finds an approval of the Majlis against the principles of Sharia or the Constitution, and the Majlis in view of the expedience of the System is unable to satisfy the Guardian Council, as well as for consultation in matters referred to it by the Leader, and for discharging other functions laid down in this law."²²

Tracing the historical evolution of the Expediency Council, one scholar argues that the Council played an especially important role in Iran's political development in the pivotal period between the Council's inception in 1988 and Ayatollah Khamenei's succession to the role of supreme leader in 1989.²³ During this time, Buchta argues, the Expediency Council "was able to grow beyond its designated role as an arbiter and assume the authority to pass extensive and special emergency laws, such as to fight drug trafficking."²⁴ However, as the transition from Khomeini to Khamenei began to settle, the consultative function of the Expediency Council diminished as Khamenei exercised the political authority of his office more unilaterally and as the Majlis raised objection to another entity usurping its legislative authority.²⁵

In contrast to the other political institutions reviewed in the preceding chapters, and, indeed, in contrast to the Guardian Council, the Expediency Council is an outlier in that it was not established in the original Constitution

of the Islamic Republic, but rather through a February 6, 1988, order of then supreme leader Ayatollah Khomeini. The explicit function of the Expediency Council was to settle disputes between the Guardian Council and the Majlis. The role of this body was formalized in the amended Constitution of 1989, particularly in the provisions of article 112. In practice, however, the Expediency Council has functioned to privilege the interests of the supreme leader and conservative and principlist factions at the expense of more reformist tendencies emanating from the Majlis. Where the composition of the Expediency Council is concerned, the Constitution outlines two categories of members—permanent and mutable—or what Boroujerdi and Rahimkhani define as “justice members” (*afrad-e Hoquqi*) and “natural members” (*afrad-e Haqiqi*).²⁶ Justice members include the six clerics on the Guardian Council, the three heads of the branches of government (executive, legislative, and judicial), and cabinet ministers and Majlis committee chairs with positions relevant to the particular matter under debate. Natural members, on the other hand, are directly appointed to the Expediency Council by the supreme leader. According to the database compiled by Boroujerdi and Rahimkhani, in the period from February 1988 to December 2017, a total of fifty-nine natural members have served on the Expediency Council. In fact, the number of natural members has grown from a low of seven in the First Expediency Council (1988–1989) to a high of thirty-eight in the seventh (2012–2017) and eighth (2017–2022) councils. This more than fivefold increase in the number of natural members is yet another instance of the way in which power has been concentrated within Iran’s institutions to reflect the interests of the supreme leader. This increase in the ratio of natural members to justice members effectively dilutes the influence of the three branches and amplifies the influence of the supreme leader in this institutional body.

A second compelling finding on the institutional evolution of the Expediency Council relates to the changing composition of the natural members themselves. Two notable trends are the growing presence of former IRGC members and the declining presence of clerics. Drawing a comparison over time from the First Expediency Council (1988–1989) to the current one (the eighth, 2017–2022), Boroujerdi and Rahimkhani observe that approximately 85% of natural members in the First Council were members of the clergy, and none were former members of the IRGC. In stark contrast, the percentage of clergy is approximately 34% in the current council²⁷—essentially at parity with the number of council members who had formerly served in the IRGC. The trend that emerges in the supreme leader’s selection of natural members to the Expediency Council from 1988 to 2017 is the marked decline of the clergy alongside the rise of former IRGC members.²⁸ This reflects the growing influence of the military in politics, and indicates that the challenge in reforming Iran’s political institutions and government behavior is less a

question of reforming or moderating fundamentalist religious ideology, and more one of reining in the outsize influence of the military, particularly the IRGC, over civilian institutions.

Guardian Council

Article 91 of the Constitution contains the first detailed reference to the Guardian Council.²⁹ It describes the *raison d'être* of the Guardian Council as follows: “With a view to safeguarding the rules of Islam and the Constitution, and to see that the approvals of the Majlis are not inconsistent with them, a Council known as the Guardian Council shall be established.”³⁰ Article 91 then goes on to outline the selection process for the twelve members of the Guardian Council: six *faqih*s appointed by the supreme leader and six jurists proposed by the Head of the Judiciary and confirmed by a vote of the Majlis. Articles 92–99 further elaborate on the powers of the Guardian Council. The importance of the Guardian Council in the Constitution’s provisions for legislative power is made manifest in article 93, which reads: “Without the Guardian Council the Majlis shall have no legal validity except in case of approval of credentials of its representatives and election of six jurist members of the Guardian Council.”³¹ The Guardian Council, then, is the *sine qua non* of effective legislative power according to this provision. Without the Guardian Council, the Majlis loses its authority to legislate. Also, Guardian Council members are permitted to attend majlis sessions, and in urgent matters are invited to express their views in majlis sessions, according to article 97. Article 94 describes the legislative process in further detail, specifying that all legislation passed by the Majlis must be sent to the Guardian Council, and that the Guardian Council must render an opinion on the legislation within ten days. If the legislation is found to be inconsistent either with Islamic precepts or constitutional principles, as interpreted by the Council, then it is returned to the Majlis for revision and does not carry the force of law. Otherwise, the legislation goes into force. In sum, these provisions blur the separation of powers between the Majlis and the Guardian Council, and further indicates the lack of legislative independence for the Majlis.

Article 99 empowers the Guardian Council to supervise not only presidential and majlis elections, but also elections for the Assembly of Experts (the body that nominates the supreme leader). The Council also supervises referendums. Buchta comments on the Guardian Council’s role in supervising elections and vetting candidates (outlined in article 99 of the Constitution), noting how this power evolved, interestingly, after Khomeini’s death:

This vetting of electoral candidates was subject to clearly delineated restrictions during Khomeini’s rule (1979–1989). It was applied only to communists,

socialists, nationalists, members of the *nahzat-e azadi-ye Iran* (Iranian Freedom Movement, or IFM), Kurds, and similar groups—in other words, people whose loyalty to the regime and its doctrine of *velayat-e faqih* (rule by the jurispudent) was in question, or who were considered part of the underground opposition. In the internal power struggles following Khomeini's death, the council frequently used its power to exclude the Islamic left, which was not represented in the council.³²

The twelve-member Guardian Council also has an internal division of labor, according to the Constitution. A decision about “whether or not the legislation passed by the Majlis is in conformity with the precepts of Islam” is made by majority of the six faqihs—the religious scholars appointed by the supreme leader—while “the majority of all members of the Guardian Council shall decide whether or not the same complies with the provisions of the Constitution.”³³ The six faqihs on the Council, then, are the sole arbiters of how the rules of Islam are safeguarded in government actions, while questions of constitutionality that do not specifically hinge on religious matters are determined by majority of all members on the Council. Article 98 of the Constitution sets the bar for consensus on the Council as a three-fourths majority, meaning that nine out of the twelve members must agree on a question of constitutional interpretation.

In addition to the specific articles on the Guardian Council, the preamble of the Constitution, particularly paragraph 5 of the section titled “Method of Government in Islam,” establishes the reason for the existence of a body like the Guardian Council in the first place:

In creating political foundations on the basis of ideological interpretations, which in itself is the basis of organizing a society, the pious men shall bear the responsibility of government and management of the country [*The earth shall my righteous servants inherit*]. Legislation, which is indicative of standards of social management, shall follow on the course of the Koran and traditions of the Prophet. Therefore, serious and minute supervision by just pious and committed Islamic scholars (just Faqihs) is necessary and indispensable.³⁴

Further evidence of the notion of the indispensability of clerical oversight can be found in chapter 1 (“Generalities”), article 4, which asserts that all laws shall be based on Islamic principles and that it is the responsibility of the Guardian Council to ensure this.

Occupants of Office

Given the significance of the political socialization process that many of the revolutionary political elite experienced under the Shah's regime, it is useful, once again, to consider the data on political imprisonment prior to the

revolution, as was done in the previous two chapters for the presidential cabinet and members of the Majlis. In this case, I consider members of both the Guardian Council and Assembly of Experts. For the Assembly of Experts, considering membership from the First Assembly (1983–1990) through January 2018 of the Fifth Assembly (2016–2022), one observes that, of the 445 total members who served in this body, 124 (27.9%) had been imprisoned before the revolution.³⁵ Interestingly, as previously witnessed in the analysis of both the executive and legislative branches, a closer look at the data reveals a similar steady decline in this percentage for the Assembly of Experts with nearly each subsequent assembly. The percentage of formerly imprisoned members was highest in the First Assembly (1983–1990) at 43%. It declined in the Second Assembly (1991–1998; 36.5%) and Third Assembly (1999–2006; 33.3%), then slightly increased in the Fourth Assembly (2007–2016; 34.4%), only to decline again, this time more precipitously, in the Fifth Assembly (2016–2022; 22.7%). This data reveals the same general pattern witnessed in the executive and legislative branches: the relative seat share of the revolutionary generation in key political institutions is waning as the generation grows older and political power begins to transition to the next generation, who were not yet politically active and therefore not politically socialized under the Shah's regime.

Given the demographic change in Iran and the impending transition of leadership between the revolutionary and postrevolutionary generations, it is useful to consider the data on age profiles of members in key political institutions such as the Guardian Council and Expediency Council. I turn first to the Guardian Council. In the first council immediately after the revolution (1980–1986), the median age was fifty, with the youngest member being thirty-seven years of age, and the oldest sixty-one years old. The general trend from the first council to the current one (the seventh, 2016–2022) reflects the steady aging of the Council. By the early 1990s, in the third council (1992–1998), the median age of a Guardian Council member had increased to 58, just three years younger than the oldest member in the first council. Though there was a slight decline in median age in the fourth (1998–2004) and fifth (2004–2010) councils, in the current council (the seventh, 2016–2022), the median age has increased to 66 years old, with the age of the members at the start of the session in 2016 ranging from 50 to 89.³⁶

This trend of aging officeholders in Iran's core political institutions is not limited to the Guardian Council. One observes a similar pattern in the Expediency Council. In that body's first session (1988–1989), the median age of its members was 51, with a range from 42 to 62 years old. By the current session (the eighth, 2017–2022), the median age had increased by seventeen years, to 68 years old, and the range of ages had widened and generally aged, now ranging from a youngest age of 52 to an oldest of 92. Furthermore, in the Assembly of Experts, the body tasked with selecting the next supreme

leader, the median age of members increased from 55 to 68 years old over the course of its development from its first session (1983–1990) to the current, fifth session (2016–2022). Last, even the Majlis has not been exempt from the greying of its members, with the median age in the tenth session of the majlis (2016–2020), at 51 years old, being ten years older than the median age of members in the first postrevolutionary majlis (1980–1984).³⁷

The institutional body that retains the highest percentage of members who had been imprisoned before 1979 remains, unsurprisingly, the Guardian Council. This is in comparison to the percentages in the president's cabinet and vice presidents, members of parliament, and even members of the Assembly of Experts. In the Seventh Guardian Council (2016–2022), four out of twelve, or 33.3%, of the originally elected or appointed members had been imprisoned prior to the revolution.³⁸ Although a general decline of this percentage is reflected over the range of the Guardian Council data, it is much less pronounced than the decline seen in Iran's other political institutions. Of the 113 total Guardian Council members who have served—from the First Council (1980–1986) to the election or appointment of the Seventh Council in 2016—thirty-seven had been imprisoned prior to the revolution. This equates to 32.7% of all members (rounding to the nearest tenth). The standard deviation for each Guardian Council session is considerably lower than the standard deviation of formerly imprisoned members for Iran's other consultative bodies, suggesting that revolutionary *bona fides* remain important in this institutional body compared to others. This data is useful for understanding the conservatism of the Guardian Council and its rigidity in interpreting the Constitution, as roughly a third of its members personally experienced the hardship of being jailed or exiled under the Shah's regime. Given the personal trauma they experienced to help actualize the Islamic Republic, it is reasonable to assume that they might be less flexible in their thinking where contestation of the meanings of this political system is concerned. On the other hand, as Iran moves further into its fifth decade after the revolution, this generation will increasingly fall away, and the reins of power of the Guardian Council will transition to a new generation that will not have experienced the repression of their political views under the Shah's regime. This key difference in political socialization suggests an opening for reconsideration and reinterpretation of the relationship between Iran's political institutions, including the potential for reimagining the role of the Guardian Council in the political system.

CAPACITY FOR INSTITUTIONAL CHANGE?

How does the behavior of the Guardian Council, in practice, compare to its theoretical powers and functions as previously reviewed? Or, phrased

differently, what does a comparative historical analysis of the Guardian Council from the First Council (1980–1986) to the Seventh (2016–2022) reveal about how broadly or narrowly the institution has interpreted its mandate to political intervention? Over the time period from July 22, 1980, to July 4, 2015—from when the Guardian Council issued its first opinion on legislation passed by the Majlis in the First Majlis, to the Ninth Majlis—a total of 3,034 pieces of legislation were passed by the Majlis, of which 2,559 (84.34%) were approved by the Guardian Council. Therefore, in the first nearly thirty-five years of its governing, the Guardian Council invalidated 475 pieces of legislation that had been ratified by the Majlis, equating to approximately 15.66% of all ratified legislation during this time period. Moreover, this figure likely drastically underestimates the legislative oversight of the Majlis by the Guardian Council, in that it fails to capture the number of bills that either were never proposed for fear of Guardian Council rejection, or were proposed but failed ratification in the Majlis for the same reason. What we might consider the deterrent effect of Guardian Council oversight is less amenable to quantification and therefore more challenging for researchers to study.

Against this 15.66% average rejection rate over the period of 1980–2015, some outliers and patterns stand out in the data in table 3.2. For one, the

Table 3.2 Guardian Council Legislative Oversight Data, 1980–2015

<i>Majlis Session</i>	<i>Pieces of Legislation Ratified by the Majlis</i>	<i>Pieces of Legislation Approved by the Guardian Council</i>	<i>% of Legislation Not Approved by the Guardian Council</i>
First (1980–1984)	410	357	13
Second (1984–1988)	336	284	15.5
Third (1988–1992)	265	226	14.8
Fourth (1992–1996)	357	321	10.1
Fifth (1996–2000)	371	326	12.1
Sixth (2000–2004)	444	337	24.1
Seventh (2004–2008)	364	300	17.6
Eighth (2008–2012)	355	301	15.2
Ninth (2012–2015)*	132	107	19

Source: Data adapted from Boroujerdi and Rahimkhani (2018), 58, table 24. Their data was compiled from Seyyed Mohammad-Hoseyn Peyqambari, *Negahi Beh Amalkard-e Showra-ye Negahban* (A look at the performance of the Guardian Council) (Tehran: Pazhuheshgah-e Showra-ye Negahban, 2015), 6–7. Table created by author.

* The 2015 end year for the ninth session is based on the date of the last Guardian Council opinion in this session: July 4, 2015. Boroujerdi and Rahimkhani (2018) sourced this date from Peyqambari (2015).

Table 3.3 Guardian Council Composition, Seventh Council, 2016–2022

<i>Name</i>	<i>Position Type</i>	<i>Start</i>	<i>End</i>
Seyyed Mohammad Reza Modarresi-Yazdi	Cleric	2016	2022
Mohammad Yazdi	Cleric	2016	2022
Ahmad Jannati	Cleric	2016	2022
Alireza Araf	Cleric	2019*	2022
Sadeq Amoli Larijani	Cleric	2016**	2022
Mehdi Shabzendedar Jahromi	Cleric	2019	2022
Seyyed Fazlollah Musavi	Legal jurist	2016	2022
Siamak Rahpeyk	Legal jurist	2019	2022
Abbas Ali Kadkhodaei	Legal jurist	2016	2022
Hadi Tahan Nazif	Legal jurist	2019	2025
Mohammad Hassan Sadeghi Moghaddam	Legal jurist	2019	2025
Mohammad Dehghan	Legal jurist	2019	2025

Note: This information reflects the composition of the council in July 2020. Although the term of service for the Council as a collective entity is six years, halfway through the term, three clerical members and three legal jurists are rotated out by lottery selection. The information in this table reflects the composition of the Seventh Council after the midway rotation occurred in 2019. Table created by author.

Source: Guardian Council (website). <https://www.shora-gc.ir>.

* Appointed after the death of Ayatollah Mohammad Momen in 2019. Information from Guardian Council, "Ayatollah Alireza Araf," news release no. 6020, July 16, 2019.

** Appointed after the death of Ayatollah Hashemi Shahroudi in 2016. Information from Guardian Council, "Ayatollah Sadegh Amoli Larijani," news release no. 5722, April 9, 2019.

Sixth Majlis (2000–2004) stands out for its comparatively higher rejection rate (24.1%). As I will discuss further in chapter 6, the Sixth Majlis was dominated by reformist and moderate parliamentarians who experienced a coattails effect of sorts following the election of reformist President Khatami in 1997.³⁹ Also, in general, one observes the Guardian Council's tendency toward increasing use of its power of legislative oversight in rejecting legislation ratified by the Majlis. For instance, if one were to ignore the partial Ninth Majlis data and divide the first eight parliaments into two sequential groups—that is, consider the first through fourth sessions of the Majlis against the fifth through eighth sessions—we can observe an increase in the rejection rate from an average of 13.16% in the four earlier sessions to 17.6% in the four later sessions.⁴⁰ In sum, this trend in the data reflects a 33.74% increase in the use of legislative veto by the Guardian Council in the period from July 1996 to June 2012 compared to the period from July 1980 to June 1996.

LOOKING AHEAD TO PART 2

Part 1 of the book has outlined a political architecture in Iran that meets many of the minimal procedural requirements of democracy. There is an elected legislature and an elected executive, the political system allows for

multiparty contestation in regular elections, and there has been alternation of power in both the legislature and presidency. Yet, the political system has also shown comparatively low levels of judicial independence, significant checks on political participation through the vetting of candidates and parties in ideological tests, and, most importantly, the preponderance of power in the office of the supreme leader. Babak Rahimi argues, in his concluding chapter to the 2014 edited volume *A Critical Introduction to Khomeini*, that the survival of the political system of the Islamic Republic is due largely not to its rigid adherence to revolutionary principles, but rather to its ability to evolve overtime. Rahimi asserts: “The specter of Khomeini and his contentious memory will haunt Iran for generations to come.”⁴¹ In Part 2 of the book, I turn away from the focus on political institutions of the state to instead more closely examine state–society relations. To explore further this question of Iran’s ability to evolve over time, I pay attention to social movements, parties, public attitudes, and the media, so as to assess the level of pressure coming from Iranian society demanding such systemic evolution.

NOTES

1. Erdbrink’s press credentials were revoked by the Iranian authorities in February 2019.

2. Thomas Erdbrink, Roel van Broekhoven, and David Fanning, producers, *Our Man in Tehran: Parts I and II*, aired August 13–14, 2018, on PBS Frontline, <https://www.pbs.org/wgbh/frontline/film/our-man-in-tehran/>.

3. They include, for instance, the State Organization for Registration of Deeds and Properties, the State General Inspectorate Organization, and the Judicial Organization of the Armed Forces, among others.

4. Boroujerdi and Rahimkhani, *Postrevolutionary Iran*, 66.

5. Hadi Ghaemi, “The Islamic Judiciary,” *The Iran Primer*, United States Institute of Peace, updated August 2015, <https://iranprimer.usip.org/resource/islamic-judiciary>.

6. Constitution of the Islamic Republic of Iran, art. 157.

7. This is outlined in the Constitution of the Islamic Republic of Iran, art. 110, § 10.

8. Maliheh Zare, “Update: An Overview of Iranian Legal System,” Hauser Global Law School Program, August 2015, https://www.nyulawglobal.org/globalex/Iran_Legal_System_Research1.html.

9. Constitution of the Islamic Republic of Iran, art. 172 and 173.

10. John Ferejohn, Frances Rosenbluth, and Charles Shipan, “Comparative Judicial Politics,” in *Oxford Handbook of Comparative Politics*, eds. Boix and Stokes, 729.

11. Ferejohn, Rosenbluth, and Shipan, “Comparative Judicial Politics,” 733.

12. Ferejohn, Rosenbluth, and Shipan, “Comparative Judicial Politics,” 733.

13. Lust, “States and Institutions,” 157.

14. For example, Lust compares this dependence in Iran to similar patterns in Algeria, Lebanon, and the Palestinian Authority, and contrasts these cases of

functional though dependent judiciaries to cases of state weakness in Syria, Libya, Yemen, and Iraq, which in those countries has resulted in the function of judiciaries being taken up by nonstate actors.

15. Boroujerdi, "Iran," 401.
16. Boroujerdi, "Iran," 401.
17. Ghaemi, "Islamic Judiciary."
18. Ghaemi, "Islamic Judiciary."
19. Ghaemi, "Islamic Judiciary."
20. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 35.
21. Arjomand, *After Khomeini*, 35.
22. Constitution of the Islamic Republic of Iran, art. 112.
23. Wilfried Buchta, *Who Rules Iran? The Structure of Power in the Islamic Republic* (Washington, DC: Washington Institute for Near East Policy; Konrad Adenauer Stiftung, 2000), 61.
24. Buchta, *Who Rules Iran?*, 61.
25. Buchta, *Who Rules Iran?*, 62–63.
26. Boroujerdi and Rahimkhani, *Postrevolutionary Iran*, 60.
27. Thirteen out of thirty-eight natural members are identified as clergy by Boroujerdi and Rahimkhani, *Postrevolutionary Iran*.
28. Boroujerdi and Rahimkhani, *Postrevolutionary Iran*, 63.
29. The first mention in the main text of the Constitution comes in article 4.
30. Constitution of the Islamic Republic of Iran, art. 91.
31. Constitution of the Islamic Republic of Iran, art. 93.
32. Buchta, *Who Rules Iran?*, 59.
33. Constitution of the Islamic Republic of Iran, art. 96.
34. Brackets in the original. The bracketed material is cited in the Constitution to Qur'an 21:105.
35. The figure is derived from my calculation, rounded to the nearest tenth, based on data presented in Boroujerdi and Rahimkhani, *Postrevolutionary Iran*, 41, table 4.
36. Boroujerdi and Rahimkhani, *Postrevolutionary Iran*, 43.
37. Boroujerdi and Rahimkhani, *Postrevolutionary Iran*, 43–44.
38. Boroujerdi and Rahimkhani, *Postrevolutionary Iran*, 41. The revolutionary pedigree of the Guardian Council is brought into starker relief when one contrasts this figure to the 22.7% of members in the Fifth Assembly of Experts (2016–2022) who had been imprisoned prior to 1979, and especially the 2.1% of members of the Tenth Majlis (2016–2020) and 0% of cabinet ministers and vice presidents in the second Rouhani administration (2017–2021) who had been imprisoned.
39. Farideh Farhi, "The Parliament," *The Iran Primer*, updated August 2015, <https://iranprimer.usip.org/resource/parliament>.
40. Out of 1,368 total pieces of legislation ratified by the four earlier sessions of the Majlis, 180 were rejected by the Guardian Council, while the four later sessions received 270 rejections out of 1,534 total pieces of legislation ratified.
41. Babak Rahimi, "Contentious Legacies of the Ayatollah," in *A Critical Introduction to Khomeini*, ed. Arshin Adib-Moghaddam (Cambridge: Cambridge University Press, 2014), 306.



Figure 1 Demonstrators at Funeral Procession for Qassem Soleimani.



Figure 2 Women Attending a Soccer Match.



Figure 3 Khomeini's and Khamenei's Portraits Overlooking a Masjid.



Figure 4 Martyr's Portrait.



Figure 5 Exhibit of Tank at the Afif-Abad Military Museum in Shiraz.



Figure 6 Trilateral Meeting of the Heads of the Three Branches in September 2019.



Figure 7 Man Taking a Photograph of a Graffiti Portrait of Asghar Farhadi.

Part II

STATE AND SOCIETY

Chapter 4

Military and Economic Power

The targeted killing of Qassem Soleimani, who was the commander of the IRGC's Qods Force from 1997 until his death on January 3, 2020, by U.S. drone strike at Baghdad International Airport, sparked renewed interest in the precise relationship between the military and civilian government in Iran. What position did Soleimani occupy in Iran's military power structure, and to whom in Iran's political system is the military ultimately accountable? During the waning days of the Qajar dynasty in the early 1920s, then general Reza Khan was widely understood by both foreign delegations and the Qajar elite alike to be the real power behind the Qajar throne. He would become Reza Shah after his coronation and the establishment of his namesake Pahlavi dynasty in 1925, which also, by extension, established the elite Cossack garrison he commanded. The prominence of the military in Iran's politics, then, is not a new phenomenon, but how exactly has this characteristic expressed itself in the postrevolutionary era?

The purpose of this chapter is not to provide a comprehensive analysis of Iran's military. Indeed, this has been done elsewhere. Instead, the aim of this chapter is to demonstrate how Iran's military, as an institution, is envisioned in the Constitution, and then to analyze how the military relates to the political institutions described in part 1 of the book. In the first half of this chapter, I will review what the Constitution outlines for Iran's military structure under the Islamic Republic political system, then transition to an analysis of how the military apparatus has evolved in the postrevolutionary period. Following this focus on the military, in the second half of the chapter, I will provide a brief overview of influential state economic institutions and discuss how they help deepen our understanding of the power dynamics at play in state-society relations in the country. The chapter will demonstrate how the interplay between

the military and state-owned enterprises (SOEs) has reinforced conservative power in the country's political institutions.

Created through decrees by Ayatollah Khomeini on May 5 and November 26, 1979, the Islamic Revolutionary Guard Corps (IRGC, or *sepah-e pasdaran-e enqelab-e eslami*) and the Army of Mobilization, commonly known as the Basij (*sepah-e basij*), are perhaps the two most significant military entities in Iran's postrevolutionary political system. Both the IRGC and the Basij saw their influence grow during the Iran-Iraq War, and many leading figures in Iran's politics today, including, for instance, the newly appointed (May 2020) Majlis Speaker, Mohammad Bagher Ghalibaf, come from the ranks of the IRGC.¹ After the Iran-Iraq War ended in 1988, the IRGC was reoriented toward postwar reconstruction, and it was during this new phase that the group acquired its vast economic holdings, with notable growth in the engineering arm of the IRGC (*khatam al-anbiya*, or Seal of the Prophets) through significant investment in oil and gas, construction, and transportation.² IRGC-associated firms therefore had greater access to the resources necessary to successfully bid for large reconstruction contracts. Both the IRGC and the Basij are directly controlled by the supreme leader, not the elected government, and aspects of their budgets remain classified.³ In fact, in the early 1990s, then president Rafsanjani attempted to integrate the IRGC into the regular army, only to have this effort blocked by Khamenei.⁴ The militarism of the Islamic Republic political system is not an inherent property of the Constitution, and therefore not a necessary feature of the system. Rather, this is an emergent property based on the interaction of social and political forces in a particular regional and international environment, and therefore a contingent feature of Iran's postrevolutionary politics.

MILITARY

It was not until 1983 that many revolutionary organizations, including the IRGC, were forced to open their accounts to general auditing by the state. Prior to that point, these groups "received their budgetary allocations in lump sums" and maintained their own separate accounts.⁵ The popularity of the military was confirmed in an August 2019 survey, in which Iranians were asked to give favorability ratings of seven prominent political figures ranging across the branches of government and political institutions. Major General Qassem Soleimani, commander of the IRGC's Qods Force, was rated most favorably by a significant margin. Eighty-two percent of respondents rated him favorably, and he received the highest rating of "very favorable" from 59% of the respondents. The second-highest rating was 67% for Foreign Minister Mohammad Javad Zarif, and his "very favorable" rating was less

than half of Soleimani’s at 27%. For the full data on the favorability ratings for these seven political figures based on the August 2019 survey, see table 4.1.

This favorable view of the military is not unique to individual personalities or figures such as the late Soleimani alone. The IRGC, which was designated a foreign terrorist organization by the United States in April 2019, demonstrated high levels of public confidence in May and October 2019 surveys. In a May 2019 survey, 63% of Iranians said that the IRGC should be involved in construction projects and other economic activities, while 31% opposed such involvement. In October 2019, when asked “Do you think the [IRGC’s] activities in the Middle East region have made Iran more or less secure?,” 82% of Iranians responded with “more secure,” while only 14% said “less secure.”⁶ Last, twenty-eight of Iran’s thirty-one provinces experienced flooding in response to heavy rains in March and April 2019. When asked in May 2019 to rate the performance of different government, nongovernmental, and international entities in response to the floods, Iranians ranked the IRGC and Basij third highest and the military second highest on the performance scale—behind only “the Iranian people” in first place—with approval ratings of 90% for the military and 89% for the IRGC and Basij.⁷ In sum, Iranian public opinion in late 2019 shows high levels of confidence not only in leadership figures in the IRGC, but in the institution itself, and this confidence is not limited to their performance in military and security functions. It extends to their other functions as well, such as economic activity and disaster management.

Concerning the military, the key variable to consider is the question of government—and therefore civilian—oversight. What role does the public have, via directly elected government institutions, in exercising oversight of

Table 4.1 Favorability Ratings of Seven Public Figures, August 2019

<i>Name</i>	<i>Position</i>	<i>Favorability Rating (%)</i>
Qassem Soleimani	Major general in IRGC, commander of Qods Force	82
Mohammad Javad Zarif	Foreign minister	67
Ebrahim Raisi	Head of judiciary	64
Mohammad Bagher Ghalibaf	Former Tehran mayor, former presidential candidate	59
Mahmoud Ahmadinejad	Former president	52
Hassan Rouhani	President	42
Mohammad Javad Azari Jahromi*	Minister of information and communications technology	33

Source: Data from Gallagher, Mohseni, and Ramsay (October 2019), 36–37. Table created by author.

* Jahromi was the first cabinet minister appointed who was born after the Islamic Revolution. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 36.

the military? The structuring of the military, particularly the IRGC, in parallel to the civilian institutions of government was already noted as a pattern in Iran's institutional development by Bakhsh in 1986: "Despite a degree of integration, Revolutionary Guards and army, revolutionary committees and the police, Islamic-revolutionary courts and the civil judiciary, civil service and revolutionary organizations existed side by side in an uneasy symbiosis. Considerable fragmentation of authority persisted, even as the clerics consolidated their power."⁸

One method of assessing the influence of prominent collective actors, such as the military and SOEs, is to consider their share of the state budget. Boroujerdi and Rahimkhani provide insightful line-item data on the state budget for selected state institutions in 2008, 2012, 2014, and 2016. Boroujerdi and Rahimkhani's data on the IRGC, based on reports published by the Management and Planning Organization of Iran, shows that in 2008, 8% of the total budget of the government was allocated to funding the IRGC. This figure increased slightly to 8.1% in 2012; however, after Rouhani's election to the presidency in 2013, this figure declines—as both an absolute budget amount and an amount relative to other line items—to 4.9% of the total government budget in 2014, and further declines in 2016 to 4.8%.⁹ Despite their declining percentage of the total government budget, the IRGC remained the largest single-state institutional recipient of budget funding from 2008 to 2016.

Similar to the declining budget share of the IRGC, the budget patterns for several of the most prominent government foundations over the same period (2008–2016) also reflected declining shares of funding. For instance, the Imam Khomeini Relief Foundation saw its share of the total budget of the government decline from 2.9% in 2008 to 1.2% in 2016. Similarly, the budget share for the Foundation of Martyrs and Veterans Affairs declined from 4.3% in 2008 to 3% in 2016, while the budget share for the Housing Foundation of the Islamic Revolution remained stagnant at 0.1%.¹⁰ Considered together, this data shows that the military and the foundations' grip on state power, as measured here by government budget allocation of state funding, is less immutable than often imagined. This warrants a closer examination of these bodies in relation to the other state institutions discussed thus far. Last, comparative analysis of Iran's defense expenditure calls into question the assumption of Iran's militarization as an outlier in the region. According to a 2016 report by the International Institute for Strategic Studies, Iran's total defense expenditure in 2015 accounted for 7% of the total defense expenditure in the MENA region, nearly six times less than in Saudi Arabia (41.8%), and on par with the UAE (7.4%).¹¹

The Constitution of the Islamic Republic includes several provisions relevant to the military, particularly in chapter 9 ("The Executive"), treatise II

(“Army and the Revolutionary Guard Corps”), articles 143–151. Articles 143–148 specifically address the Army of the Islamic Republic of Iran, defining its core responsibility as “safeguarding the independence, territorial integrity, and the Islamic republican system of the country,”¹² and defining it as an “ideological and peoples army.” Article 146 prohibits the establishment of any foreign military bases in the country, regardless of their purpose, making Iran an outlier in a region where foreign military bases are the norm rather than the exception. In the constitutional provisions on the military, Iran’s conventional army (the Artesh) is considered apart from the second component of the military, the IRGC.

While the explicit purpose of the Artesh is to protect the country from external threats, the IRGC takes on the additional responsibility of combating domestic challenges to the regime. Perhaps most importantly, given the outsize influence they have exerted in the postrevolutionary period, the IRGC is discussed in article 150 as follows: “The Islamic Revolutionary Guard Corps . . . shall continue to exist in order to carry out its role as the protector of the revolution and its achievements. The scope of function and responsibilities of the corps in relation to the function and responsibilities of other armed forces shall be laid down by law emphasizing the brotherly cooperation and coordination between them.”¹³ This ambiguous and broad description of the scope of function and responsibilities of the IRGC enabled the group, first in the context of the Iran-Iraq War and later in its aftermath, to take on wide-ranging authority and competencies within the Iranian military, which they continue to wield. In fact, in the context of the Iran-Iraq War, the IRGC even held a ministerial position in government from 1982 to 1989. In the late-1980s, the government attempted to combine the command structure of the Artesh and the IRGC, but this effort failed. Both the regular army (the Artesh) and the IRGC maintain separate command structures for their forces, which include ground, naval, and air forces for both branches, as well as the additional Qods and Basij forces within the IRGC.

Boroujerdi insightfully explains the strategic reasoning that leaders in the newly formed Islamic Republic may have used when creating the IRGC as an entity distinct from the regular army: “In many cases, the new leaders chose to create parallel revolutionary organizations because they could not entirely trust the institutions they had inherited. . . . The appropriation of the inherited institutions and the invented new organs made the state even more byzantine and muscular.”¹⁴ The bifurcation of Iran’s military forces, reminiscent of the bifurcation of the political structures more generally, is also noted by Saikal and others.¹⁵ Following this line of reasoning, the parallel structuring of the military in general and the IRGC in particular, together with their chain of accountability back to the supreme leader rather than the democratic institutions of government, are similar to the centralization of power around the

supreme leader that is characteristic of certain aspects of Iran's economic structure. I turn to consider these economic structures in the next section.

IRAN'S ECONOMIC POWER

In a speech in the city of Qom on August 24, 1979, just six months after the victory of the revolution, Ayatollah Khomeini said, "Economics is a matter for the donkey (*khar*). Our people made the revolution for Islam, not for the Persian melon (*kharboza*)."¹⁶ Although it may be true that neither the motivation for nor immediate success of the revolution were primarily economic in nature, it may very well be that the longevity of the Islamic Republic system will hinge critically on economic conditions. In this section, I begin by discussing what the Constitution establishes about the economic system of the Islamic Republic, then transition to analyze trends in the economic development of the country and public attitudes on the state of the economy.

Chapter 4 of the Constitution ("Economy and Financial Matters"), spanning articles 43–55, details the structure and function of the economic system in the Islamic Republic. It discusses matters related to budgeting, taxation, and property management, among other considerations. Some basic economic considerations addressed in article 43 are the satisfaction of basic needs such as food, clothing, housing, education, and medical treatment; the opportunity to work and exercise freedom of choice of vocation; prohibition of monopoly; the promotion of agriculture to achieve national self-sufficiency; and the prevention of foreign economic domination, among other considerations. With these aims in mind, article 44 follows by sketching out a structure for the economic system itself, noting that it will include public, cooperative, and private sectors. The private sector is described as a supplement to the public and cooperative sectors, with the public sectors to include "all large-scale industries, mother industries, foreign trade, large mines, banking, insurance, power supply, dams and large irrigation channels, radio and television, post, telegraph and telephone, aviation, shipping, roads, rails and the like, which are public property and at the disposal of the Government."¹⁷

The debate on the appropriate balance between public and private sectors, and the pace and extent of privatization, is an issue in Iran's politics that cuts across principlist-reformist lines. Reformists or republicans on the economic right, such as President Rouhani, favor economic neoliberalism as the preferred approach to development; they find themselves joined in this view by rather odd bedfellows on the theocratic right, such as former majlis speaker Ali Larijani, who favor less state regulation of the economy while still generally preferring protectionist policies for certain sectors of the economy. Similarly, on the economic left—that is, among those who favor

a strong role for the state in managing the economy—this policy space is shared by some factions of both principlists and reformists. On the reformist left, 2009 presidential candidates and Green Movement figures Mir Hossein Mousavi and Mehdi Karroubi favored state management as a means to address economic inequality. Over time, however, some on the reformist left, including former president Khatami, have shifted in favor of more centrist and neoliberal views. The principlist left, or the populist left, is exemplified by figures like former president Ahmadinejad. Their reasoning for state intervention and redistribution is based more on the religious authority of the state. Dominant in the IRGC and the Basij, the principlist left has been described by one scholar as “the core believers of the Islamic Republic,” favoring more economic control in the public sector and fearful of the potential for change in privatization.¹⁸

After the massive expropriation of industry, banking, and other economic sectors in the wake of the revolution, these enterprises were reorganized under the auspices of six economic foundations known as *bonyads*. These foundations effectively limited the political influence of the merchant class in the bazaar, substituting the autonomy of the bazaar with quasi-state management and regulation. Arjomand characterizes the bazaar as being largely politically passive, though increasingly alienated from the state, with only sporadic instances of collective action. An October 2008 multi-city strike action against a 3% value-added tax, for instance, is reminiscent of their former political influence.¹⁹ The largest bonyad, the Foundation of the Disinherited (*bonyad-e mostaz'afin*) absorbed over 1,049 enterprises and 2,786 real-estate units in the initial postrevolutionary period (1979–1982). Like the IRGC and the Basij, the heads of the bonyads “are not responsible to the state but only to Ayatollah Khamenei.”²⁰ The bonyads, then, complete the loop of the military-industrial-commercial complex that has proven essential to maintaining the dominance of the supreme leader vis-à-vis other political institutions in Iran. This set of structures accounts for much more of the imbalance in the sharing of power than any design inherent in the explicit provisions of the Constitution of the Islamic Republic itself. The market-oriented pragmatism that was characteristic of the Rafsanjani era (1989–1997) saw an influx of technocrats in the executive bureaucracy, supplanting many of the ideological purists who staffed these posts in the 1980s. While foreign trade expanded during this period, high levels of foreign debt and budget deficits, coupled with declining oil prices, compelled the government to cut public spending.

Luciani defines what he calls the “rentier state paradigm” as follows: “The essence of the rentier state concept is that while in ‘normal’ countries the state is supported by society, and must, to pay for itself, establish a system to extract from society part of the surplus the latter generates; in oil exporting countries the state is paid by the oil rent, which accrues to it directly from the

rest of the world, and supports society through the distribution or allocation of this rent, through various mechanisms of rent circulation.”²¹ The domestic political consequences of rentierism, according to Luciani, come from the independence that the state maintains from society in a rentier state. Under these conditions, politics is primarily oriented around decisions over how state resources will be spent, as opposed to the efforts of the state to legitimate its predatory function (i.e., taxation) via societal consent through the mediation of democratic institutions. Generosity, then, rather than accountability, is the more important virtue for those in power in a rentier state. Accordingly, as long as the source of the rent is external to society and the rent accrues directly to the state, the prospect of democratization is more remote in a rentier state than in a nonrentier state. In rentier states, particularly those with relatively weak private sectors, authoritarian governments have proven effective at resisting society’s demands for reform. In fact, economic downturn in such cases find the state more insulated from economic deprivation whereas it is felt more acutely in society, and these circumstances have often resulted in fatalism and passivity rather than popular revolt.²²

Regarding the debate on the structure of Iran’s economy, a May 2019 IranPoll survey asked a nationally representative sample of respondents the following question: “In general, do you favor or oppose privatizing some state-owned enterprises?”²³ Nearly three in five (59%) of all respondents opposed privatization, while 36% favored this change.²⁴ Interestingly, when the data is analyzed further on the basis of age, it reflects that “those under 30 were almost evenly divided, with 50% opposed [to privatization] and 46% in favor. Opposition was most widespread among Iranians 40 and older (64–65%).”²⁵ This suggests that the younger generation—those under thirty—are most open to structural economic reform, while those over forty oppose reform at a rate of approximately two to one.

Another aspect of public opinion on the economy relates to Iranians’ perceptions of the country’s level of oil revenues in comparison to their actual levels. Survey data from May 2019 found that 57% of respondents misperceived the level of the country’s oil revenues when asked to provide an estimate of how much money the government earns through the sale of oil each year; 38% of respondents overestimated the country’s oil revenues, while 19% underestimated.²⁶ Views on the level of oil wealth are significant because they connect to overall attitudes about the economy. The authors of the study noted: “The bigger one thinks oil revenues are, the more negative a view the respondent is likely to hold about Iran’s economy.”²⁷ More specifically, 53% of oil revenue overestimators described Iran’s current economic situation as “very bad,” whereas this figure dropped to 42% for correct estimators, and 37% for underestimators. Furthermore, oil revenue overestimators were more likely to blame government corruption and inefficient management (rather

than foreign sanctions) as the cause for the country's economic woes: 70% of overestimators, in contrast to 59% of correct estimators and 45% of underestimators). There were similar trends in Iranians' attribution of blame, to either the government or external factors like sanctions, for the devaluation of the Iranian currency from the fall of 2017 to the spring of 2019.²⁸

On the topic of combating economic corruption, an August 2019 survey asked respondents to assess how the Rouhani administration's efforts to fight economic corruption had changed in the last year. They were asked to express their perceptions of whether those anticorruption efforts had increased, decreased, or remained unchanged. Fifty percent of respondents indicated that they felt anticorruption measures had remained unchanged in the last year (2018–2019), while 28% said those efforts had increased (7% said they increased “a lot” and 21% said they increased “somewhat”) and 19% said those efforts had decreased (8% said they decreased “a lot” and 11% said they decreased “somewhat”). This measure of public attitudes suggests that Iranian society in 2019 did not place a high degree of trust in the presidential administration's capacity or willingness to aggressively combat corruption.²⁹

The impact of the economic downturn in Iran on everyday people is reflected clearly in the fluctuations in price for basic food items. Based on November 2019 data from the Statistical Center of Iran, almost all staple food items had seen significant price increases since the previous year. For example, between November 2018 and November 2019, the price of a kilogram of tomatoes increased by 106%, that of a kilogram of rice by 46%, a kilogram of lamb by 43%, and a kilogram of beef by 29%.³⁰ When considered alongside high unemployment and high rates of poverty, the significance of these price fluctuations is clear.

Recent polling data (May 2015–October 2019) demonstrates that, since the summer of 2016, a consistent percentage range of between 59% and 73% of Iranians have reported believing that the general economic situation in the country is bad.³¹ This measure of popular dissatisfaction with the economy helps us better understand the context in which protest movements oriented toward economic justice—the Dey Protests in 2017–2018 and the Aban Protests in 2019—emerged. When asked in October 2019 to describe the economic condition of their family compared to one year ago, 53% of respondents said that their economic conditions had worsened (29% said it had worsened somewhat, while 24% said it had worsened a lot), 37% reported that it had remained roughly the same, and only 10% said that it had improved.³² When asked to name in their own words “What is the single most important problem or challenge that Iran currently faces?,” ten of the top twelve responses to the question were economic in nature, ranging from inflation and high costs (the highest-ranking concern at 36%) to other concerns such as unemployment (15%), low income (6%), and financial corruption

(3%), among others. The only noneconomic measures that respondents generated in answer to the question were foreign relations problems (2%) and the lack of civil liberties (0.9%).³³

While the Iranian government often attempts to frame the bad economy as solely a function of foreign sanctions, survey evidence suggests that the Iranian public is more likely to attribute the bad economy to domestic economic mismanagement and corruption rather than to foreign sanctions and pressures alone. When an October 2019 survey asked respondents to choose between internal and external causes by asking, “Which has the greatest negative impact on the Iranian economy?,” 55% of respondents identified domestic economic mismanagement and corruption as having the greatest negative impact while 38% of respondents chose foreign sanctions and pressures. This suggests that stable majorities of Iranians place primary blame on the government for a bad economy, and are not swayed by attempts to scapegoat external actors for the situation.

In his 2012 book, *The Long Divergence: How Islamic Law Held Back the Middle East*, Timur Kuran highlights how Islamic institutions collectively functioned, interestingly, to delay economic modernization in Muslim communities in the Middle East. These institutions included those present in Islam’s initial decades, such as the accepted practice of polygyny, to those that developed later in Islamic history, such as court systems and endowments (waqfs). As these institutions often lacked flexibility and inhibited capital accumulation, they uniquely disadvantaged the Muslim world in the global economic environment. Furthermore, Kuran extends his analysis of economic development and Islamic institutions to consider how the unique institutional history of the Middle East may contribute to persistent underdevelopment in the region. It is this section of Kuran’s work that has the most relevance to Iran’s economic development. Kuran identifies three main obstacles to economic modernization: incomplete reforms, political systems with low capacity for innovation and experimentation, and economically counterproductive reactions to underdevelopment.³⁴

I will now address each of these in turn, connecting them to the Iranian case. The first obstacle to economic modernization, incomplete reform, occurs when there is a disjuncture between a modern organizational form and the social norms of the society it is in. For instance, this could occur when a modern bureaucracy or corporation premised on rational-legal authority and merit-based advancement exists in a highly clientelistic society based on patron–client relations. Incomplete reforms are therefore typically evidenced by high levels of corruption, nepotism, and low trust in organizations, all of which are persistent problems in contemporary Iran. The second obstacle, low capacity for systemic innovation and experimentation, originates in the comparative weakness of the private sector vis-à-vis the public sector,

and the weakness of civil society in relation to the state. The demobilization of society is a hallmark of authoritarian political systems, which aim to breed complacency toward their rule. The irony of this demobilization is that, according to Kuran, it inhibits economic development and tends to provoke economic crises that undermine the stability of the political system. The twentieth-century history of Iran is one of systemic innovation in bursts, through revolutionary moments of social and political change, while gradual innovation and experimentation have proven less common—though not completely unprecedented, as the foregoing chapters have demonstrated.

Kuran's third and final obstacle to full economic modernization is what he refers to as counterproductive reactions to underdevelopment. He discusses two counterproductive tendencies: inward-looking secular ideologies and Islamism. He argues that inward-looking ideologies, like protectionism as expressed in Turkish statism or Arab socialism, misunderstand the inescapable reality of globalization. Islamism, to the extent that the particular Islamist ideology is intransigent in advocating against financial practices like interest and insurance, or in upholding norms of gender inequality and anticonsumerism, creates an economic environment of uncertainty, discouraging foreign investment and exchange, and inhibiting innovation.³⁵ Kuran's critique of Islamism in its more austere expressions, then, is an appropriate lens through which to reflect further on Iran's economic system both constitutionally and as it has evolved in practice.

Kuran's predictions on the possible economic future of the Islamic Middle East are insightful. He reminds us that the region's premodern institutions fostered the weakness of the private sector and civil society as a survival strategy, and that the bloated state bureaucracies that emerged in the twentieth century were an outgrowth of this premodern legacy. These comparatively weak civil societies have struggled to hold state actors accountable, and this absence of accountability directly correlates with persistent poor economic performance at the state level. Wary of the immediate consequences of revolutionary change, Kuran cautions: "If the region's autocratic regimes were magically to fall, the development of strong private sectors and civil societies could take decades."³⁶ Where the Iranian case is concerned, the recommendations by Kuran that carry the most weight are oriented more toward society than the state. His analysis of the obstacles to economic modernization indicate that society should resist the temptation to exit and disengage from efforts to hold the state accountable, particularly concerning government corruption and economic performance, and that politically, voters should be skeptical of politicians offering inward-looking solutions to the country's economic problems. This final point, in particular, is cause for concern, given the findings of recent public opinion polling of Iranians. When asked in October 2019, "In your opinion, is it better for Iran to: strive

to achieve economic self-sufficiency, or strive to increase its trade with other countries?,” 69% of Iranians were of the opinion that it was better to strive for economic self-sufficiency, while only 28% favored increasing trade with other countries.³⁷ The October 2019 results express the highest level of support in recent years for the economic self-sufficiency path (up from 53% in July 2014), and they are tied for the lowest level of support for increasing trade (which had peaked in July 2014 at 43%). This survey data suggests that inward-looking economic ideologies have gained favor in Iranian society over the years 2014–2019. Parties and politicians running on a platform of greater economic integration may therefore struggle to find the same degree of support for outward-looking economic policies as they had found in the past.

Data on GDP share and employment share in the public and private sectors show that the private sector accounts for between one-fourth and one-third of the country’s total GDP; yet, according to statistics provided by Iran’s Ministry of Labour and Social Affairs, the private sector employs approximately 80% of the Iranian workforce. What this means, in effect, is that the capital-intensive industries that generate the vast majority of the country’s economic activity (between 65% and 75% of total GDP, and the energy and petrochemical sectors especially) are in the public sector under state control, and offer only approximately one-fifth of total employment opportunities.³⁸ The private sector reforms of the Rafsanjani era, then, can be judged successful in creating employment opportunities, but as having fallen short of creating an engine of economic growth on par with the energy sector, which remains under state control.

In 2019, Iran experienced an economic contraction of nearly 8% and inflation rates of over 30%, leading many Iranians to invest in the country’s stock market rather than keep their money in a savings account, which would face precipitous depreciation. According to a May 2020 report, Iran’s main stock market index, the TEDPIX, had “soared tenfold in two years in local currency terms, and doubled since Iran declared a lockdown on March 27th [2020].”³⁹ Between 2018 and 2020, daily trading volumes quadrupled from approximately \$100 million to \$400 million. The manager of Europe’s sole fund focused on Iran’s market, Maciej Wojtal, reports that “in three years we’ve tripled our euro value,” making the TEDPIX the world’s best performing index.⁴⁰ The success of the TEDPIX has been lauded by Iran’s leaders, including President Rouhani, who view the success of the index as both a point of national pride and an opportunity for the state to raise much-needed revenue in this period of economic contraction; however, one report cautiously notes that “experienced investors and even some officials worry about a bubble that could burst and lead to unrest.”⁴¹ While shifting funds from savings accounts to stock market investments could be a short-term stopgap measure for some

Iranians and a new source of revenue for the state, this type of solution does not address the broader structural problems inhibiting the country's economic development, such as inflation, unemployment, and corruption.

NOTES

1. Ghalibaf was a brigadier general in the IRGC prior to serving as the mayor of Tehran from 2005 to 2017.

2. Arjomand, *After Khomeini*, 60.

3. For example, the budget of the Qods Force, commanded by Qassem Soleimani prior to his assassination in January 2020, is directly controlled by the supreme leader and remains classified.

4. Arjomand, *After Khomeini*, 59.

5. Shaul Bakhash, *The Reign of the Ayatollahs: Iran and the Islamic Revolution* (London: Unwin Paperbacks, 1986), 246.

6. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 38. Details of the responses are as follows: 53% said “a lot” more secure, 29% said “somewhat” more secure, 6% said “a lot” less secure, and 8% said “somewhat” less secure.

7. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 40–41. These figures stand in stark contrast to the 39% approval for President Rouhani and 34% approval for international organizations for their responses to the floods.

8. Bakhash, *Reign of the Ayatollahs*, 246.

9. Boroujerdi and Rahimkhani, *Postrevolutionary Iran*, 38–39. I have rounded the reported percentages to the nearest tenth.

10. Boroujerdi and Rahimkhani, *Postrevolutionary Iran*, 38–39. I have rounded the reported percentages to the nearest tenth.

11. Saikal, *Iran Rising*, 148.

12. Constitution of the Islamic Republic of Iran, art. 143.

13. Constitution of the Islamic Republic of Iran, art. 150.

14. Boroujerdi, “Iran,” 399–400.

15. Saikal, *Iran Rising*, 148.

16. Arjomand, *After Khomeini*, 56.

17. Constitution of the Islamic Republic of Iran, art. 44.

18. This general sketch of the four views—principlist left, principlist, right, reformist left, reformist right—is adapted from a similar classification in Mohseni, *The 2016 Iranian Parliamentary Elections*. The quotation is from Mohseni, *The 2016 Iranian Parliamentary Elections*, 10.

19. Arjomand, *After Khomeini*, 122–123.

20. Arjomand, *After Khomeini*, 61.

21. Giacomo Luciani, “Oil and Political Economy in the International Relations of the Middle East,” in *International Relations of the Middle East*, ed. Louise Fawcett (Oxford: Oxford University Press, 2005), 90.

22. Luciani, “Oil and Political Economy,” 93.

23. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 31.

24. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 31. Of the respondents, 10% strongly favored, 26% somewhat favored, 25% somewhat opposed, and 34% strongly opposed.

25. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 31.

26. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 32. The survey analysis applied a relatively wide range for what it considered a “realistic estimate” of Iran’s oil revenues: between 5 and 15 million tomans as the share per person of all of the oil revenues generated in one year.

27. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 32.

28. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 32–33.

29. This hypothesis is further confirmed by the comparative data reported in the same survey on public perceptions of the judiciary’s efforts to combat corruption. I address this further in the chapter on the judiciary.

30. Statistical Center of Iran, “Average Price of Food Items in Urban Areas” [in Persian], February 23, 2020, <https://www.amar.org.ir/news/articleType/ArchiveView/Year/1398>.

31. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 26.

32. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 27.

33. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 27.

34. Timur Kuran, *The Long Divergence: How Islamic Law Held Back the Middle East* (Princeton, NJ: Princeton University Press, 2012), 294.

35. Kuran, *Long Divergence*, 294–298.

36. Kuran, *Long Divergence*, 301.

37. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 30.

38. Ali Fathollah-Nejad, “The Islamic Republic of Iran Four Decades On: The 2017/18 Protests amid a Triple Crisis” (Brookings Doha Center Analysis Paper Number 28, Brookings Doha Center, Doha, Qatar, April 2020), 19, <https://www.brookings.edu/research/the-islamic-republic-of-iran-four-decades-on-the-2017-18-protests-amid-a-triple-crisis/>.

39. “A Bizarre Bazaar: The World’s Best Performing Stock Market—Is in Tehran?,” *Economist*, May 23, 2020.

40. “A Bizarre Bazaar,” *Economist*.

41. “A Bizarre Bazaar,” *Economist*.

Chapter 5

Social Movements

Bakhash, writing in 1986, assesses postrevolutionary Iran's political trajectory as follows: "Seven years after the revolution, Iran's rulers thus remained divided over fundamental issues of economic policy and social justice, export of the revolution, Islam and its various interpretation, civil liberties, and revolutionary justice. These splits were sharpened by the more mundane rivalry for power and privilege among the clerics and their civilian proteges."¹ These divisions would only be exacerbated after the end of the war with Iraq in 1988, Ayatollah Khomeini's death in 1989, and the emergence of more contentious factional politics in the 1990s.

The analysis in this chapter of what I will collectively refer to as "reform movements" is meant neither to be comprehensive in its inclusion of all possible movements in Iran nor provide a full historical account of the selected movements under scrutiny. Rather, this chapter will describe three broad categories of reform movements in Iran—economic justice, environmental, and women's movements—and explain how these social actors have attempted to bring about political change. My analysis applies the conceptual tools of social movement theory, namely by paying attention to opportunity structures, resource mobilization, and issue framing, and highlights the linguistic and symbolic repertoires of contention deployed by these reform movements. Structural analysis brings our attention to several relevant variables that function as opportunity structures for social movement emergence and influence, including: the state's capacity and willingness to use violence to repress opposition, the degree of intra-elite fragmentation, the presence or absence of elite allies, and the relative openness or lack of openness of the institutional system in general to political opposition. Applying this framework, we can observe in the Iranian case that when opportunity structures became more favorable, meaning when the state was less willing to use violence as a tool to repress opposition, when

elite opinion was divided rather than unified, when movements found vocal allies among the political elite, and when the institutional channels of representation were more open, then social movements expanded and grew in influence. This is an apt characterization of the environment experienced by social movements in Iran in the first term of the Khatami presidency (1997–2001) and, to a lesser extent, during the first term of the Rouhani presidency (2013–2017). On the contrary, under conditions when political opportunity structures narrowed, social movement mobilization in Iran was similarly constrained.

Concerning political parties and civil society organizations more generally, a December 2011 list of legal parties and organizations published by the Ministry of Interior merits consideration. The list outlines 223 active legal groups and identifies each group's core constituency and cause.² In table 5.1, I simplify this data according to the types of groups represented, so as to show the types of legal parties and organizations that are most common.

THE EFFECTIVE NUMBER OF PARTIES MEASURE

$$\text{Effective number of parties} = 1 / (v_1^2 + v_2^2 + v_3^2 + v_4^2 + \dots)$$

Table 5.1 List of Legal Parties and Organizations, 2011, by Group Type

Group Type	Number	% of Total*
Political parties	76	34.08
Students/alumni	37	16.59
Teachers/professors	27	12.11
Women	18	8.07
Economic associations	14	6.28
Religious advocacy groups	12	5.38
Medical associations	9	4.04
Workers/peasants	8	3.59
Engineers	5	2.24
Youth	4	1.79
Legal professionals	3	1.35
Martyrs advocacy groups	2	0.90
Press	2	0.90
Ethnic advocacy groups	1	0.45
Athletes advocacy groups	1	0.45
Artists/writers	1	0.45
Unknown**	3	1.35
Total	223	100.00

Source: Data adapted from Iran Data Portal, "Legal Parties and Organizations," last modified December 30, 2011, <https://irandatportal.syr.edu/legal-parties-and-organizations>. Table created by author.

* Rounded to the nearest hundredth.

** The three groups whose group cause was coded in the dataset as "unknown" were Jam'iyyat-e Zendegi (formed in 2001 in Tehran), Kanun-e Mahestan (formed in 2005 in Tehran), and Kanun-e Zarrindasht (formed in 2002 in Tehran).

Developed by Laakso and Taagepera,³ the effective number of parties measure is calculated by squaring the vote share of each party in any given election (v_1, v_2, v_3, v_4), summing those figures, and calculating the inverse of that sum, as shown in the above formula. For instance, in an election where four parties each received 25% of the vote share, the effective number of parties would be exactly equal to 4.⁴ The effective number of parties measure is especially useful for assessing party systems that may have the appearance of high contestation, with many parties appearing on the ballot, but in which contestation may actually be more limited to being between a smaller number of parties that capture the largest proportion of the vote share. Furthermore, the effective number of parties measure can be applied in two ways. First, one might consider the effective number of electoral parties (ENEP). This measure is illustrated by the hypothetical example discussed above, where four parties each earn 25% of the vote share. The variable used in this example is vote share, and the ENEP is 4. Second, we can calculate the effective number of legislative parties (ENLP) by using seat share rather than vote share. While vote share is a useful measure in elections with only a single seat at stake, as in, for example, presidential elections; seat share is a useful measure in legislative elections—for studying a legislative body as a whole. Scholars have applied these measures to democracies around the world and have found, for instance, ENEP levels of 2.15 for the United States in 2010, 3.71 for the United Kingdom in 2010, 8.76 for India in 2009, and 4.35 for France in 2007.⁵

To apply this to the Iranian case, we might consider the ENEP in Iran's presidential elections (based on candidate vote share) and the ENLP in Iran's parliamentary elections (based on the seat share of the party lists). According to the official results of the 2017 presidential election published by the Ministry of Interior, Iran's ENEP in that contest was 2.11; this means that even though six candidates were approved by the Guardian Council, given the vote share received by each candidate, the election effectively resembled a two-party rather than multiparty contest.⁶ In the 2016 majlis election, candidates associated with Mohammad Reza Aref's reformist list won an estimated 34.62% of seats, giving them the largest plurality, while candidates associated with Gholam-Ali Haddad-Adel's principlist list won an estimated 29.72% of seats. The remaining approximately one-third of seats went to candidates classified as either independents or moderates.⁷ Although the large percentage of independents complicates the application of the ENLP measure in this case (considering that independent candidates tend to align with either the principlist or reformist factions on most issues), the parliamentary election data supports the two-party system finding from the 2017 presidential election.

In sum, the above analysis of the effective number of parties, in both presidential and legislative elections, demonstrates that, despite the appearance of

multiparty contestation (based on the number of parties standing for election), a closer inspection of vote and seat share reveals that party contestation is, in practice, limited to two to three main parties. The fragility and underdevelopment of the party system in Iran stands in stark contrast to the tenacity and resilience of civil society. I explore examples of civil society mobilization in more detail in a subsequent chapter; it suffices here to say that the underdevelopment of parties and its contrast to persistent popular mobilization at the societal level are important characteristics of Iranian politics in its present historical moment. Considering the demographics of the country, where 55% of the population is under the age of thirty and has been politically socialized only within the reality of the Islamic Republic system, parties that rely exclusively on revolutionary ideology may find that their appeals lack resonance among this younger generation. Boroujerdi characterizes the evolution of Iran's political system as progressing in a conceptual space demarcated by the ideals of full democracy and full authoritarianism: "Iran seems to be vacillating between these two incongruous poles, as represented recently in the era of political liberalization under President Khatami (1997–2005), then the administration of hardliners under President Ahmadinejad (2005–2013), and later the moderate administration of President Rouhani (2013–present)."⁸

MOVEMENTS

Ali Fathollah-Nejad's April 2020 analysis paper, "The Islamic Republic of Iran Four Decades On: The 2017/2018 Protests amid a Triple Crisis," raises several arguments that are important to consider here. Fathollah-Nejad defines the "triple crisis" facing Iran in 2020 as socioeconomic, political, and ecological, and argues that the culmination of these three crises pose an existential threat to regime security. The solution, according to Fathollah-Nejad, is that the regime must first solve the political crisis through "meaningful reform of the governing system," and that progress on the socioeconomic and ecological fronts would then become more likely, though not guaranteed, following this political reform.⁹ Calling for a "reform of reformism," Fathollah-Nejad's analysis invites the reader to think comparatively about recent social movements in Iran. Specifically, he argues that meaningful political reform requires an intersectional alliance of civil society that brings together the middle and lower classes. While the middle class has focused its demands more on political liberalization, as exemplified by the Green Movement of 2009, the lower classes have focused their demands more on economic and social justice, as exemplified by the Dey Protests of 2017–2018 and the Aban Protests of 2019.¹⁰ Elaborating further on this synthesis of civil society, Fathollah-Nejad argues that this cross-class alliance "would encompass all

the constituent social movements of modern Iran, including the workers', students', and women's movements, enabling them to coalesce around and collectively forward a social, economic, and political agenda."¹¹ The Dey Protests, a critical inflection point in Iran's postrevolutionary political evolution, merit further examination. I turn now to consider the circumstances under which the protests emerged, along with the aims of the protesters and their outcomes.

Economic Justice Movements

On the political significance of the 2017–2018 Dey Protests, Fathollah-Nejad cites a state radio interview of University of Tehran politics professor Sadegh Zibakalam, in which Zibakalam suggested that, if a referendum on the Islamic Republic were held at the time of the Dey Protests, as it had been in March 1979 at the inception of the Islamic Republic system, more than 70% of Iranians would say “no” to the Islamic Republic.¹² The professor's remarks are noteworthy both for their candor and for his dire assessment of popular disapproval of not only the government but the political system itself. Indeed, part of the populist ideological worldview codified in Iran's constitution is the notion that the Islamic Republic exists to help the “*mostazafen* [oppressed] of the world struggle against their *mostakaben* [oppressors].”¹³ Failing to deliver on the promise of economic justice therefore poses a serious threat to the legitimacy of the political system.

The Aban Protests, which erupted in November 2019, were initially sparked by a threefold increase in fuel prices. The Aban Protests had more in common with the Dey Protests due to their shared emphasis on economic and social justice as opposed to political liberalization and human rights per se (the latter had been the dominant themes of the Green Movement and earlier reformist movements from the Khatami era). However, Fathollah-Nejad rightly notes three important distinctions between the Dey and Aban protests. First, the two protest episodes differed significantly in size. According to Iran's Ministry of Interior, which oversees policing, among other functions, the Dey Protests peaked at approximately 42,000 participants, whereas the size of the Aban Protests reached as high as 200,000 participants, making them the largest anti-regime demonstration in the postrevolutionary era. Second, the grievances of the protesters during the Aban Protests were less filtered, and their public expressions of anger were less restrained than they had been in the Dey Protests. Third, the state response to the Aban Protests was more repressive and severe than in any other state-society interaction in the postrevolutionary era, including both the crackdown on the Green Movement in 2009 and the response to the Dey Protests. As evidence for this claim, Fathollah-Nejad cites the deaths of up to 1,500 Aban protesters,

with 2,000 wounded and 7,000 arrested. He also notes the near-total internet shutdown that accompanied this exercise of state coercive power.¹⁴

What do the political slogans of the Dey Protests reveal about the evolution of the political lexicon and imagination of opposition civil society? The most striking observation is the increased political radicalism of the Dey Protests in contrast to even the Green Movement from nearly a decade prior. As acute as the anger and frustration of protesters was following the contested June 2009 reelection of Ahmadinejad as president, in comparison to the public expressions of discontent that came to define the Dey and later Aban protests, the Green Movement appears milquetoast. For example, in the Dey and Aban protests, for the first time in the postrevolutionary period, protesters targeted Friday Prayer officers, attacking more than sixty Friday Prayer officers, according to one report.¹⁵ As the embodied representatives of the supreme leader, the Friday Prayer imams and, by extension, their offices act as representatives of the supreme leader himself. In addition to this shift in targets of action, the Dey and Aban protest slogans are oriented around themes of economic justice, anticlericalism (as well as more general critiques of those in positions of political power), and criticisms of Iran's regional foreign policy (which was linked to shortfalls in domestic spending).

Protest slogans demanding economic justice were at the forefront of the Dey Protests. Echoing one of the recurrent slogans of the Arab uprisings of 2011, Iranians called out for "Bread, Work, Freedom" ("nan, kar, azadi"), and in reaction to cost of living increases, they shouted "No to high prices" ("Nah beh gerani"). Anticlerical chants such as "You've turned Islam into a tool to oppress the people" ("Eslam-ra peleh kardid, mardom-ra zeleh kardid") and "Mullahs, go! Leave the nation alone" ("akhound-ha haya konid, mamlekat-ra raha konid") illustrated popular frustration with perceived government corruption and inefficiency.

In addition, the slogans not only targeted the clerical class and ruling elite generally, but also more narrowly focused on specific individuals. There were protest slogans that targeted Ayatollah Khamenei, for example: "Seyyed Ali, excuse us, it's time [for you] to leave" ("Seyyed Ali, bebakhshid, digeh bayad boland-shin"), "Seyyed Ali, go! Leave the nation alone" ("Seyyed Ali haya kon, mamlekat-ra raha kon"), "Death to Khamenei" ("Marg bar Khamenei"), "Death to the dictator" ("Marg bar dictateur"), and "The nation is begging, the supreme leader acts like God" ("Mellat geda'i mikonad, Aqa khoda'i mikonad"). Not even Rouhani fully escaped the ire of the protesters: the chant "Death to Rouhani" ("Marg bar Rohani") was also heard.¹⁶ The frustration of some protesters was further evidenced by calls for the return of Farah Pahlavi, wife of the late Mohammad Reza Pahlavi, Iran's final shah. Similar chants fondly remembering the bygone days of monarchical rule included "Reza Shah, bless your soul" ("Reza Shah, rouh-et shad") and "The King of Kings,

bless your soul” (“Shahanshah, rouh-et shad”). Observing the Dey Protests in the city of Qom, the center of religious seminaries and conservative bastion of the country, Faraji aptly characterizes the sense of society’s alienation that came to the fore in the protests:

The anger and grievances I witnessed in Qom, on the streets of Iran and aired in private encounters, were not just about the overall poor economic situation or high levels of unemployment, but also included a sense that there was a growing inequality at the personal and societal level between a privileged clerical class and the rest, which for many was deemed unjust and violating the moral compact of the revolution and the sacrifices of the Iran-Iraq war.¹⁷

The Dey Protests slogans also captured the growing sense of hopelessness and cynicism among the protesters regarding the nation’s prospects for institutional reform and meaningful political change within its existing political structure. This feeling, which one scholar characterizes as “rage against the regime,” is captured in the following protest slogans: “Islamic Republic, no more, no more” (“Jomhuri-e Eslami, nah digeh, nah digeh”), “What a mistake I made, by making the revolution” (“Cheh eshtebahi kardam keh enqelab kardam”), “independence, freedom, Iranian Republic”¹⁸ (“esteqlal, azadi, Jomhuri-e Irani”), and “Referendum, referendum, this is the slogan of the people” (“Referendum, referendum, in hast sho’ar-e mardom”). The protesters also pointed their ire at the lack of contestation in elections with the slogan “Reformists, Principlists: The game is over” (“Eslahtalab, Osoulgara: digeh tamoum-e majara”).

The final theme from the political lexicon of the Dey Protests that is important to consider is the way in which protestors framed Iran’s regional foreign policy, particularly its interventions in Syria, Lebanon, and Palestine, as a misguided drain on the country’s resources. Chanting slogans that criticized this prioritization of national prerogatives, protestors expressed a sense of exhaustion with Iran’s broader engagements in the region: “Leave Syria alone, think about us” (“Souriyeh-ra raha kon, fekr-i beh hal-e ma kon”). “Neither Gaza nor Lebanon, I’ll sacrifice my life for Iran” (“Na Ghazeh, na Lobnan, jan-am fada-ye Iran”).¹⁹

Environmental Movements

Where the impact of the ecological crisis on Iran’s domestic politics is concerned, several environmental social movements are instructive to consider. The environmental challenges confronting Iran are representative of those facing the Middle East region, and, indeed, the world. Examples of how the ecological crisis is putting stress on Iranian society include poor air quality,

particularly in urban areas, and greater Tehran specifically; water scarcity and pollution; degradation of wetlands; deforestation; and overgrazing. What is the government's responsibility in addressing this crisis? Article 50 of the Constitution specifies that environmental stewardship is a "public duty," and even includes a prohibition against activities, economic or otherwise, that cause pollution or irreparable damage to the environment. Given that environmental protection is specifically identified in the Constitution in this manner, the government's shortcomings on this issue are noteworthy. During the Khatami presidency in the late 1990s, environmental groups began emerging to raise awareness about ecological issues and advocate for a more robust government response.

Survey data from May 2019 indicate that Iranians are highly concerned about environmental issues. When asked, "How concerned are you, if at all, that global climate change will harm you personally at some point in your lifetime?," 66% of respondents said they were "very concerned" and 22% said they were "somewhat concerned," while only 6% said they were "not too concerned" and 5% said they were "not at all concerned."²⁰ In response to the notion of a trade-off between economic development and environmental protection, a clear majority (64%) of Iranians surveyed in May 2019 said they agreed that "the government should put a higher priority on protecting the environment, even if the economy suffers to some extent."²¹

Scholars of environmentalism in Iran are in general consensus that the rise of environmental problems in the postrevolutionary era is attributable to both long-term structural developments, such as urbanization and population growth, and industrial mismanagement and weak governmental response to these increasing pressures.²² While some have argued that Iran's response to environmental challenges has been more robust than its neighbors in the Middle East region at the level of policy change, the implementation of these policy directives has been inconsistent and irregular.²³ For instance, during the Khatami presidency, the Department of Environment established its Bureau of Public Participation and advocated for the greater participation of nongovernmental organizations (NGOs) and community groups in addressing environmental issues.²⁴ Following this, the number of formally registered civil society groups increased dramatically, and by 2005, the final year of Khatami's second term as president, NGOs numbered over fifteen thousand, with more than six hundred focused specifically on environmental issues. However, during the Ahmadinejad era that followed, the conservative government shuttered many of these newly formed NGOs, citing as cause their failure to remain nonpolitical and failure to adhere to monitoring by government ministries.²⁵ Although environmental NGOs were not as hard hit as other NGOs and community groups during this contraction of civil society, the general reassertion of state power over society in the Ahmadinejad

years limited the independence of civil society. This uneven response from the state created political opportunity for mobilization from below—at the grassroots level of Iranian society—rather than from above through state corporatism, and new groups formed and developed separately from official state sponsorship.

Examples of grassroots environmental movements in Iran are manifold, and I would like to highlight two such movements here. The first is a movement called Nature Cleaners.²⁶ Nature Cleaners was founded in June 2012 by Kazem Nadjariun. Nadjariun shared images on social media of detritus that he observed while visiting Churat Lake in northern Iran, and the posts quickly went viral. The virtual mobilization around Nadjariun's posts quickly transformed into in-person activism, and Nature Cleaners was born. In fact, 2,000 members joined the Facebook group in one week, and within two weeks the first cleaning event had taken place in Tehran. By September 2012, Nature Cleaners had gone national, with thirty-one chapters established across all thirty-one Iranian provinces around the country. The group continued to grow in successive years, reaching online membership levels of over 18,000 by January 2017 and mobilizing several hundred volunteers to participate in cleanup events around the country. The aims of the group include both consciousness raising in environmental issues and direct action through cleaning and recycling events. According to one study of the group, some important social outcomes of Nature Cleaners activism are that it builds social capital and trust among its members, provides a sense of self-efficacy and accomplishment, raises awareness of a previously underpublicized issue, and cultivates positive emotions and a positive sense of meaning for its members.²⁷

An important forerunner to Nature Cleaners in the history of Iran's environmental movement is the Women's Society Against Environmental Pollution (WSAEP). This group, founded in 1993 by Mahlagha Mallah, who is known as the "mother of Iran's environment," was officially endorsed by the Ministry of Interior in 1995 and permitted to conduct its activities. Unlike Nature Cleaners, which places more emphasis on direct action, the WSAEP focuses primarily on education, collaborating with the Ministry of Education to develop curriculum on environmental issues for Iranian schools. WSAEP is now one of the country's most widely active environmental NGOs. Its training and the resources it provides are specifically, though not exclusively, oriented toward women, whom Mallah refers to as "natural teachers" in the area of environmental education and action.²⁸ Like Nature Cleaners, the example of WSAEP is politically significant because participants build social capital, strengthen individual and collective efficacy, and cultivate a sense of community resilience, even in the face of international pressures such as sanctions and domestic challenges of governance.

The emergence and persistence of NGOs focused on environmental issues is a significant development for the political stability of Iran's institutions. It demonstrates that Iranian society is mobilizing to achieve an outcome—in this case, environmental sustainability—that the government appears unable to provide. Given its diverse constituency, environmentally minded civil society provides a context for political socialization that could sustain future activism beyond the scope of environmental issues alone.²⁹ If the Khatami era was one of openness and the expansion of civil society groups, and the Ahmadinejad era was one of contraction, then the legacy of the Rouhani era has been more mixed in this regard. It has shown a rise in NGO activity, though not to the same extent as in the Khatami era. Nonetheless, despite the fluctuation between more open and closed periods of opportunity for mobilization, there is continuity in the broader environmental discourse within civil society, and this is especially true among the urban, more highly educated middle class.³⁰

Women's Movement

Although Iranian women participated in the revolution in large numbers, the decade following the revolution witnessed a decline in their participation in public life. Women are explicitly mentioned in Iran's Islamic Constitution. In the section of the preamble entitled "Women in the Constitution," the document asserts that "women shall enjoy greater rights for the reason that so far they had suffered more oppression at the hands of the Taghouti regime."³¹ This section of the Constitution goes on to emphasize the importance that women in society fulfill their core roles and functions of preserving the family and of motherhood. It seeks to draw a stark contrast between this Islamic vision of the ideal woman and the objectification of women under the consumer culture of the previous regime. On March 6, 1979, Ayatollah Khomeini addressed a group of women at his residence in the city of Qom, making note of the participation of women in the revolutionary struggle: "Beloved and courageous sisters, you fought shoulder-to-shoulder with the men and ensured the victory of Islam. . . . Carrying your infants in your arms, you came into the streets and supported Islam with your ardent demonstrations."³²

Declining female participation in the public sphere in the 1980s is evidenced by low levels of female labor force participation in the 1980s compared to the 1970s (declined from 13% to 8%), as well as the consistently low levels of female enrollment in institutions of higher education in Iran (30% and below) throughout the 1980s.³³ The academic literature on gender equality identifies the importance of structural variables associated with socioeconomic modernization, like female participation in the labor market and female participation in higher education, as critical factors in the process

of cultural, attitudinal change regarding gender. The general argument, as articulated by Ronald Inglehart and Pippa Norris, is that, as women gain more equal access to higher education and labor market participation, societies tend to exhibit higher levels of support for the principle of gender equality. In societies where women participate in these institutions at comparatively low levels, the expected change in attitudes toward gender and support for the principle of gender equality remains low.³⁴

By the end of the 1990s in Iran, levels of female participation in the labor force had returned to prerevolutionary levels, and by the end of the Khatami presidency, in the academic year 2004–2005, women began to outnumber their male counterparts in higher education, with female students constituting 54% of all students enrolled in higher education.³⁵ Recent estimates by the Statistical Center of Iran indicate that women now constitute 17.9% of the labor force, which exceeds their level of labor participation in the immediate prerevolutionary period (13.8% in 1976).³⁶

Structural change alone does not mechanistically produce a change in social norms; therefore, one must consider the agency of social actors and their efforts to effect change. By the late 1990s, Iranian women, as both individuals and in groups and associations, had become increasingly active in the public sphere. In the Fifth Majlis (1996–2000), thirteen women were elected as members of parliament, and by 2002, the number of women's NGOs had reached 330.³⁷ In the 2009 presidential election, Zahra Rahnavard, wife of reformist candidate Mir Hossein Musavi, took a prominent public role in the campaign, becoming the first woman to actively campaign alongside her husband. As Arjomand notes, "women were most prominent in the demonstrations that followed to protest President Ahmadinjad's stealing of the election in June and July."³⁸ In the 2016 Assembly of Experts election, sixteen women registered as candidates, all of whom were disqualified from standing in the vetting process, and no woman has ever served in the Assembly of Experts to date.

If the initial revolutionary period of 1978–1979 saw significant female participation, as Khomeini argued; and the 1980s saw a decline of female participation in public life, as evidenced by the statistics on education and labor force participation outlined above; and the 1990s and early 2000s saw growing women's activism through official channels of participation, such as elections and nongovernmental advocacy groups; then the period after the 2009 Green Movement is perhaps best characterized as exhibiting more activism in the form of social movements and sporadic expressions of resistance—rather than through state-sanctioned interest groups and the electoral process alone. In 2017 and 2018, in separate protest actions, women around the country expressed their opposition to mandatory headscarves by appearing unveiled or publicly unveiling themselves, and waving their headscarves on sticks in

acts of defiance. These protest actions were filmed either by protest collaborators or passersby and then shared on social media.³⁹ Having begun as a form of digital activism, the trend of sharing videos and pictures of women without the hijab on social media came to wider attention through the work of Masih Alinejad, a political journalist, and the Facebook page she created called “My Stealthy Freedom.”⁴⁰ One active member in the unveiling movement, using the pseudonym “Niloofar,” explained her perspective on the significance of the movement to BBC News in May 2018: “Social media empowers people to break censorship. . . . I always say it’s not about wearing a veil and covering our hair, it’s about our dignity as human beings.” She adds that “during the past year . . . women have become much bolder and braver.”⁴¹

SUMMARY OF THE SIGNIFICANCE OF SOCIAL MOVEMENTS

The expansion and contraction of civil society under different presidential administrations is a clear indication of the significance of the institution of the presidency in at least two ways. First, it reveals the significance of the president as the source of executive power in bureaucratic oversight that either constrains or enables collective social action. Second, it demonstrates the symbolic power of the presidency in the form of presidential rhetoric (e.g., Khatami’s calls for the growth and development of civil society), which motivates behavior at the societal level. This expansion and contraction of civil society, then, is evidence of the fluidity in Iran’s state–society relationship and the responsiveness of society to changing patterns of state behavior; furthermore, it is evidence that this responsiveness is not guided entirely by the supreme leader, who has remained unchanged since 1989, but also by changes in presidential officeholders. It demonstrates that Iranians are not wholly resigned to political passivity, and that disengagement and apathy are not universal political responses in Iran. Nor are many Iranians engaging in political participation solely through institutional mechanisms such as voting. Rather, even in the face of an uncertain state response, Iranians in the postrevolutionary period have remained active in civil society, and this activism peaks during times of moderate and reformist presidents such as Khatami and Rouhani, and declines when conservative presidents endeavor to use the state’s executive bureaucracy to exercise tighter restrictions over society. The three examples of social movements discussed in this chapter—pertaining to economic justice, environmentalism, and women’s rights—are able to make reasonable claims grounded in the political rights of the nation as explicitly identified in Iran’s Constitution. To the extent that these movements frame their grievances using this shared language of rights and responsibilities, they

become more difficult for the regime to disregard while maintaining a sense of its legitimate authority to govern.

NOTES

1. Bakhsh, *Reign of the Ayatollahs*, 266.
2. Complete list retrieved from Iran Data Portal, “Legal Parties and Organizations,” last modified December 30, 2011, <https://irandataportal.syr.edu/legal-parties-and-organizations>. Data compiled into cause categories by the author.
3. Markku Laakso and Rein Taagepera, “‘Effective’ Number of Parties: A Measure with Application to West Europe,” *Comparative Political Studies* 12, no. 1 (April 1979): 3–27.
4. $1 / (0.252 + 0.252 + 0.252 + 0.252) = 1 / 0.25 = 4$.
5. For a list of ENEP and ENLP scores for thirty democracies in the late 2000s, see Nils-Christian Bormann and Matt Golder, “Democratic Elections Around the World, 1946–2011,” *Electoral Studies* 32, no. 2 (June 2013): 360–369.
6. I derived the 2.11 figure by calculation using the following official results for candidate vote share: Rouhani 57.14%, Raisi 38.28%, Mir-Salim 1.16%, and Hashemi-Taba 0.52%. The other two candidates approved by the Guardian Council, Qalibaf and Jahangiri, withdrew from the race on May 15 and 16, 2017, respectively. Qalibaf endorsed Raisi and Jahangiri endorsed Rouhani.
7. Mohseni, *2016 Iranian Parliamentary Elections*.
8. Boroujerdi, “Iran,” 415. The next presidential election is scheduled for June 2021.
9. Fathollah-Nejad, “Islamic Republic of Iran,” 2.
10. Dey and Aban are months in the Persian Calendar. Dey 1396 corresponded to the period from December 22, 2017 to January 20, 2018, while Aban 1398 corresponded to the period of October 23 to November 21, 2019. The Dey Protests took place over a ten-day period from late December 2017 to early January 2018.
11. Fathollah-Nejad, “Islamic Republic of Iran,” 2.
12. Fathollah-Nejad, “Islamic Republic of Iran,” 3.
13. Abrahamian, *History of Modern Iran*, 167.
14. Fathollah-Nejad, “Islamic Republic of Iran,” 4.
15. Fathollah-Nejad, “Islamic Republic of Iran,” 6.
16. This list of slogans is compiled from Fathollah-Nejad, “Islamic Republic of Iran,” and from my observation of several media reports, including social media, during the protests.
17. Mehdi Faraji, “Protesting Clerical Welfarism in Iran’s Pious City,” *Middle East Report Online*, January 28, 2019, <https://merip.org/2019/01/protesting-clerical-welfarism-in-irans-pious-city/>.
18. This is a revision of the famous revolutionary slogan, “independence, freedom, Islamic Republic” (“esteqlal, azadi, Jomhuri-e Eslami”). The substitution of “Iranian Republic” for “Islamic Republic” is intended to suggest a secular alternative political system.

19. The slogans listed in the preceding paragraphs are compiled from Fathollah-Nejad, “Islamic Republic of Iran,” and from my observation of several media reports, including social media, during the protests.

20. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 40.

21. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 40. Only 27% of respondents held the opposing viewpoint on the trade-off.

22. Simin Fadaee, *Social Movements in Iran: Environmentalism and Civil Society* (London: Routledge, 2012).

23. Richard C. Foltz, “Islamic Environmentalism: A Matter of Interpretation,” in *Islam and Ecology: A Bestowed Trust*, ed. Richard C. Foltz, Frederick M. Denny, and Azizan Baharuddin (Cambridge, MA: Harvard University Press, 2003), 249–280.

24. Fadaee, *Social Movements in Iran*.

25. Baquer Namazi, “The State of Civil Society & NGOs under Iran’s New Government,” Wilson Center, Washington, DC, November 7, 2005, <https://www.wilsoncenter.org/event/the-state-civil-society-ngos-under-irans-new-government>.

26. For comprehensive analysis of this movement, see Karim-Aly Kassam, Zahra Golshani, and Marianne E. Krasny, “Grassroots Stewardship in Iran: The Rise and Significance of Nature Cleaners,” in *Grassroots to Global: Broader Impacts of Civic Ecology*, ed. Marianne E. Krasny (Ithaca, NY: Cornell University Press, 2018), 65–84.

27. This background information on Nature Cleaners is drawn from Kassam, Golshani, and Krasny, “Grassroots Stewardship in Iran.”

28. The background information on Mallah and WSAEP is drawn from respectively from Tavana, “Mahlagha Mallah: Mother of Iran’s Environment,” <https://tavaana.org/en/content/mahlagha-mallah-mother-iran%E2%80%99s-environment>; and PARSA Community Foundation, “Environmental Activists and NGOs—Part 2,” <http://www.parsacf.org/Page/246>.

29. On the diverse constituency of environmental actors in Iran, see Kaveh L. Afrasiabi, “The Environmental Movement in Iran: Perspectives from Below and Above,” *Middle East Journal* 57, no. 3 (Summer 2003): 432–448.

30. Fadaee, *Social Movements in Iran*.

31. Constitution of the Islamic Republic of Iran, Preamble, § Women in the Constitution. “Taghouti” means “Idolatrous” or “Satanic,” which Ayatollah Khomeini used as a pejorative term for the Shah’s regime.

32. Hamid Algar, trans., *Islam and Revolution: Writings and Declarations of Imam Khomeini* (Berkeley, CA: Mizan Press, 1981), 263.

33. Arjomand, *After Khomeini*, 125–126.

34. Ronald Inglehart and Pippa Norris, *Rising Tide: Gender Equality and Cultural Change Around the World* (Cambridge: Cambridge University Press, 2003); Lisa Blaydes and Drew A. Linzer, “The Political Economy of Women’s Support for Fundamentalist Islam,” *World Politics* 60, no. 4 (July 2008): 576–609; Michael L. Ross, “Oil, Islam, and Women,” *American Political Science Review* 102, no. 1 (February 2008): 107–123.

35. Arjomand, *After Khomeini*, 126.

36. Boroujerdi, “Iran,” 408.

37. Arjomand, *After Khomeini*, 127.
38. Arjomand, *After Khomeini*, 127.
39. Erdbrink, Van Broekhoven, and Fanning, *Our Man in Tehran*.
40. Nassim Hatam, "Iranian Women Threw Off the Hijab—What Happened Next?," *BBC News*, May 18, 2018, <https://www.bbc.com/news/world-middle-east-44040236>.
41. Hatam, "Iranian Women."

Chapter 6

Public Attitudes and the Media

In their seminal work, *The Civic Culture*, Almond and Verba outline a typology of citizen orientations: parochial, subject, and participant. The parochial citizen orientation essentially describes a political sleepwalker, an individual who is unaware of or uninterested in politics. The subject citizen orientation describes an individual who is somewhat aware of politics and political institutions; this individual can identify some political figures and knows the general rules of the political system, but participates only at low levels. The contrasting third category of citizen orientations outlined by Almond and Verba is the participant. The participant has a keen sense of political efficacy and their own competence as political actors. They stand as the ideal type for Almond and Verba, as the rational, informed voter, and activist. Almond and Verba reason that when too many citizens demonstrate the parochial orientation toward politics, the political system loses legitimacy and becomes unstable.¹ Attention to voter turnout is one way to assess citizen orientation, and the data on Iran's 2020 parliamentary elections suggest that many voters are choosing to move away from the participant orientation. The legitimacy of the state is therefore under duress.

WORLD VALUES SURVEY DATA

At present, the World Values Survey has conducted seven waves of survey research.² Data on Iran is present in two waves of the World Values Survey: Wave 4 (2000–2004) and Wave 5 (2005–2009). Both Wave 4 and Wave 5 data are based on face-to-face interviews conducted in respondents' residences by researchers from the University of Tehran, where each interview lasted approximately an hour. The Wave 4 survey was conducted in the fall

of 2000 and included a nationally representative sample of 2,532 adults. It is important to note, however, that this sample did not include respondents from Sistan and Baluchistan Province or Kurdistan Province. The Wave 5 survey was conducted in the summer of 2005 and included a nationally representative sample of 2,667 adults, this time from all provinces.³ Given that each wave of the survey covered over three hundred questions, it is not feasible to give a comprehensive summary of this data here; however, insights into respondents' attitudes can be gleaned by highlighting specific survey findings on confidence in institutions, assessments of the political system, and views on democracy.

The first area I turn to is respondents' confidence in institutions. When Iranians were asked to rate their general level of confidence in the government, 57% of those surveyed in the fall of 2000 said that they had either "a great deal" or "quite a lot" of confidence in government, but this number declined slightly to 48.3% in 2005. Looking more closely at specific institutions, the trend of declining popular confidence holds across several noteworthy cases. The institution in which respondents expressed the highest degree of confidence was religious institutions, with 80.9% expressing either "a great deal" or "quite a lot" of confidence in 2000 and 74.6% choosing the same confidence categories in 2005. Of the three main branches of government, Parliament scored the highest levels of confidence, followed by the judicial branch, with the executive branch coming in third.⁴ This suggests that attempts to adjust the balance of power between the three branches to empower the Majlis as a check on executive power would have garnered support over the time range of this data (2000–2005). Unfortunately, confidence in the armed forces was not asked about in either wave of the survey. The proportion of respondents who expressed either "a great deal" or "quite a lot" of confidence in the Press stood at 31.5% in 2000 and 28.6% in 2005, higher in both years than confidence in political parties (24.1% and 19.6% in 2000 and 2005, respectively) or confidence in major companies (20.9% and 19.8% in the two respective years). Given that the vast majority of major companies in Iran are state-owned enterprises, the low levels of public confidence in these companies suggest that either further privatization or increased transparency and accountability for these economic entities would have been welcomed by most Iranians. Furthermore, respondents expressed generally higher levels of confidence in social movements than in political parties. Confidence in the environmental and women's movements peaked in 2005, with 43.2% of respondents expressing either "a great deal" or "quite a lot" of confidence in the environmental movement, and 33.1% expressing the same in the women's movement. This anecdotal evidence suggests that Iranians may hold social movements in higher esteem than political parties, indicating perhaps that

an “insider versus outsider” dynamic gives social movements more favorable reputations than the parties themselves. Again, though, it is important to note that all I have attempted to outline here are preliminary hypotheses on public attitudes toward institutions and collective actors, as we simply lack sufficient data in Iran to do more than that.

Second, some insight into Iranians’ overall assessments of their political system can be gleaned. Already in the 2000 and 2005 data, we see evidence of demands for government to take more responsibility, of dissatisfaction with economic performance, dissatisfaction with the political system, and a strong feeling that government is run by a few big interests rather than for all people.⁵ In fact, nearly a third (30.4%) of respondents in 2000 said that they felt that the country was run by a few big interests.⁶ When asked to rate the performance of the political system on a scale of 1–10, with 1 meaning “bad” and 10 meaning “very good,” the mean response in 2000 was 5.84, with 34.1% of respondents rating the performance of the political system at 5 or below. This profound alienation of approximately one-third of the population, which is seen across several World Values Survey measures, is a cause for concern in the stability of the Islamic Republic system and suggests the need for institutional reform and increased government responsiveness.

Last, what do the World Values Survey findings suggest about Iranians’ demand for democratization? In response to a question about what they thought of having a democratic political system in Iran, 55.2% of respondents in the 2000 survey responded positively, saying that this would be either “very good” or “fairly good.” Interestingly, by 2005, the number of positive responses (“very good” or “fairly good”) had increased dramatically to 91.2%. Again, as a preliminary hypothesis, this suggests that by the mid-2000s, the prospect of democratizing the political system had widespread support in Iranian society.

Unfortunately, the World Values Survey does not have data on Iran subsequent to Wave 5 (2005–2009). This presents a significant obstacle to objective assessment of Iranian public opinion along specific parameters comparable to other countries that are included in Waves 6 (2010–2014) and 7 (2017–2020) of the database. Moving forward, researchers should address this lacuna either by collecting data on Iran in future waves of the World Values Survey data, or developing supplementary studies using measures and survey questions from the World Values Survey, Arab Barometer, or other similar research instruments with the Iranian case.⁷ Without sufficient data on popular attitudes in Iran on critical questions of confidence and trust in institutions, views on democracy and other regime types, and political and social values in general, our understanding of state–society relations in the Iranian case will remain limited to the insights that can be gained through qualitative research alone.

Analyzing the 2000 and 2005 World Values Survey data on Iran alongside comparable national surveys conducted over approximately the same time period in Iraq and Saudi Arabia, Moaddel succinctly highlights what he considers some of the noteworthy findings in a 2008 article.⁸ To summarize, Moaddel argues that the dominant trends in changes in values among Iranians between 2000 and 2005 are fourfold: “growing support for individualism, democracy and gender equality, and for national identity in contradistinction to religious identity.”⁹ To support these claims, Moaddel points out the increasing number of respondents in 2005 versus 2000 who cited “independence” as a favorable quality for children to have, and the declining number of respondents who cited “obedience” as a response to the same question. Moreover, the percentage of respondents who mentioned “love” as the basis for marriage increased in 2005 from 2000, while those mentioning “parental approval” declined.

While Moaddel finds evidence for a sizable shift in Iranians attitudes toward social individualism, the same trend is not found concerning economic individualism. When asked if private ownership (equated with a score of 1) or government ownership (equated with a score of 10) should be increased, the mean response in 2000 was 5.34, and in 2005 was 5.42. Looking closer at the 2005 data, one observes a clear clustering around the scores of 1 (12.7%, meaning that private ownership of business should increase), 5 (13.5%, the middle position), and 10 (13.8%, meaning that government ownership of business should increase). This suggests that the three main constituencies in society on this issue could be described as (1) the economic individualists who favor privatization, (2) the economic moderates who favor some balance of privatization and government ownership, and (3) the economic collectivists who favor government ownership. This cleavage in societal attitudes on economic management has been expressed by Iranian parties, with conservatives typically favoring state ownership of business; moderates, like Rouhani, favoring a balance between the two types of ownership; and reformists and pragmatists, like Khatami and Rafsanjani, favoring greater privatization. Here, we see a clear political implication of society’s divergent views, as expressed in the World Values Survey data, with Iranian factions realigning to represent these competing views in society.

Moaddel also highlights three noteworthy trends in attitudes regarding identity, especially gender, national, and religious identity. Where gender is concerned, Moaddel draws attention to declining levels of strong agreement with statements in several World Values Survey questions, such as “men make better political leaders” (28% strongly agreed in 2000, but only 22% in 2005), “university education is more important for boys than for girls” (19% strongly agreed in 2000, but only 13% in 2005), and “a wife must always obey her husband” (24% strongly agreed in 2000, but only 17% in 2005). To Moaddel, these trends are significant. “These changes evidence remarkable

shifts in attitudes toward liberal democracy and gender equality between the two surveys,” he asserts.¹⁰

Finally, there has also been change in the tension between religious and national identity. When asked to describe themselves either as Iranian, Muslim, or some other identity (e.g., one of Iran’s ethnic minority groups), respondents’ answers show a clear change in self-identification between 2000 and 2005 toward national identity at the expense of religious identity. In the 2000 survey, 34% of respondents described themselves as Iranian, 61% as Muslim, and 3% as some other identity. In 2005, the percentage of respondents describing themselves as Iranian increased to 42% (from 34%), while the percentage of respondents describing themselves as Muslim declined to 50% (from 61%).¹¹ Moaddel suggests the significance of this trend: “These changes may imply that religion plays a less important role in shaping Iranian political attitudes, while secular factors related to Iran as a nation are gaining in significance.”¹²

If value change is seen as a necessary condition for broader social and political change, then the World Values Survey data, though limited in temporal scope to 2000–2005, suggest that widespread nondemocratic values are not an insurmountable obstacle to meaningful political reform in Iran. These findings are relevant to the debate on constitutional interpretation in Iran because they suggest less support at the societal level for strict originalism, and more support for pragmatic interpretations of the constitution based on the evolving context of contemporary realities. The World Values Survey data highlight Iranians’ comparatively high level of interest in liberal democracy. Moaddel draws an apt parallel between Iran’s Constitutional Revolution in the first decade of the twentieth century, which was targeted at reforming the monarchical absolutism of the Qajars, and the situation confronting Iranians in the twenty-first century under the Islamic Republic: “Today, Iranians are facing a similar target—the obstructionism of clerical absolutism brought about by the revolution of 1979, and our data suggest they are moving in a similar oppositional direction, in this case toward liberal democracy.”¹³ The question remains as to whether the political institutions of the Islamic Republic can adapt to accommodate the changing values of Iranian society—whether these institutions will prove too rigid and collapse under revolutionary pressure, or whether the forces of the status quo within the regime will exercise some combination of repression, reward, and reframing of the political milieu to prevent society’s changing values from translating into concrete social and political change.

MEDIA

The media is discussed in the preamble of Iran’s Constitution in a section called “Mass Media.” Establishing the broad constitutional mandate for the

purpose of the mass media in the Islamic Republic system, the section reads in part: “The mass media in pursuit of the evolutionary course of the Islamic Revolution, must be in the service of propagating Islamic culture. To this end, it must try to benefit from a healthy encounter of various thoughts and views. However, it must seriously refrain from propagating destructive and anti-Islamic attitudes.”¹⁴ Given the stakes involved in distinguishing between Islamic and anti-Islamic attitudes, the state took the lead in practice in managing the structure of mass media. Chapter 12 of the Constitution is titled “*Seda va Seema*,” meaning “Radio and Television,” and refers to the Islamic Republic of Iran Broadcasting (IRIB) Corporation. It begins with article 175, which establishes that the IRIB Corporation is to be headed by a director general appointed by the supreme leader.¹⁵ Article 175 also gives the supreme leader the power to dismiss the director general, and gives the three branches of government supervisory powers over the IRIB, allowing for a council composed of two representatives from each branch—from the office of the President, the Head of the Judiciary, and the Majlis—to oversee the IRIB.

In chapter 3 of the Constitution (“Rights of the Nation”), one of the rights outlined relates to press freedom. Article 24 reads: “Publications and press shall have freedom of expression unless they violate the essentials of Islam or public rights. Its details shall be set forth by law.” The contingency of this freedom, especially under the hegemony of principlist interpretations of the “essential of Islam or public rights,” has meant, in effect, that Iranian journalists have experienced freedom of press within a narrow ideological spectrum of views. Reporters Without Borders, a leading NGO in the study of press freedom around the world, characterizes Iran in their 2020 World Press Freedom Index as “one of the most oppressive countries.” It further notes: “The Islamic regime exercises extensive control over the media landscape and its harassment of independent journalists, citizen-journalists and independent media has not let up.”¹⁶ Iran ranks 173rd out of 180 countries in the Reporters Without Borders 2020 World Press Freedom Index, a downgrade from its ranking of 164th out of 180 in 2018.

Forty years after the most pivotal moment in Iran’s modern history, to what extent is Iranian politics determined by the ideological principles of the Islamic Revolution? A closer analysis of the response by Iranian state-owned media and the Iranian political elite to the U.S. withdrawal from the Joint Comprehensive Plan of Action (JCPOA) can help shed light on this question and produce a richer, more nuanced understanding of the regime’s durability and potential for reform. May 2019 survey data on Iranians’ sources of news indicates that domestic television is the primary news source for most Iranians, with 77% of respondents saying that they get news either “a lot” or “somewhat” from domestic television channels. The second most common news source is the Internet (67% reporting either “a lot” or “somewhat”);

followed closely by social networking applications (65% reporting in the same categories); then, at a much lower rate, satellite television channels (26%, the same categories); and finally newspapers (21%, the same categories).¹⁷

Alongside the executive, legislative, and judicial branches of government, the media is often referred to as the “fourth pillar of democracy.” In theory, it functions to provide transparency and maintain accountability between state and society, thereby constraining the behavior of the political elite.¹⁸ While technological change has diversified the media landscape globally, regionally, and domestically within Iran, the media still faces significant restrictions. Freedom House’s 2019 *Freedom and the Media* report, which scores press freedom on an ordinal scale of 0–4 (the score for the worst press freedom being 0 and the best being 4), scored Iran a 1. Regional neighbors Iraq, Turkey, Egypt, and Pakistan, among others, also scored a 1 on the Freedom House scale, while Syria, Saudi Arabia, and the United Arab Emirates scored even worse—rated 0 by Freedom House in press freedom.¹⁹ Freedom House also publishes a *Freedom on the Net* report that focuses more narrowly on internet freedom, and their 2019 report finds Iran with the second worst outcome (after China) of the sixty-five countries assessed for internet freedom, with a cumulative score of 15 out of 100 on their index. Their profile analysis of Iran’s internet freedom argues that it is highly restricted along Freedom House’s three main parameters: significant obstacles to access, limits on content, and violations of user rights.²⁰ The report also points out several key developments related to Iran’s internet freedom in the period from June 2018 to May 2019:

The state maintains significant control over the internet backbone, allowing the government to throttle foreign connection speeds at politically sensitive times. . . . Several harsh prison sentences were handed down during the reporting period in retaliation for online activities. Mostafa Abdi, an editor of the news site *Majzooban Noor*, was sentenced to 26 years in prison and 74 lashes in August 2018. . . . [and] state-sponsored malware attacks have targeted a range of minority groups and activists located within and outside Iran, according to a May 2019 report from the Center for Human Rights in Iran.²¹

The voter turnout averages at the bottom of table 6.1 reveal a 4.37% positive difference between the levels of voter turnout in the 2016 majlis election reported by IRIB (65.92%) and the levels reported by the Ministry of Interior, which were based on the number of eligible voters and valid votes cast (61.55%). This discrepancy is consistent across Iran’s thirty-one provinces, with the largest difference seen in Golestan Province (+12.1% in the IRIB figure) and the smallest difference in Tehran Province (+0.4%). This data

Table 6.1 2016 Majlis Election Voter Turnout Percentages by Province, as Reported by the IRIB and Ministry of Interior (MI)

<i>Province</i>	<i>IRIB-Reported Voter Turnout (%)</i>	<i>MI-Reported Voter Turnout (%)</i>
Alborz	54	48.2
Ardabil	61.5	59.5
Bushehr	68	64.1
Chaharmahal and Bakhtiari	75	70.5
East Azerbaijan	70	58.9
Fars	63.6	62.5
Gilan	65	60.4
Golestan	81	68.9
Hamadan	58.1	53.4
Hormozgān	67	65.5
Ilam	75.1	73.3
Isfahan	61	53.3
Kerman	61	60
Kermanshah	60	57
Khuzestan	—	55.5
Kohgiluyeh and Boyer-Ahmad	80	78.6
Kurdistan	53.3	47.8
Lorestan	70.59	62.4
Markazi	60.4	57
Mazandaran	72.3	69.4
North Khorasan	71	66
Qazvin	61	56.7
Qom	60	57.7
Razavi Khorasan	68	60.6
Semnan	66	62.9
Sistan and Baluchistan	66	64.6
South Khorasan	72.11	69.7
Tehran	50	49.6
West Azerbaijan	65.5	64
Yazd	74	65.9
Zanjan	67	64
Average	65.92	61.55

Source: Data selected from Boroujerdi and Rahimkhani (2018), 180, table 95. Table created by author.

suggests that media outlets such as IRIB may be inflating voter turnout statistics, and that it could be an attempt to generate greater legitimacy for election results and the regime in general. In all provinces where data was available from both the IRIB and the Ministry of Interior (thirty out of thirty-one provinces—all except Khuzestan Province), the IRIB reported voter turnout exceeded the Ministry of Interior reported voter turnout. If the discrepancy in reporting were simply due to errors in tabulation, this pattern across thirty provinces would indeed be quite striking.

This skewing of voter turnout data by the IRIB bears resemblance to what media scholars refer to as the “partisan function.” Generally, it means that media outlets act as advocates for a particular viewpoint and, in doing so, try to influence public opinion in favor of a particular party or leader. In this case, however, opinion is not being influenced in favor of a party or candidate, but rather in favor of the notion that voter turnout was higher than the official totals according to the Ministry of Interior. It strengthens the impression that the elections are legitimate and that the Majlis has a robust popular mandate.

CASE STUDY: RESPONSE TO THE UNITED STATES’ WITHDRAWAL FROM THE JCPOA

In the immediate aftermath of the U.S. announcement of its unilateral withdrawal from the JCPOA, how did the Iranian domestic political landscape change? What frames did media outlets, political elites, and official government sources use to portray the issue? What policy alternatives were discussed or implied in the media? In an effort to shed light on these questions, I have reviewed news articles from several state-run media outlets (*Tehran Times*, *Kayhan*, *Fars News*), the social media activity of select political elites (Hassan Rouhani, Mohammad Javad Zarif, Ayatollah Khamenei), and other official government websites (Office of the Supreme Leader, Office of the President, Ministry of Foreign Affairs). Despite recent advances in the conducting of public opinion polls in Iran, there is still a relative paucity of reliable data on how popular opinion is changing in Iran outside of analysis specific to elections.²² As Riffe et al. persuasively argue, content analysis is a useful, and even necessary, research approach precisely when access to data is a problem.²³ Analyzing state-owned media enables us to identify the dominant narratives in Iranian political discourse surrounding the U.S. withdrawal. Furthermore, by comparing and contrasting these narratives to direct statements by Iranian politicians who advocated in favor of the JCPOA and were directly involved in its achievement (most notably Foreign Minister Zarif and President Rouhani), we can see a possible counternarrative in response to the more hard-line perspective one might expect to find in state media or other official government sources. Amin Saikal asserts the following about the consequences of President Trump’s decision not to endorse the JCPOA:

It [the decision] has the potential to affect the texture of the Iranian domestic political scene. The supreme leader and the conservative clusters, including the powerful IRGC, which Trump has especially targeted as an evil force, have all along been highly skeptical of the United States. Given their strong hold on the power structure, they are now in a position to remind their moderate and

reformist counterparts that they had “told them so” and to push for a sterner attitude in response to Trump’s provocative actions.²⁴

I will now explore the themes that emerged in Iranian domestic political debate in the summer of 2018.

State Media Response

In the immediate run-up to and days following the May 8, 2018, announcement of U.S. withdrawal from the JCPOA, Iranian state media was somewhat Janus faced. Some reports continued to emphasize the diplomatic approach, with or without U.S. involvement, while the media in general began more frequently framing the issue with a more confrontational posture.²⁵ On the more dovish end of the spectrum was a May 7, 2018, *Tehran Times* article that quoted President Rouhani. “The people should be sure that we will take necessary decisions for various moves of the U.S. and it is the U.S. who will suffer harms in this respect,” he said, while also intimating that Iran could remain in the JCPOA without the United States as long as its interests were guaranteed.²⁶ This coverage is noteworthy given the reputation of the *Tehran Times* as a hard-liner, pro-regime outlet. Similarly, another May 7, 2018, *Tehran Times* article quoted Foreign Minister Zarif, who emphasized that the United States would suffer reputation and credibility costs if it withdrew from the JCPOA, and that it would be the United States, not Iran, that would find itself more isolated from the international community in this case.²⁷ On May 8, 2018, immediately preceding the U.S. announcement, the *Tehran Times* published a brief article reiterating the commitments from the German, French, and British governments to keep the JCPOA intact even if the Trump administration decided to withdraw.²⁸ In the days immediately following the announcement, however, the tone of coverage in the *Tehran Times* began to shift. Alongside statements from diplomats such as Zarif and others in the Rouhani administration, an increasing number of articles highlighted the opinions of military leaders and other political groups. For example, a May 9, 2018, article titled “Top Iranian Generals Welcome U.S. Exit from JCPOA” quotes several high-ranking military commanders, including army commander Major General Abdolrahim Mousavi, who said, “Thank God America pulled out of [the nuclear deal].” The article’s author goes on to note that Mousavi “added [that] the biggest damage inflicted by the JCPOA was to ‘legitimize’ the U.S. by sitting at the ‘negotiating table’ with it.”²⁹ A second article on May 9, 2018, offers the perspective of Ayatollah Khamenei, who sought to offer a broader historical perspective and draw a contrast between the Islamic Republic and the regime of the Shah. “The reason behind America’s opposition to the Islamic Republic system is that

America used to implement full sway when the revolution cut short their hand,” he said.³⁰

A similar trend in coverage is observable in *Kayhan International* (more colloquially known as *Kayhan*), which is regarded as a hard-liner publication and has been likened to *Pravda* under Stalin in the Soviet Union. In a May 6, 2018, article titled “Nothing Will Change After Trump Leaves JCPOA,” President Rouhani is extensively quoted. He outlines his view that Iranian foreign policy is driven by a desire for peace and stability in the region, and even asserts: “We must know that nothing will change in our lives next week.”³¹ *Kayhan*’s front-page story on May 8, 2018, published prior to the announcement of U.S. withdrawal, was titled “Trump Flogging a Dead Horse,” and it emphasized French, British, German, and Russian opposition to the prospect of U.S. withdrawal. The article also quoted President Rouhani as saying: “One man in one country might create some problems for us for a few months, but we will overcome those problems.”³² Furthermore, the article included a series of quotes from Hussein Shariatmadari, the head of the *Kayhan* Newspaper Group, arguing that the JCPOA was meritless for Iran in the first place, because the other parties to the deal had thus far failed to deliver on meaningful sanctions relief. Shariatmadari reasons: “The talks, the result and outcome of which is the JCPOA, were basically held to get the sanctions lifted. Not only have the sanctions not been lifted, but dozens of other sanctions have also been added to them.”³³ *Kayhan*’s first coverage of the U.S. withdrawal after its announcement was a front-page article titled “Trump Will Be ‘Worm Food’ But Iran Will Stand—Leader: No JCPOA Without European Guarantees.”³⁴ The piece extensively quoted not the president or foreign minister, but Supreme Leader Ayatollah Khamenei. Khamenei delivers a much more confrontational approach, contrasting the continuity of Iran’s approach with what he argues is erratic behavior from the Americans: “U.S. president’s shallow and ludicrous behavior wasn’t unexpected. The same behavior existed in previous U.S. presidents. Yet, Iranian nation is persistent while former U.S. presidents passed away and the Islamic Republic is still standing. This man’s corpse will also be worm food while the Islamic Republic stands strong.”³⁵ Similarly, the May 9, 2018, issue of *Kayhan* included an article on a motion that had been introduced in Iran’s parliament to call on the Rouhani government to secure guarantees from the remaining signatories to the JCPOA. MP Mojtaba Zonnour was cited in the article as arguing that if such guarantees could not be secured, then Iran should resume high-level uranium enrichment, which it had agreed to halt under the terms of the JCPOA.³⁶ The article went on to note that MPs “lit a paper U.S. flag on fire and also burned a piece of paper representing the nuclear deal . . . , shouting ‘Death to America’!”³⁷

The third and final media source under analysis here is *Fars News Agency (FNA)*. While self-described as an independent news agency, *FNA* is regarded as a semiofficial state outlet and a complement to the official Islamic Republic News Agency.³⁸ On May 7, 2018, *FNA* published an article featuring several quotes from President Rouhani that warned the United States against abrogating the JCPOA. The article refers to similar warnings issued by President Rouhani in April 2018, noting that Rouhani “stressed that Iran remains committed to its undertakings under the deal it has signed, but meantime warned, ‘But if anyone wants to betray our nation and our agreement, he/she should wait for its dire consequences’.”³⁹ This framing corresponds with the content of coverage seen in *Kayhan* and the *Tehran Times* prior to the U.S. withdrawal announcement. Prior to May 8, media outlets tended to emphasize the value of the deal and warn against U.S. withdrawal; after the announcement was made, however, as we have seen above, coverage of this issue took on a more negative tone, denigrating the deal and characterizing its proponents as naive and following an unproductive strategy. For example, a May 8, 2018, *FNA* article quoted Majlis Speaker and vocal critic of the JCPOA Ali Larijani, who said: “The UN and the UNSC approved the nuclear deal, but the Americans took wrong actions since the very first day (of its implementation) both under Obama and Trump, and they continuously intimidated the investors.”⁴⁰ For Larijani, the deal was a risky gamble for Iran precisely because of the deficit of trust between the two nations, and he pointed to the United States’ record of malfeasance in discouraging investment in Iran from 2016 to 2018 as support for his conservative viewpoint. *FNA* coverage of this story on May 9, 2018, echoed some of the themes and episodes discussed above, including mention of the MPs setting fire to a copy of the nuclear deal in the parliamentary chamber. Interestingly, another *FNA* article from the same day emphasized the factional division in Iran’s parliament on this issue. It highlighted the adding of a statement of condemnation to the parliamentary agenda by the Omid (Hope) faction, a moderate faction that favored President Rouhani’s diplomatic efforts and the JCPOA.⁴¹ On May 11, 2018, *FNA* published two stories on street protests held against the Trump administration’s withdrawal decision. Most interestingly, a May 12 *FNA* piece titled “Enraged Reformists Furious at US, Distrustful of EU after Trump Pull-Out of N. Deal” claimed that some reformist and moderate MPs were shifting their views about the United States and the nuclear deal, and joining in common cause with members of the principlist camp in Parliament.⁴² The article quoted several well-known reformist MPs reiterating arguments generally heard from the conservative and principlist factions, including the idea that Iran was under threat from foreign powers, that Iran should respond to pressure with pressure in kind, and that the West and the United States in particular were fundamentally and irredeemably untrustworthy.

In sum, two major shifts in media coverage after the May 8, 2018, U.S. announcement of withdrawal from the JCPOA are discernible from this analysis of three widely circulated daily newspapers. First, while coverage prior to the announcement tended to draw on statements by Rouhani administration officials, particularly from the Ministry of Foreign Affairs, after the announcement one observes more direct quotes from military officials and hard-line politicians who had opposed the deal, or from former supporters of the deal who now expressed the contrary view. Second, prior to the May 8, 2018, announcement, much of the analysis in articles on the topic related to ways of salvaging the deal in spite of a possible withdrawal; it emphasized the value of the deal and the willingness of the European partners to uphold it. After the U.S. announcement, however, the tone of coverage noticeably shifted to a more confrontational posture, emphasizing themes such as the malignant intentions of the United States and other JCPOA signatories and the threat posed to Iran by these powers.

The Political Elite on Social Media

In response to the Trump administration's saber-rattling following its withdrawal from the JCPOA, President Rouhani cautioned in late July 2018 that war with Iran would be "the mother of all wars." This marked a return to the pressure track that the Rouhani administration had tried to avoid both during the nuclear negotiations and in the period following the implementation of the JCPOA in January 2016. In May and June 2018, President Rouhani's official Twitter account had been silent on the issue. There was no mention of the JCPOA or U.S. withdrawal until September 23, 2018, when a link to his September 21, 2018, *Washington Post* op-ed was retweeted along with a two-minute video.⁴³

Later in September 2018, coinciding with the United Nations General Assembly meeting, President Rouhani posted a series of ten tweets outlining his views on several regional issues as well as the JCPOA. He noted in one tweet: "This US govt withdrawing from a multilateral agreement adopted by the Security Council invites us to bilateral talks. Dismissing the basic principle of state continuity it violates state obligations affirmed by its predecessor."⁴⁴ He went on to highlight Iran's record of compliance with the JCPOA according to twelve consecutive IAEA reports, offering this evidence as a counterpoint to the Trump administration's assertion of Iranian noncompliance with the deal.

Foreign Minister Zarif was more vocal on Twitter during May 2018 in anticipation of and in response to the U.S. withdrawal from the JCPOA. On May 3, 2018, he tweeted a five-minute English-language video, "A Message from Iran," in which he outlined the basic framework of the JCPOA.⁴⁵ The

video emphasized Iran's commitment to the deal and argued that U.S. compliance with the deal was "the only way forward," and that if the United States withdrew from the deal, Iran would exercise its right to respond "in a manner of our choosing." This was followed by a post on May 11, 2018, sharing the full text of the official statement by the government of the Islamic Republic of Iran on the U.S. withdrawal. Tweets on May 14 and 15 by Foreign Minister Zarif highlight what he characterizes as "constructive" meetings with the other parties to the JCPOA. The overall impression that one receives from Zarif's public statements via Twitter in the days following May 8, 2018 is one of an effort to characterize the U.S. withdrawal as unlawful, to stress Iran's commitment to diplomacy with its remaining JCPOA partners, and to advance a broader reinterpretation of what the threats to regional stability and security are (here, Zarif highlights three themes: a nuclear-armed Israel, the U.S. military presence in the region, and U.S. arms exports to Saudi Arabia). For example, on July 14, 2018, Zarif tweeted: "On 3rd anniversary of JCPOA, it remains a triumph of multilateral diplomacy despite US actions. While we knew US can't be trusted to keep its word—as its allies have now discovered—JCPOA proves that toxic unilateralism of Trump Admin means it can't be relied on to honor any deal."⁴⁶

Unlike Zarif and Rouhani, who both upheld the overall value of the JCPOA in their public statements, Ayatollah Khamenei expressed a more skeptical, or perhaps realist, view in his public remarks. In late April 2018, Khamenei broadcast several messages on Twitter criticizing the U.S. presence in the Middle East region and its patronage of Saudi Arabia, arguing that the United States had to exit the region in order for stability to adhere. On May 9, 2018, following the U.S. announcement, Khamenei's Twitter account published eight posts (each translated into Spanish, Arabic, and French) in which he argued that the disputes over the nuclear issue were ultimately only a pretext for the U.S. policy of regime change in Iran. "U.S.'s problem with Iran is not the nuclear energy; that's just an excuse. We accepted the JCPOA but animosities towards the Islamic Republic never ended," Khamenei tweeted.⁴⁷ Later, on May 23, 2018, Khamenei demanded stronger guarantees from the European signatories to the JCPOA that they would remain within the deal and guarantee Iran's further economic integration. In the post, Khamenei expressed skepticism toward the European JCPOA partners, asserting that "Europe has proved it sides with the United States on the most critical issues." Last, Khamenei articulated the principlist view perhaps most clearly in a two-minute video posted to his Twitter account on May 29, 2018, where the text accompanying the video simply exclaims, "The prediction that came true!"⁴⁸ The video quotes two of Khamenei's speeches—one from July 21, 2013, in which he argued that "the Americans are unreliable, unreasonable and dishonest when they approach us," and another from November 3, 2013,

when he said, referring to the nuclear negotiations, “I do not trust these negotiations and I am not optimistic about them, however, if they want to negotiate they can do it.” Khamenei describes his pessimism about diplomacy with the United States as based on experience rather than illusion. This is a clear contrast to the resolute commitment to the diplomatic track expressed by Rouhani and Zarif and that is illustrative of the reformist perspective. Khamenei instead reiterates the principlist position that the Western powers in general, and the United States in particular, are fundamentally opposed to Iran because of its nature as an Islamic republic, and that no diplomatic interaction can undo or resolve this constitutive enmity.

CONCLUDING REMARKS

Khamenei and the principlists’ binary framing of the nuclear issue minimizes the breadth of debate within Iran’s domestic politics. As we have seen in recent internal debates regarding the nuclear issue, and, in fact, going as far back as at least a century to the Constitutional Revolution (1905–1911), Iran has been internally divided on the basic political questions that it continues to wrestle with today: the relationship between secular and religious authority, how to navigate between the forces of tradition and modernity, and how to advance democracy and government accountability while maintaining independence from foreign domination. In fact, the postrevolutionary political history of Iran can be interpreted as a series of expansions and contractions of freedom—from the initial openness of the revolution itself and Bazargan’s provisional government; to the crackdown on opposition after the Iraqi invasion in September 1980; to the succession of power from Ayatollah Khomeini to Ayatollah Khamenei as supreme leader and its corresponding constitutional amendments; and then to the pragmatism of the Rafsanjani era, the reformism of Khatami, the conservative resurgence under Ahmadinejad, and the more moderate approach of Rouhani. Second, the view of Iran as either aspiring regional hegemon or maniacal rogue discounts the role that interests, rather than ideology, play in Iran’s foreign policy-making process. Is Iran, like other normal countries, rational? Accounts that focus on the revolutionary language of the Islamic Republic’s Constitution to the exclusion or near exclusion of other factors discount the fluidity of Iran’s foreign policy. Iran’s foreign policy has undergone several transformations in the postrevolutionary period, from the revolutionary fervor of the first years of the regime; to the pragmatism of the early 1990s; to a détente and a conciliatory posture in the late 1990s and early 2000s; to a more assertive, confrontational stance during the Ahmadinejad presidency; and then, again, to a more pragmatic, internationalist worldview under the Rouhani presidency. If Iran were motivated primarily

by religious ideology, then making sense of these significant shifts in both the rhetoric and policy of Iran's elected officials would become quite an acrobatic effort. If, on the other hand, Iranian policy were based primarily on the rational pursuit of interests—most importantly its own state security and regime survival—in a changing strategic environment, then developing explanations that account for these changes in policy would require much less in the way of mental gymnastics and more of the everyday work of foreign policy analysis.

As a final note on politics and the media in Iran, it is interesting to observe that even fictional series on state television have become the subject of political controversy. The comedy series *Capital (Paytakht)*, which began airing on IRIB in 2011, became a target of conservative ire after an episode showed a newlywed couple riding together on a motorcycle. Declining viewership has been a challenge for state television, especially given the difficulty in enforcing the 1994 government ban on satellite dishes, which are still widespread; the rise of internet streaming media; and the fallout from state television's insistent endorsement of Ahmadinejad's victory in the contested 2009 presidential election. In response to this declining viewership, a new generation of young conservatives are increasingly transitioning to leadership positions in state broadcasting, first through a new state-owned channel called Horizon (*Ofoh*), created in 2014, and also through IRIB Channel 3. The new generation aims to correct the dismal performance of their predecessors. According to one report, the ideology promoted in state television programming holds the view that “those who reach out to the West are weak and traitorous, while hardliners want to protect Iran.”⁴⁹ This conservative ideology of state television is mirrored in the views of rival satellite channels like Manoto, for example, “which appears sympathetic to the ousted monarch.”⁵⁰

Iranian films, as well, have been the subject of significant controversy domestically in recent years. This is even as Iranian filmmakers have garnered praise and recognition on the global stage. Asghar Farhadi's 2011 film, *A Separation*, which was the first Iranian film to win the Academy Award for Best International Feature Film,⁵¹ drew attention to the class divisions in Iranian society and how those with greater privilege were able to more effectively navigate the civil legal system. Similarly, Bahman Ghobadi's 2009 film, *No One Knows about Persian Cats*, portrayed a youth culture burdened by the weight of government censorship, including scenes of the main characters negotiating with capricious representatives of state power. Initially released in Iran, then removed by government censors, Kamal Tabrizi's 2004 film, *The Lizard*, is another example of Iranian film challenging clerical authority, this time through satire. *The Lizard* follows the story of its protagonist, Reza Mesghali, a thief, as he escapes from prison by impersonating a cleric. The film's thematic refrain, “There are as many ways to reach God as there are people in the world,” is a clear message against the dogmatism and ideological rigidity of the principlists.

Last, there is Jafar Panahi's 2006 film, *Offside*, which was quite prescient in its subject matter. The film tells the story of a group of young women who impersonate men to attend one of Iran's World Cup qualifying matches. At the time the film was being made, Iranian women were not allowed to attend men's sporting events; it was not until October 2019 that this ban on women's attendance was lifted. Panahi's film is a paean to the struggle for women's rights in this arena. As Iranian filmmakers like those mentioned here continue to build on the traditions of Iranian New Wave cinema and gain international recognition for their work, cultivating a wide audience both around the world and within Iran, the government will be faced with a dilemma: wanting, on one hand, to venerate these artists as champions of Iranian nationalism, while also being compelled, on the other hand, to reckon with the more subversive themes in their work. One is reminded here of the popular aphorism, "During times of universal deceit, telling the truth becomes a revolutionary act."

NOTES

1. Gabriel A. Almond and Sidney Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations* (Princeton, NJ: Princeton University Press, 1963).

2. World Values Survey, "Online Data Analysis," <http://www.worldvaluessurvey.org/WVSONline.jsp>. The seven waves of research cover the following years: Wave 1, 1981–1984; Wave 2, 1990–1994; Wave 3, 1995–1998; Wave 4, 1999–2004; Wave 5, 2005–2009; Wave 6, 2010–2014; and Wave 7, 2017–2020.

3. Mansoor Moaddel, "Religious Regimes and Prospects for Liberal Politics: Futures of Iran, Iraq, and Saudi-Arabia," *World Values Research* 1, no. 2 (2008): 40, <http://www.worldvaluessurvey.org/WVSPublicationsBooks.jsp?PUB=94>.

4. The scores for each branch are as follows: reporting "a great deal" or "quite a lot" of confidence in Parliament—57.4% in 2000, 40.7% in 2005; reporting "a great deal" or "quite a lot" of confidence in the courts—42.3% in 2005 (the question was not asked in 2000); and reporting "a great deal" or "quite a lot" of confidence in civil services—34.5% in 2000, 29.8% in 2005. I use the data on confidence in civil services to stand in here for confidence in the executive branch, as neither wave of the survey asked the confidence question about the presidency.

5. These conclusions are drawn from the following World Values Survey questions (numbers listed here are as presented in the Wave 4 data): V143, V80, V163A, and V175.

6. The plurality of respondents, 32.2%, said that they felt that the country was run for all people; however, the parity of the two responses—30.4% and 32.2%—is striking.

7. Arab Barometer, "Survey Data." The waves of survey data cover the following years: Wave I, 2006–2009; Wave II, 2010–2011; Wave III, 2012–2014; Wave IV, 2016–2017; and Wave V, 2018–2019.

8. Moaddel, "Religious Regimes."
9. Moaddel, "Religious Regimes," 40.
10. Moaddel, "Religious Regimes," 46.
11. Moaddel, "Religious Regimes," 47. The percentage of respondents who described themselves with some other identity was 7% in 2005, an increase from 3% in 2000.
12. Moaddel, "Religious Regimes," 47.
13. Moaddel, "Religious Regimes," 54.
14. Constitution of the Islamic Republic of Iran, Preamble, § Mass Media.
15. The current director general of the IRIB, Abdol Ali Aliaskari, was appointed by Khamenei in 2016. Aliaskari is the sixth director general of the IRIB.
16. Reporters Without Borders, "Iran," accessed September 15, 2020, <https://rsf.org/en/iran>.
17. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 41.
18. Lust, "States and Institutions," 158.
19. Freedom House, *Freedom and the Media 2019: A Downward Spiral* (June 2019), https://freedomhouse.org/sites/default/files/2020-02/FINAL07162019_Freedom_And_The_Media_2019_Report.pdf.
20. Freedom House, "Freedom on the Net 2019: Iran," <https://freedomhouse.org/country/iran/freedom-net/2019>.
21. Freedom House, "Freedom on the Net 2019: Iran."
22. See, for example, the polling work conducted by the Canada-based IranPoll, the Iran-based Iranian Students Polling Agency (founded May 8, 2001, though the veracity of their findings have been disputed given their affiliation with the Academic Center for Education, Culture and Research, which is a GNGO), and the Center for International and Security Studies at the University of Maryland.
23. Daniel Riffe et al., *Analyzing Media Messages: Using Quantitative Content Analysis in Research*, 4th ed. (New York: Routledge, 2019).
24. Saikal, *Iran Rising*, 253.
25. Of the three publications reviewed here, *Kayhan International* and *Fars News Agency* are published in both English and Persian, while the *Tehran Times* is published only in English and intended more for an international audience. A challenge in gathering reformist media sources is that many of these—*Tous*, *Jame'eh*, and *Hayat-e-No*, for instance—are currently banned from operation within the country.
26. "Rouhani: Iran Could Remain in Nuclear Deal If Its Interests Are Guaranteed," *Tehran Times*, May 7, 2018, <https://www.tehrantimes.com/news/423339/Rouhani-Iran-could-remain-in-nuclear-deal-if-its-interests-are>.
27. "It Will Be 'Unpleasant' for U.S. If Nuclear Deal Is Nixed: Zarif," *Tehran Times*, May 7, 2018, <https://www.tehrantimes.com/news/423338/It-will-be-unpleasant-for-U-S-if-nuclear-deal-is-nixed-Zarif>.
28. "Germany, France, Britain Vow to Stick to Nuclear Deal Even If U.S. Pulls Out," *Tehran Times*, May 8, 2018, <https://www.tehrantimes.com/news/423354/Germany-France-Britain-vow-to-stick-to-nuclear-deal-even-if>.

29. Mohammad Homaeefar, "Top Iranian Generals Welcome U.S. Exit from JCPOA," *Tehran Times*, May 9, 2018, <https://www.tehrantimes.com/news/423392/Top-Iranian-generals-welcome-U-S-exit-from-JCPOA>.

30. "Ayatollah Khamenei to Trump: 'You Cannot Do a Damn Thing'," *Tehran Times*, May 9, 2018, <https://www.tehrantimes.com/news/423395/Ayatollah-Khameinei-to-Trump-You-cannot-do-a-damn-thing>.

31. "Nothing Will Change after Trump Leaves JCPOA," *Kayhan International*, May 6, 2018, <http://kayhan.ir/en/news/52636>.

32. "Trump Flogging a Dead Horse," *Kayhan International*, May 8, 2018, <http://kayhan.ir/en/news/52726/trump-flogging-a-dead-horse>.

33. "Trump Flogging a Dead Horse," *Kayhan International*.

34. "Leader: No JCPOA without European Guarantees," *Kayhan International*, May 9, 2018, <http://kayhan.ir/en/news/52773>.

35. "Leader: No JCPOA without European Guarantees," *Kayhan International*.

36. "Parliament Calls for 'Reciprocal' Action after U.S. Exit," *Kayhan International*, May 9, 2018, <http://kayhan.ir/en/news/52769>.

37. "Parliament Calls for 'Reciprocal' Action after U.S. Exit," *Kayhan International*.

38. Islamic Republic News Agency (website), <https://en.irna.ir/>.

39. "Rouhani Warns Trump against Strategic Mistake," *Fars News Agency*, May 7, 2018, <https://en.farsnews.ir/newstext.aspx?nn=13970217001073>.

40. "Iranian Speaker: US Only Understands Language of Force," *Far News Agency*, May 8, 2018, <https://en.farsnews.ir/newstext.aspx?nn=13970218001206>.

41. "Pro-Rouhani Parliament Faction Furious at US Withdrawal from Iran N. Deal," *Far News Agency*, May 9, 2018, <https://en.farsnews.ir/newstext.aspx?nn=13970219001298>.

42. "Enraged Reformists Furious at US, Distrustful of EU After Trump Pull-Out of N. Deal," *Far News Agency*, May 12, 2018, <https://en.farsnews.ir/newstext.aspx?nn=13970222001219>.

43. Hassan Rouhani, "Iran Is Keeping Its Nuclear Commitments—Despite Trump," *Opinions, Washington Post*, September 21, 2018, https://www.washingtonpost.com/opinions/iran-is-committed-to-honest-dialogue-is-trump/2018/09/21/7c1a2754-bdb4-11e8-be70-52bd11fe18af_story.html.

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46. Javad Zarif (@JZarif), "On 3rd Anniversary of JCPOA, It Remains a Triumph of Multilateral Diplomacy Despite US Actions," *Twitter*, July 14, 2018, 8:38 a.m., <https://twitter.com/JZarif/status/1018157764638662656>.

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50. “The Revolution Will Be Televised,” *Economist*.
51. Farhadi would receive this commendation a second time in 2017 for his film *The Salesman*.

Conclusion

“Don’t be afraid, don’t be afraid, we’re standing together” (“natarsid, natarsid, ma baham hastim”). This was one of the slogans chanted during the 2009 Green Movement Protests in Iran. Fast forward to the 2017–2018 Dey Protests, and this slogan was transformed from a negative injunction to an imperative command in the following: “Be afraid, be afraid, we’re standing together” (“betarsid, betarsid, ma baham hastim”). What does an analysis of Iran’s political institutions tell us about state–society relations in Iran and their capacity for change? Think about the two protest chants above. The first was meant to assuage society’s fears of state repression and encourage participation in demanding political liberties and civil rights. The second, popular during the 2017–2018 Dey Protests, also came from society, but was directed this time toward the state, admonishing it for its failure to provide economic security and responsive governance. Together, the two slogans go a long way toward describing the nature of state–society relations in Iran today and the crossroads at which Iran stands.

Having reviewed the constitutional design and practical experience of Iran’s postrevolutionary political institutions, and assessed the power dynamics between state and society, it is useful now to consider again Ayatollah Montazeri’s assessment of the Islamic Republic system as expressed in his interview with Geneive Abdo in December 1999 and January 2000. Directly relevant to this inquiry is the following question that Abdo posed to Montazeri: “Has the promise of the Constitution, which you helped to write, been realized? If not, please give examples of the shortcomings between the intent of the framers of the Constitution and contemporary Iran.”¹ What did Montazeri say in response to this pointed, concise question? First, he critiqued the expanded supervisory powers of the Guardian Council in vetting election candidates for political and religious orthodoxy.² (Abdo observes in a

footnote to Montazeri's response that the net effect of this expansion of power for the Guardian Council was a marked reduction in the number of reformist candidates in majlis elections.) Montazeri then outlined his observations on the framers' intentions for the supervisory role of the Guardian Council:

With regard to the supervisory role of the Guardian Council in the elections, which is stipulated in Article 99 of the Constitution, I, as the Speaker of the Assembly of Experts that drafted the Constitution, recall clearly that the intent of the Experts in passing this Article was to counteract the lack of genuine freedoms in elections under the old regime, a situation that had made a mockery of elections, and had turned the elections virtually into appointments [by high officials]. . . . The aim was clearly to guarantee the health of elections and prevent inappropriate intervention of the authorities in the elections, and not to give permission to authorities to disqualify candidates and turn the one-tier election process into a two-tier system.³

Second, Montazeri identified the creation of the Special Court for Clergy as a deviation from the intent of the framers, and pointed to the deprioritization of article 3 of the Constitution, particularly its protections for the rights of the nation, as a key shortcoming. Montazeri describes the pernicious development of a monopolistic "us and them" (*khodi va gheir-e khodi*) mentality among some in the political elite and clerical class over the first two decades of the postrevolutionary period. This political consciousness designated what Montazeri describes as a large segment of the Muslim citizens of the population as *gheir-e khodi* ("outsiders," or "those outside the revolution"), which, along with the limitation of these citizens' political rights, namely their right to stand for elected office, significantly limited the country's capacity to develop and fulfill the aspirations of the revolution. Montazeri argues that this has been to the detriment of the long-term stability of the Islamic Republic system and, in his view, to the detriment of Islam in Iranian society more generally. He warns: "If such monopolistic tendencies continue, I am afraid the Revolution will naturally lose its popular support and, God forbid, will suffer defeat."⁴

Three things suggest that institutional reform is unlike: path dependence; resistance from those in the political elite who wish to preserve the status quo, either for ideological motivations or personal gain; and the general inertia of bureaucracies. On the other hand, if structural conditions, especially those related to the economy, continue to deteriorate, and if society's grievances are channeled effectively through sustained collective mobilization, then the scenario of reform becomes more feasible. In thinking about the possible paths ahead for the country as it passes its fortieth anniversary, one of the political slogans of the Islamic Revolution comes to mind: *Esteghlal, Azadi*,

Jomhuri-ye Eslami, meaning “Independence, Freedom, Islamic Republic.” The first forty years of the postrevolutionary experience have achieved independence for the country. Iran is more self-sufficient now than perhaps at any time in its modern history, certainly more so than it was under periodic occupation in the first half of the twentieth century, or when it was in a relation of clientelistic dependent development with the United States under the Shah’s regime. The picture is less rosy for the second component of the slogan, “freedom.” Movements for economic and social justice, women’s rights and human rights, and environmentalism all indicate that freedom for many is still more of an aspiration than a reality in postrevolutionary Iran. The final component of the slogan, “Islamic Republic,” as I have attempted to argue throughout this book, is still in the process of definition. Navigating the potentialities and limits in the universe of meanings of the term “Islamic Republic” is a theoretical puzzle for scholars and a circuitous path of action for participants in the system. What is clear, both from analysis of the Constitution itself and reflection on the history of postrevolutionary Iran, is that political opinion on what “Islamic Republic” means is divided, both at the mass and elite level. Power sharing between the country’s institutions is less clearly defined than may first appear, and though electoral contestation has been limited, participation in institutionalized political processes like elections has remained relatively high, at least until 2020. Whether the foreseeable future will witness Iran gravitating more toward the pole of full democracy or the pole of full authoritarianism will be shaped by myriad factors at the international, regional, and domestic levels. At the same time, this book has argued that we should not fail to appreciate the role that Iranian society—through collective mobilization in protests, movements, factions, and parties—might play in determining this outcome.

I now revisit Levitsky and Ziblatt’s 2018 work, *How Democracies Die*, where the authors outline four key indicators of authoritarian behavior: (1) rejection of or weak commitment to democratic rules, (2) denial of the legitimacy of political opponents, (3) toleration or encouragement of violence, and (4) readiness to curtail civil liberties of opponents and the media.⁵ Over the last forty years of Iran’s postrevolutionary political development, all four of these indicators of authoritarian behavior have manifested in Iran’s politics to a greater or lesser extent. Candidate vetting by the Guardian Council is one example of the denial of the legitimacy of political opponents. An even more obvious example of this is the banning of nationalist, leftist, and other parties more radically opposed to the Islamic Republic political system. Also, the disputed 2009 presidential election is widely viewed as an instance in which the integrity of the electoral process was undermined. Apart from these examples, however, where the four indicators outlined by Levitsky and Ziblatt are concerned, postrevolutionary Iran has generally adhered to its constitutional

rules. The challenge in this case, I argue, is less a weak commitment to the “rules of the game” and more the hegemony of a narrow, principlist interpretation of what these rules require. As the appeal of the principlist position continues to wane in society, the longevity of the Islamic Republic system will become increasingly contingent on the capacity of those in positions of authority—especially those such as the supreme leader, Guardian Council, and judiciary, who are insulated from public opinion—to adapt and respond to their changing environment and reinterpret Iran’s foundational political document in a more pragmatic, less originalist manner.

The Group for Analyzing and Measuring Attitudes in Iran (GAMAAN), an independent research institute based in the Netherlands, has conducted a survey of Iranians to assess popular support for the revolution and the Islamic Republic political system. Between March and April 2019, through social networking applications like Twitter, WhatsApp, Telegram, Instagram, and Facebook, GAMAAN asked respondents a binary “yes/no” question about whether they would vote for an Islamic Republic in a hypothetical free referendum. The results of the GAMAAN survey are striking, and confirm Montazeri’s apprehensions, with 79.4% of the respondents saying “no” to an Islamic Republic, and 20.6% saying “yes.”⁶ Of those respondents who voted for Rouhani in the 2017 presidential election, only 3.9% reported that they would say “yes” to the Islamic Republic in a new referendum, while that figure increases more than sixteenfold—to 64.7%—for those respondents who voted for Raisi, the conservative challenger. This evidence lends support to the hypothesis that, at present, conservatives accord the Islamic Republic political system more legitimacy than reformists do.⁷ This hypothesis is supported by the significant final item from the GAMAAN March–April 2019 survey, and it pertains to projected voter turnout. When asked whether or not they intended to vote in the 2020 parliamentary elections, 83.4% of respondents who said they would vote “yes” to the Islamic Republic in a new referendum also said that they would most probably vote in the 2020 election. In contrast, of those respondents who said they would vote “no” to the Islamic Republic, a paltry 1.9% self-reported that they would probably vote in the 2020 election. Lending credence to the results of the survey are the results of the 2020 parliamentary election, which saw principlists more than double their seat share in parliament. Although the GAMAAN survey was limited in scope by its use of social media as its method of delivery, its sample included respondents from all thirty-one provinces as well as both urban and rural residents, and tests were used to ensure its validity and representativeness.

I now revisit the five key assumptions about Iran’s postrevolutionary behavior presented in the introductory chapter. Based on the evidence I have reviewed in the intervening chapters, I summarize my assessments here in table 7.1.

Table 7.1 Five Key Assumptions about Iran's Postrevolutionary Political Behavior, Revisited

<i>Assumption</i>	<i>Assessment of the Evidence</i>
1. The Iranian regime remains, and will remain for the foreseeable future, a revolutionary political movement	While revolutionary political ideology persists among principlist and hard-line factions, moderates and reformists are adopting increasingly pragmatic ideological worldviews. The postrevolutionary generation is significantly less motivated by revolutionary ideology than their parents' generation
2. The supreme leader singularly dominates Iran's politics. The other branches of government have no meaningful political power	The Constitution empowers the other branches of government in significant ways. The dominance of the supreme leader in Iran's politics is more a function of the specific officeholder (Khomeini or Khamenei) than an intrinsic feature of the office itself
3. Elections have not and cannot lead to meaningful political change	At several junctures in the postrevolutionary period, voters were given a clear choice between ideologically distinct candidates, and this trend has become more pronounced since the 1997 presidential election
4. Reformist efforts in society will not lead to meaningful political change	While social change toward greater political rights and civil liberties has been slow, movements oriented around specific issues, such as women's rights and environmentalism, have had some limited success
5. Political socialization through state-sponsored institutions, such as education and the media, shape public opinion in favor of the regime	Iranian public opinion is varied and often expresses opposition to pro-regime narratives. Censorship and indoctrination have proven increasingly ineffective as tools of political socialization for the state

Table created by author.

As the Islamic Republic political system matures and evolves and the initial revolutionary fervor of 1979 recedes further into the past, it will matter increasingly less what was in the minds of the first generation of revolutionaries; instead, it will be the words of the Constitution itself and how those words are interpreted by those in positions of influence that will count. The current generation is significantly less ideological, as a group, than their predecessors. There is a general skepticism toward political violence and revolutionary change. Indeed, as anecdotal evidence in support of my analysis, while I was in Iran in the summer of 2013, when I asked people about possible paths ahead in the country's politics, I often heard in response the sentiment "one cannot wash blood with blood." Additionally,

while the supreme leader has loomed large in the political system under Khomeini and Khamenei, it is unclear whether this is a function of the office or of how its occupants use the office. Institutional norms can change more easily than rules, and the rules, at least in theory, can accommodate a more restrained role for the supreme leader, according to leading clerical voices like Ayatollah Montazeri. At the polls, Iranians do have a meaningful ideological choice, and though the choice is typically between two factions, principlist and reformist, two-party systems meet the minimum bar necessary for democratic contestation. Furthermore, the rise of populism post-2005 and the prevalence of independents, who accounted for approximately one-third of the seat share in the 2020 majlis elections, suggest that factions may fragment and reconstitute in new and unpredictable ways in the future. At the level of civil society, reformist movements continue to push for greater political rights, civil liberties, and economic justice, and as observers learned in studying the Arab uprisings of 2011, the political consequences of these movements can precipitate rapid change. Last, Iranians remain divided at the level of public opinion, and society has not uniformly acquiesced to pro-regime narratives in state-owned media.

POSTREVOLUTIONARY IRAN IN COMPARATIVE PERSPECTIVE

Because the Islamic Republic of Iran is one of the only theocratic political systems in the twenty-first century, the country has often been treated as a case study in the literature, considered exceptional and unsuited to comparative analysis. Indeed, this book is also guilty of following this practice in applying a case-based approach to its understanding of postrevolutionary Iran, notwithstanding my belief that this approach is justified given the rather broad scope of analysis undertaken here. Having said that, in these concluding remarks I would like to step back from the particulars of the case and ask how the trends identified in previous chapters appear from a comparative perspective. I will proceed in three ways. First, I will compare Iran to other postrevolutionary states. Second, I will address how Iran compares to other states in the Middle East and North Africa (MENA) region, focusing especially on the immediate run-up to and aftermath of the Arab uprisings. Finally, I will compare Iran's characteristics of personal rule, centralization of power, and its overall state–society relations to what I argue are a similar set of cases outside of the MENA region in postcolonial sub-Saharan Africa. The aim of this section is to illuminate the crises of legitimacy in Iran by way of comparison to similar crises in other societies undergoing transformational change.

December 3, 2020, marks the forty-first anniversary of the ratification of the Constitution of the Islamic Republic. In the year 1979, the ratification was preceded by the return of Khomeini in February, the national referendum on the Islamic Republic in March, and the student-led takeover of the American embassy in Tehran in November. How does Iran compare to other postrevolutionary states, forty-one years after their respective revolutions? Consider, for instance, the Russian Revolution of 1917 at forty-one years—in 1958. By this time, the Soviet Union was already five years into Nikita Khrushchev's term as first secretary, after having survived thirty years of Stalinism. It had not been until 1956, thirty-nine years after the revolution, that Khrushchev had delivered his now-famous speech, "On the Cult of Personality and Its Consequences" (popularly known as the "Secret Speech"), denouncing the excesses of Stalinism to the Twentieth Congress of the Communist Party of the Soviet Union. At this moment in the history of the Soviet Union, the Gorbachev-era reforms of *glasnost* and *perestroika* were still nearly three decades away, and would have been inconceivable at the time. China, forty-one years after its 1949 revolution, had just experienced the 1989 Tiananmen Square protests. The country had begun departing from the ideological rigidity of the Maoist era, and was transitioning along the path of economic reform and modernization under the leadership of Deng Xiaoping. Last, in 1829, forty-one years after the ratification of the Constitution in the United States, Andrew Jackson was the newly elected president, ushering in a new era of "Jacksonian democracy" that aimed to recalibrate the relationship between state and society in favor of the latter. Still far in the future were the immense growth of the federal government, expansion of the powers of the presidency, and expansion of individual rights and liberties that define the American political system today. States and societies continue to evolve after a revolution on the basis of myriad factors, including patterns of elite competition, structural and demographic changes in society, the pressures of globalization and technological change, and new ideas articulated by social movements, to name but a few. To assume that the Islamic Republic of Iran is uniquely predisposed against these pressures for change is both to misunderstand its political structure and to fail to learn the lesson of history provided by other postrevolutionary societies.

The Russian, American, and Chinese examples collectively illustrate that postrevolutionary societies can transform in profound ways, even in contexts that one might define as nondemocratic or partially democratic. The Islamic Republic of Iran, I argue, is in need of a "Khrushchev moment" of reckoning with the ills and excesses of early postrevolutionary development. Just as Khrushchev condemned the purges of the 1930s and the pattern of personal rule under Stalin, a similar condemnation of the state's political, social, and economic failures in Iran could mark a new phase in the country's political

evolution, invigorate the regime, and enhance its legitimacy in society. The comparison to other revolutionary states which experienced such pivotal moments in their postrevolutionary development provides comparative evidence in support of the optimistic viewpoint held by observers who believe in the prospects for future reform in the Iranian case.

The MENA region has long been believed to be exceptional in its resistance to political change—to be defined by its “democracy deficit.” Indeed, nondemocratic regimes in this region proved stable in the face of the transformations brought by the Third Wave of democratization in the late twentieth century that impacted Eastern Europe, Latin America, the Asia Pacific region, and parts of sub-Saharan Africa. The Arab uprisings unseated leaders like Hosni Mubarak in Egypt, who had begun his presidential term in 1981, only two years after the Islamic Revolution in Iran; and Muammar Gaddafi in Libya, who had been in power since 1969, a full decade prior to the inception of the Islamic Republic. These two cases alone reflect the problem of long-serving authoritarian leaders in the region. It is further evidenced by the twenty-three-year tenure of former Tunisian president Zine el-Abidine Ben Ali; the twenty-nine-year presidency of Hafez al-Assad in Syria, followed since 2000 by the presidency of his son, Bashar al-Assad; and the nearly twenty-two-year presidency of Ali Abdullah Saleh in Yemen prior to his ouster in 2012. These examples are from the nominal republics of the MENA region, saying nothing about the monarchies in the Gulf States, Morocco, and Jordan.

Scholarship on the Arab uprisings identifies several structural variables that account for vulnerability to regime change in the face of protests. They include the higher vulnerability of nonhereditary regimes compared to hereditary regimes, the higher vulnerability of minor or non-oil-exporting countries compared to major oil-exporting countries, and the higher vulnerability of regimes with high levels of elite fragmentation compared to regimes with elite cohesion.⁸ These factors are often considered alongside other explanatory variables, such as the diffusion of social media as a tool for opposition mobilization, the presence of economic and social grievances in society, and perceptions of government corruption. Eva Bellin offers an insight into the Arab uprisings that is extremely relevant to the Iranian case, shifting the analytical focus away from explaining the emergence of opposition movements, and instead toward explaining the likelihood of regime change as a response to opposition movements already in motion. “For those regimes that faced mass protest,” she notes, “survival turned, first and foremost, on the question, would the coercive apparatus defect? Would it prove willing and able to shoot on the crowds?”⁹ Bellin highlights the institutional character of a military as an important explanatory factor in a military’s willingness to repress protest, arguing that military defection—that is, the military’s unwillingness to

use violence to repress protestors—was the key variable that accounted for regime change in Tunisia and Egypt. Those militaries had defected, in contrast to cases like Syria and Bahrain, where the military remained loyal to the regime and was willing to use force against protestors. Attention to the varied responses in the Arab world to popular uprisings in 2011 and 2012 reminds us that the military serves as an important intermediary between society and state. As Bellin rightly argues, this was also true in the Islamic Revolution of 1979:

Using lethal force against civilians threatens to undermine the image of the military as defender of the nation, especially if the crowds are representative of the “nation” and cannot be dismissed as distinctly “other” along class, sectarian, or ethnic lines. Similarly, if the crowds are conducting themselves peacefully, it is difficult for the military to justify lethal intervention on the grounds of maintaining order and security. . . . The more the civilians resemble the soldiers called upon to do the shooting (and the larger the number of such compatriots), the more likely lower level recruits will disobey order to shoot and even desert their posts. This, after all, proved to be the case during the Iranian Revolution of 1979. Concern about troop defections was one reason the army ultimately chose to be neutral in determining the fate of the Revolution of 1979.¹⁰

If the comparison to postrevolutionary states such as the Soviet Union demonstrates that even revolutionary societies can change in unpredictable ways, and the comparison to the Arab Spring reminds us that long-enduring regimes may not be as stable as they appear, then a final comparison, this time to systems of personal rule and centralized power in sub-Saharan Africa, illuminates the dynamic interaction between state and society as the legitimacy of a regime erodes. A case like that of the Ivory Coast, which was governed under the presidency of Félix Houphouët-Boigny from 1960 to 1993, demonstrates the characteristics of personal rule. Although the leader may initially gain legitimacy from some in society through their charismatic authority, their legitimacy over time is generated more through clientelism. Such deficit of rational-legal legitimacy in instances of longstanding personal rule creates a crisis of governance. Leaders such as Houphouët-Boigny remained in power through their ability to maintain legitimacy through patronage, which creates inefficient government, and through their ability to centralize state power (typically in the executive branch of government), arranging the levers of state power around themselves and their inner circle.

Similar patterns of neopatrimonialism, personal rule, and the centralization of state power can be seen in Uganda under President Yoweri Museveni (in office since 1986); the Democratic Republic of the Congo under the presidency of Joseph Kabila from 2001 to 2019; Zimbabwe under Robert Mugabe, whose tenure as prime minister and later president of the country began in 1980 and

lasted until 2017, and indeed in several of Iran's neighbors in the Persian Gulf region, such as Saudi Arabia, the United Arab Emirates, and Bahrain.

Sub-Saharan Africa and the Middle East are, of course, not alone in these trends globally. Leaders such as Vladimir Putin in Russia, Nursultan Nazarbayev in Kazakhstan, and Alexander Lukashenko in Belarus each exceed two decades in national executive positions. The common dilemma faced by these leaders is one of a crisis of governance, in which society is alienated from the state, accountability of those in government to the governed is diminished, corruption thrives to sustain patron-client networks, and the centralization of the state closes avenues for constitutional regime change. Prospects of revolutionary opposition, insurgency, or state collapse become more likely when the state in such cases is unable either to repress opposition, reward loyalty, reframe the political environment in its own favor, or reform either to relegitimize its authority through multiparty elections or reinvigorate the bonds between state and society in some other way. The smooth transition of power that Iran experienced from Ayatollah Khomeini to Ayatollah Khamenei, after the death of Khomeini in 1989, makes Iran rather exceptional when compared to other revolutionary states, which often experience succession crises after the death of the revolutionary leader. Whether or not such a succession crisis will be avoided in the passage of power between Khamenei and his successor remains one of the most important questions regarding the future stability of Iran's political system.

The Islamic Republic of Iran has been classified in various ways by outside observers. While Bjørnskov and Rode's 2018 study labels Iran a "civilian dictatorship," Magaloni, Chu, and Min characterize it as a "single-party autocracy," Freedom House codes Iran as a "Not Free" state, and the Regimes of the World (RoW) project classifies Iran as an "electoral autocracy."¹¹ The specificities of terminology and the various metrics of these indices aside, the finding that they all have in common is that there is a significant obstacle to democratic consolidation in the Islamic Republic, that substantial segments of society are alienated from the state, and that power sharing among Iran's political institutions is unbalanced in favor of the supreme leader and the Guardian Council at the expense of Parliament and the president.

The significance of Iran both regionally and internationally is apparent from its size, wealth, demographics, geographic location, and overall geopolitical strategic importance. Just as Germany was essential to postwar stability and prosperity in Europe, so, too, is Iran essential to stability and security in the Middle East. Here, we might ask: Is a country reducible solely to its institutions? Is a country its political system? Is it its people? Western representations of Iran-as-rogue perpetuate a calcified practice of representing Iran at the surface level of its political institutions and the selected rhetoric from some of its more reactionary ideologues. As Kinzer notes, "Remaining

imprisoned by old policies, old alliances, and old assumptions will produce only a repetition of old failures.”¹²

What incentives does Iran have for normalizing relations? First, and most significantly, the normalization of relations under terms that the Islamic Republic could sell domestically as determined by Iran (e.g., no preconditions, based on mutual respect, etc.) would bolster the legitimacy of the regime at home. Second, the easing of Iran’s economic isolation that would follow such normalization would likely reduce unemployment and Iran’s dependence on oil as the motive force of economic development. The expansion of economic opportunity in Iran could also help diminish the high levels of emigration among Iran’s most highly skilled and educated young people, and may in fact encourage some of those living in the diaspora to reconsider living in Iran for its quality of life.

While the historical tendency for both European colonial administrators and American policymakers in the Middle East has been one of making deals with ruling elites that exclude the citizenry, the United States should be equally cautious in Iran’s case of making deals with the opposition movement that exclude the regime. One of the lessons of Iraq is that regime change cannot be premised on a complete erasure and replacement of the existing institutional structures of a state, no matter how reprehensible the regime may have been. In Iraq, the political vacuum, institutional paralysis, and pervasive sense of alienation from the Shia-led central government among many Iraqis is undoubtedly one of the background conditions that contributed to the rise of ISIS and the overall political instability in the region. The notion that the United States or other outside powers could and should throw their support behind particular opposition figures in Iranian politics (e.g., Mousavi and the Green Movement following the 2009 election crisis) reflects a dangerously shortsighted vision. Consider, for instance, the highly unlikely scenario that a foreign-backed, democratic opposition candidate were able to effect a coup d’état against the Islamic Republic regime. What would Iran’s political transition look like? Would the supporters of the regime simply give up on the Islamic Republic system? The reality is that, even with mass popular support, such a scenario in Iran would likely result in years of protracted civil war and a devolution of power that would greatly decrease the stability and security of both the country and the region. A shift in thinking away from the regime change paradigm would help promote better policy outcomes in this regard.

FINAL REMARKS

Formal change to the structure of Iran’s Constitution is unlikely. Chapter 14 (“Review in the Constitution”), the Constitution’s final chapter, is composed

of a single article: article 177, outlining the process for constitutional review and revision. The process is initiated by the supreme leader, after consultation with the Expediency Council. Already, this designation of the supreme leader as the first mover indicates how the process of constitutional change is insulated from popular demand and also from institutions like the president and Majlis, which have a higher degree of democratic accountability. The supreme leader initiates the process by sending an order to the president with the proposed constitutional amendments for the consideration of the Constitutional Review Council. Sections 1–9 of article 177 detail the composition of the council, which would consist of nearly ninety members.¹³ If the proposed changes are approved by the Constitutional Review Council, they must still pass a national referendum with an absolute majority of those participating in the vote.¹⁴ Even under these onerous conditions for constitutional amendment, article 177 further specifies that certain aspects of the Constitution relating to the Islamic nature of the political system, the principle of *velayat-e faqih*, the notion that Islamic criteria constitute the basis of all rules and regulations, and the official religion and faith as established in the Constitution cannot be amended under any circumstance and are therefore immutable.

Although a detailed treatment of the local councils at the provincial and municipal levels is beyond the scope of this study, one possible avenue for political change within the current architecture of the Islamic Republic Constitution is to empower the local councils at the village, district, city, town, and provincial levels. Chapter 7 of the Constitution (articles 100–106) provide for the creation of these provincial and local governments, and to the extent that is possible under Iran's unitary political system, these regions could pursue developmental paths more congruent with the values of their residents. Here, Iran could look to the rise of local elections and government in China, or to a federal system like that of neighboring Iraq, for possible lessons. Reformist, more liberal urban areas could then be empowered to adopt more progressive policies, and conservative, rural regions could adopt more conservative policies. This is already happening in a de facto way in urban areas such as Tehran on the basis of class, with more affluent north Tehran noticeably distinct from less affluent south Tehran in common modes of public dress, to take one example. This could be more clearly matched in a de jure way—through laws—in a devolution of power to the provincial and local councils. This change would not relate to Iran's foreign policy or international relations, so the possible principlist critique that this devolution would somehow endanger Iran vis-à-vis the outside world would lack resonance.

Alexis de Tocqueville once wrote: "In a revolution, as in a novel, the most difficult part to invent is the end."¹⁵ Rather than aiming to invent the end of the Islamic Revolution of Iran, I ask: What might lie ahead on the horizon

of the foreseeable future? Looking ahead to the 2021 presidential elections, one insight from the public opinion data on favorability ratings toward the current president, Rouhani, merits consideration. In an August 2019 survey, an important distinction that emerged between survey respondents with a favorable view of Rouhani and those with an unfavorable view was that the former expressed confidence in the remaining JCPOA countries fulfilling their obligations (53% expressed confidence), while the latter said that they lacked confidence in the same (67% expressed a lack of confidence).¹⁶ Rouhani is not constitutionally eligible to seek reelection to a third term in 2021. Nonetheless, if the reformist or moderate candidate in 2021 is associated with Rouhani's diplomatic legacy of the JCPOA, they will have a significant obstacle to overcome in addressing this lack of confidence in the deal, especially among those in the Iranian electorate who did not hold a favorable view of Rouhani.

In late June and early July 2020, a series of explosions, fires, and gas leaks at strategically significant sites across the country raised suspicion of possible foreign intervention—especially Israeli intervention—in Iran. These came after a cyberattack against Iran's main port in May 2020, which brought shipping traffic to a halt. Under President Trump's "Maximum Pressure" approach to Iran, Israel has felt less need to restrain its behavior toward Iran. And, with a transition of presidential administrations in the United States in late 2020, some have suggested that Israel is more likely to act prior to the end of the transition in January 2021, so as to move in advance of the possibility that a Biden administration might change course on the "Maximum Pressure" approach and return to the diplomatic track in its relations with Iran, as had been endeavored in the Obama years.¹⁷ Supporting this reasoning, an Israeli intelligence official is quoted in one source as saying: "Netanyahu has finally realised that Trump won't be around for much longer, and it's more important for him to use this time to push Iran, rather than annex the West Bank."¹⁸

The June and July 2020 incidents in Iran included an explosion near the Parchin military base southeast of Tehran on June 26; an explosion on June 30 at a medical clinic just west of Tehran; a fire at the Natanz nuclear site on July 2; a fire on July 3 at a power plant in Shiraz; on July 4, an explosion at a power plant in Ahvaz and a gas leak at a petrochemical plant in Karoun; and, finally, on July 7, an explosion at a factory south of Tehran.¹⁹ When questioned about these incidents, Israeli foreign minister Gabi Ashkenazi said on July 5: "We take actions that are better left unsaid."²⁰ Setting aside for now the question of whether or not Israel was responsible for some or all of the explosions, fires, and gas leaks in June and July 2020, the mere suspicion of Israeli interference creates a domestic political climate favorable to conservative and hard-line politicians in Iran. Given that many Rouhani voters already feel an

acute sense of frustration with moderates and reformists for their failure to jumpstart the economy, these incidents could portend well for a conservative presidential candidate in the 2021 election. In fact, in a July 5, 2020, address to the Majlis, Foreign Minister Zarif was derided by some members of parliament, with several MPs reportedly shouting “Death to a liar.”²¹

Principlists have controlled the Majlis following the 2020 elections, resulting in the change of the Speakership from Ali Larijani to Mohammad Bagher Ghalibaf on May 27, 2020; principlists have also controlled the judiciary with Ebrahim Raisi as its head. This, combined with episodes such as the shouting down of Zarif at the Majlis, supplement the public opinion polling data to suggest that, at least in late 2020, a conservative victory in the 2021 presidential election seems plausible. For the United States–Iran relations, this suggests that American foreign policymakers are likely to encounter an Iranian government in little mood for negotiation or concession, and Iranian reformists may find themselves again in the all-too-familiar position of being on the outside looking in at a regime moving away from the path of reform.

On the other hand, as the preceding chapters have attempted to demonstrate, this impasse is best understood as a particular, contingent political outcome rather than a necessary result of Iran’s political system itself. While pessimists and optimists may disagree about the prospects of future reform in Iran, these prospects, I argue, are shaped more by ongoing domestic political struggles, now more than four decades in process, between principlist and reformist factions competing to redefine the meaning and practice of the Islamic Revolution itself in the twenty-first century. The push-and-pull between these actors within Iranian society, and between the state institutions, will come to define the behavior of the Islamic Republic and its institutions in the years ahead. As the baton of political leadership is passed from one generation to the next, the potential for meaningful reform, for example, empowering the elected institutions of government, widening the spectrum of political ideology reflected in elections, and enhancing political rights and civil liberties of the population, seems on the horizon, if not in the short term, than in the long term.

NOTES

1. Abdo and Montazeri, “Re-thinking the Islamic Republic,” 20.
2. These supervisory powers, which he refers to as “*nezarat-e estesvabi*” (supervision), resulted from legal reforms passed in 1995–1996.
3. Abdo and Montazeri, “Re-thinking the Islamic Republic,” 20–21. Brackets in the original.
4. Abdo and Montazeri, “Re-thinking the Islamic Republic,” 21.

5. Levitsky and Ziblatt, *How Democracies Die*, 23–24.
6. The survey report indicates that 204,100 responses were collected, with 172,627 respondents residing in Iran. The report claims that “the results can be attributed to this population with a 95% confidence level.” Ammar Maleki, *Survey Report on “The Islamic Republic: Yes or No?”* (GAMAAN, April 2019), 3, <https://gamaan.org/wp-content/uploads/2019/04/gamaan-referendum-survey-report-english-2019.pdf>.
7. Maleki, *Survey Report*, 8.
8. Jason Brownlee, Tarek Masoud, and Andrew Reynolds, “Tracking the ‘Arab Spring’: Why the Modest Harvest?,” *Journal of Democracy* 24, no. 4 (October 2013): 29–44.
9. Eva Bellin, “Reconsidering the Robustness of Authoritarianism in the Middle East: Lessons from the Arab Spring,” *Comparative Politics* 44, no. 2 (January 2012): 130.
10. Bellin, “Reconsidering the Robustness,” 131–132.
11. Christian Bjørnskov and Martin Rode, *Regime Types and Regime Change: A New Dataset* (SSRN, August 18, 2018), <https://ssrn.com/abstract=3234263>; Beatriz Magaloni, Jonathan Chu, and Eric Min, *Autocracies of the World, 1950–2012: Version 1.0* (Stanford University, October 18, 2013), https://cddrl.fsi.stanford.edu/research/autocracies_of_the_world_dataset; Freedom House, “Freedom in the World 2020: Iran,” <https://freedomhouse.org/country/iran/freedom-world/2020>; and Anna Lührmann, Marcus Tannenberg, and Staffan I. Lindberg, “Regimes of the World (RoW): Opening New Avenues for the Comparative Study of Political Regimes,” *Politics and Governance* 6, no. 1 (2018): 60–77.
12. Stephen Kinzer, *Reset: Iran, Turkey, and America’s Future* (New York: St. Martin’s Griffin, 2010), 217.
13. The Constitutional Review Council consists of “(1) Members of the Guardian Council, (2) Heads of the three Powers, (3) Permanent members of the [Expediency Council], (4) Five members of the Leadership Assembly of [Experts], (5) Ten representatives appointed by the Leader, (6) Three members of the Council of Ministers, (7) Three representatives from the Judiciary, (8) Ten representatives of the [Majlis], [and] (9) Three academics.” Constitution of the Islamic Republic of Iran, art. 177, § 1–9.
14. The 1989 constitutional referendum passed with 97% of voters approving the amendments.
15. Alexis de Tocqueville, *The Recollections of Alexis de Tocqueville*, trans. Alexander Teixeira de Mattos (New York: Macmillan, 1896; original work first published 1893), 71, <https://oll.libertyfund.org/titles/2421>.
16. Gallagher, Mohseni, and Ramsay, *Iranian Public Opinion*, 37.
17. Biden supports reentering the JCPOA pending Iran’s return to compliance with the parameters of the deal, particularly the 3.67% threshold on uranium enrichment, which Iran has exceeded at levels of 4.5%. Weapons-grade uranium requires 90% enrichment.
18. “Iran and the Bomb,” *Economist*.
19. “Iran and the Bomb,” *Economist*.
20. “Iran and the Bomb,” *Economist*.
21. “Iran and the Bomb,” *Economist*.

Appendix A

The Constitution of the Islamic Republic of Iran (ratified 1979, amended 1989)

Reproduced from the official Iranian government English translation published by the Islamic Consultative Assembly, Public Relations & Cultural Affairs Department, Baharestan Square, Tehran, Iran, P.O. Box: 11575–177.

Note: All footnotes are reproduced from the original document. Except for the occasional “[sic]” added by the present author.

The Constitution of the Islamic Republic of Iran, 1979
Last amended in 1989

*In the name of God the Merciful, the Compassionate.
We did send our prophets with manifest signs; and
We did send down with them the Book and the
Balance, that men might stand by justice.¹*

PREAMBLE

The constitution of the Islamic Republic of Iran bespeaking the cultural, social, political, and economic organs of the Iranian society is based on Islamic principles and precepts and reflects the true aspirations of the Islamic nation. The nature of the great Islamic Revolution of Iran and the course of struggle of the Muslim people from the beginning till victory, which crystallized in decisive and forceful slogans of all sections of the people has outlined these fundamental aspirations, and now at the dawn of this great victory our nation demands the achievement of such aspirations with all its heart and soul.

The fundamental characteristic of this Revolution as compared with other movements in Iran during the last century is its ideological and Islamic

character. The Muslim nation of Iran, after going through the anti-dictatorial Constitutional Movement and the anti-colonial Nationalization of Oil Movement learned this precious lesson that the basic and clear reason for the failure of those movements was the fact that they were not ideological.

Although the recent movements of Iran contained an Islamic line of thought and the defiant clergy played a major role in leading them, the movements soon became stagnant due to the fact that those struggles deviated from the true path of Islam. At this juncture, the enlightened conscience of the nation, led by the eminent religious leader grand Ayatollah Imam Khomeini, grasped the necessity of following a true ideological and Islamic guidance for the movement. This time, the defiant clergy of the nation who have always been at the front ranks of movements of the masses, and committed writers and intellectuals gained a new momentum under his leadership. (The recent movement of the Iranian nation started in the lunar year 1,382, corresponding to solar year 1,341.²)

Dawn of the Movement

The devastating protest of Imam Khomeini at the U.S. conspiracy of “White Revolution,” which was a step toward the steadying of the foundations of the rule of dictatorship and consolidating the political, cultural, and economic dependence of Iran to the world imperialism, caused a monolithic movement by the nation, following which the great and bloody revolution of the Islamic nation in Khordad of 1,342,³ which in fact was the starting point of the blossoming of this glorious revolt, established and consolidated the Islamic leadership of the Imam as the focal point of the Revolution. Despite the Imam’s exile from Iran following his protest at the ignominious treaty of capitulations (immunity to U.S. advisers), the strong bonds between the Imam and the nation perpetuated furthermore, and the Muslim nation, particularly the committed intellectuals and the defiant clergy continued their struggle amid exile, imprisonment, torture, and execution.

Meanwhile, the responsible and informed sections of society continued to enlighten people from their bases at mosques, theological schools, and universities. By drawing inspiration from the revolutionary and fruitful ideology of Islam, they launched a perpetuating and fruitful struggle to raise the level of combat and ideological vigilance and awareness of the Muslim nation.

The dictatorial regime which had started suppressing the Islamic movement by barbaric attack on Faizieh Theological school, universities, and all other tumultuous centers of the Revolution, resorted to the most desperate brutal measures to save itself from the revolutionary anger of the people. Amidst this, the firing squad, medieval tortures, and long-term prison sentences were

the price that our Muslim nation had to pay for its firm intention to continue this struggle.

The blood of hundreds of young and faithful men and women who cried “Allah-o-Akbar”⁴ at dawns before the firing squads, or became targets of bullets of the enemy in streets and bazaars, gave perpetuity to the Islamic Revolution of Iran. Statements and messages after message by the Imam on various occasions gave an ever-deepening and widening awareness and determination to the Muslim nation.

Islamic Government

The plan of the Islamic government based on the concept of “Velayat-e Faqih”⁵ presented by Imam Khomeini at the height of suppression and repression by the dictatorial regime, created a new distinct and clear impetus among the Muslim people and opened up before them the true path of ideological struggle of Islam, which consolidated the efforts of committed Muslim combatants in and outside the country.

Along this line, the movement continued until dissatisfaction and extreme anger of the people due to ever-increasing suppression in the country, and the divulgence and reflection of the struggle by the combatant clergy and students on the global level, strongly shook the foundations of the ruling regime, forcing the regime and its masters to reduce the pressure and repression and to “open the political environment,” so to say, of the country so that they could, in their opinion, open a safety valve to prevent their definite collapse. However, the agitated alert and determined nation, under the firm and decisive leadership of the Imam, launched its victorious and monolithic revolt on a wide and extensive basis.

Anger of the Nation

The publication of a libelous letter against the sanctities of the clergy and particularly the Imam on 17th Dey, 1356⁶ by the ruling regime increased the momentum of the movement and caused explosion of anger of the people throughout the country. To subdue this volcano of anger of the people, the regime resorted to force and violence for silencing the protest revolt but this in itself added fuel to the fire of the Revolution. The continuous throbbing of the Revolution during the weekly and fortieth memorials of martyrs of the Revolution gave an ever-increasing life, warmth, and enthusiasm to this movement throughout the country. In continuing and perpetuating the movement of the people, all the institutions of the country took active part in collapsing the dictatorial regime by staging massive strikes and street demonstrations.

The expanded solidarity of men and women from all religious and political sections and parties was notably a determining factor in this struggle. Particularly women, in a valuable manner, had a widespread and active participation in all the scenes of this great crusade. Scene in which mothers were seen, running, with babies in their arms, toward the battlefield and machine-gun muzzles, express the major and deciding share of this great section of society in the struggle.

Price Paid by the Nation

The tree of Revolution, after a year or more of continuous struggle and being fertilized with the blood of more than 6,000 martyrs and hundred thousand injureds [*sic*] and invalids leaving behind billions of Rials in material damages, finally blossomed among the shouts of “Freedom, Independence, Islamic Government.”

This great movement, counting on faith, unity, and decisiveness of its leadership during the sensitive and critical phases as well as on the devotion of the nation, embraced victory and succeeded in shaking all imperialist calculations and foundations which in itself opened a new chapter in the widespread peoples’ revolutions in the world.

Bahman 21 and 22, 1357⁷ were the days when the foundations of monarchy collapsed and the internal dictatorship and the foreign domination based on it were shattered. With such great victory, the dawn of Islamic government, which is the long-cherished aspiration of Muslim people, heralded the final victory.

The Iranian nation unanimously and in participation with religious authorities, theologians of Islam, as well as the leader of the Revolution declared their definite and final decision in the referendum on the Islamic Republic for the creation of a new system of Islamic Republic and voted positively for the creation of the system of Islamic Republic with a majority of 98.2%.

Now the Constitution of the Islamic Republic of Iran, as an expression of political, social, cultural, and economic institutions and relationships of the society, must pave the way for the consolidation of the foundations of an Islamic government and must present a new plan for the system of government on the ruins of the former “Taghouti”⁸ system.

Method of Government in Islam

From the viewpoint of Islam, government is not a product of the class system or individual or group domination but it is the crystallization of political ideal of a nation that has same [*sic*] ideology and religion and organizes itself to

move, in the process of its ideological evolution, toward the final goal (movement toward Allah).

Our nation, in the process of its revolutionary evolution, cleansed itself from the satanic filth and rust, wiped off the blend of alien thought, and returned to genuine ideology of Islam. Now it is on the threshold of creating its ideal society (Osweh) in accordance with the principles of Islam. Based on this, it is the mission of the Constitution to materialize the ideology of the Movement and create such conditions under which Man may grow according to the noble and universal values of Islam.

With due consideration to the Islamic content of the Iranian Revolution, which was a movement for the victory of all the oppressed people over their oppressors, the Constitution paves the way for the perpetuation of this Revolution in and outside the country, particularly in the area of expansion of international relations with other Islamic and peoples' movements; it tries to prepare the ground for the creation of a single world Ommat⁹ [*Verily, this your nation is one nation; and I am your Lord, and so serve me*¹⁰], and the perpetuation of the struggle for delivering all the deprived and oppressed nations of the world.

With due consideration to the nature of this Great Movement, the Constitution guarantees the negation of any form of intellectual and social oppression and economic monopoly, and tries to break away from the dictatorial system so as to place the destiny of people in their own hands [*and removes from them their burdens and the yokes which were upon them*¹¹].

In creating political foundations on the basis of ideological interpretations, which in itself is the basis of organizing a society, the pious men shall bear the responsibility of government and management of the country [*The earth shall my righteous servants inherit*¹²]. Legislation, which is indicative of standards of social management, shall follow on the course of the Koran and traditions of the Prophet. Therefore, serious and minute supervision by just pious and committed Islamic scholars (just Faqihs) is necessary and indispensable. Whereas the objective of government is to foster the growth of Man in such a way that he progresses toward the establishment of the Divine Rule [*and toward God is the movement*¹³] so that the grounds for the blossoming of talents to reflect the divine dimensions of Man are laid [cultivate godly disposition¹⁴] and this cannot be achieved except with the active and broad participation of all elements of society in the course of social development. The Constitution, in view of this direction, shall lay the ground for such participation by all members of society in all stages of political and fateful decision-making so that in the course of evolution of Man, every individual would be involved in growth, development, and leadership. This in fact is the realization of the concept of government on earth by the oppressed [*And we wished to be gracious to those who were weakened in the earth, and to make them the Imams, and to make them the heirs*¹⁵].

Rule by the Just Faqih

On the basis of the concept of “Velayat-e Amr va Imamat-e Mostamar,”¹⁶ the Constitution will lay the ground for the realization of leadership by the fully qualified Faqih¹⁷ recognized by the people as their leader [People’s affairs have been entrusted to faithful ulema or religious authorities who know of what is allowed and what is forbidden¹⁸] so that the Faqih may safeguard against any deviations by various organs of state from their true Islamic functions.

Economy is a Means, Not an End

For the consolidation of economic foundations, the underlying principle is to satisfy the needs of Man in the process of his growth and evolution, unlike other economic systems centralizing and multiplying wealth and seeking profits. That is so because in materialistic schools of thought, economy is an objective in itself. Therefore, during the stages of growth, economy becomes a tool of destruction and corruption. But in Islam economy is a means, and what is expected of a means is nothing but better efficiency for attaining an objective.

From this viewpoint, the plan of Islamic economy is to provide suitable grounds for the emergence of various human creativities. Therefore, it is the responsibility of the Islamic government to provide appropriate and equal facilities to create work for all and to satisfy necessary human wants for perpetuating Man’s evolutionary movement.

Women in the Constitution

For creating Islamic social foundations, the human resources which so far had been in the service of all-embracing foreign colonialism, shall regain their original identity and their human rights. To that end, it is natural that women shall enjoy greater rights for the reason that so far they had suffered more oppression at the hands of the Taghouti regime.

Family is the fundamental unit of society and the focal point of growth and elevation of Man. Ideological and idealistic concurrence in setting up of a family, which is the main factor of growth and evolutionary movement of Man, is a fundamental principle, and it is the duty of the Islamic government to provide opportunities to attain this objective. Under such approach of the family unit, Woman will cease to be “a mere object” or “a work tool” in the service of propagation of consumerism and exploitation and regaining her enormous and worthy role of motherhood for bringing up pioneer and ideological Man, she is a companion of men in the battlefield of life. Consequently, she will assume greater responsibilities and enjoy greater value and esteem from the viewpoint of Islam.

Ideological Army

In establishing and equipping the defense forces of the country, it shall be taken into consideration that faith and ideology are the basis and criterion. Therefore, the Army of the Islamic Republic and the Revolutionary Guard Corps will be formed in conformity with the above objective, and will be responsible not only for protecting and safeguarding the frontiers but also for the ideological mission, that is, Jihad,¹⁹ for God's sake and struggle for promoting the rule of God's law in the world [*And prepare ye against them what force and companies of horse ye can, to make the enemies of God, your enemies, and others besides them, in dread thereof*²⁰].

Judiciary in the Constitution

The judiciary is of vital importance in relations to the safeguarding of people's rights along the line of Islamic movement, and the preventing of the ideological deviations within the Islamic nation. Therefore, provision has been made for the creation of a judicial system based on Islamic justice and consisting of just judges well-versed in subtle and precise religious rules. This system, due to its basic sensitive nature and its being ideological, must be kept free from any unhealthy relations and connections [*God bids you when ye judge between men to judge with justice*²¹].

Executive

Due to its special significance in relation to the enforcement of Islamic rules and regulations for achieving just relations and connections governing the society, and likewise in view of its vital role in paving the way for attaining the ultimate goal of life, the executive branch of government must strive to create an Islamic society. Thus, surrounding it with any complicated bureaucratic system that slows down the attainment of this objective shall be rejected from the Islamic point of view. Therefore, the bureaucratic system, which is a product of the Taghouti rule, shall be strongly rejected so that an executive system with more speed and efficiency may be created for carrying out administrative obligations.

Mass Media

The mass media (radio-television) in pursuit of the evolutionary course of the Islamic Revolution, must be in the service of propagating Islamic culture. To this end, it must try to benefit from a healthy encounter of various thoughts and views. However, it must seriously refrain from propagating destructive and anti-Islamic attitudes.

It is the duty of all to abide by the Articles of this Law which regard the freedom and dignity of Man as its main objective and paves the way for evolution and perfection of Man. It is essential for the Muslim nation to elect experienced and honest officers and to exercise perpetual supervision over their activities and participate in the creation of an Islamic society in the hope that such participation may be successful in building an ideal Islamic society (Osweh), which may serve as a model to the peoples of the world, and be witness to its perfection [*Thus have we made you a model nation, to be a witness against men*²²].

Representatives

The Assembly of Khobregan consisting of the representatives of people, completed the task of drafting the constitution by examining the draft proposed by the Government as well as other proposals made by various groups of people, in fourteen chapters comprising 1,077 Articles, on the eve of 15th Centennary [*sic*] of the Hegira of the Prophet (peace be upon him), the founder of the liberating school of thought of Islam, with the objectives and aspirations aforementioned, in the hope that this century may witness the world Government of the oppressed people and the defeat of their oppressors.

In the name of God the Merciful, the Compassionate
The Constitution of the Islamic Republic of Iran

CHAPTER 1

Generalities

Article 1—The form of government of Iran is that of Islamic Republic, which the Iranian nation, on the basis of its longstanding conviction in the rule of truth and justice of the Koran and in the wake of its victorious Islamic Revolution under the leadership of its eminent religious leader Ayatollah Imam Khomeini, approved by a majority of 98.2% of all those having the franchise in a national referendum held on the 10th and 11th Farvardin 1358.²³

Article 2—The Islamic Republic is a system based on faith in:

- 1 - The One and only God [*There is no God but Allah*], His exclusive Sovereignty and Legislation and the necessity of submission to His command.
- 2 - The Divine Revelation and its basic role in the exposition of laws.

- 3 - The concept of Resurrection and its constructive role in the course of evolution of Man toward God.
- 4 - The justice of God in the Creation and Legislation.
- 5 - Perpetual Imamato and leadership and its fundamental role in the perpetuation of the Islamic Revolution.
- 6 - Eminent dignity and value of Man, his freedom coupled with his responsibility before God, which provides justice and political, economic, social, and cultural freedom and national unity through:
 - a.) the perpetual practice of religious jurisprudence by the fully qualified Faqihs on the basis of the Koran and the Tradition of the Innocents²⁴ (Peace be upon them).
 - b.) the use of arts, sciences, and advanced human experiences and strife for their furtherance.
 - c.) the negation of the perpetration or the suffering of any injustice or dominance.

Article 3—The Government of the Islamic Republic of Iran is required, to achieve the objectives set forth in Article 2, to direct all its resources for the following:

- 1 - To create a suitable environment for the growth of moral virtues on the basis of faith, piety, and struggle against all manifestation of vice and corruption.
- 2 - To raise the level of public awareness in all areas by making proper use of the press, mass media, and other means.
- 3 - To provide free education and physical training for all at all levels, and to provide and promote facilities for higher education.
- 4 - To encourage the spirit of enterprise, initiative, and research in all scientific, technical, cultural, and Islamic fields by establishing research centers and encouraging researchers.
- 5 - To totally reject colonialism and to prevent foreign influence.
- 6 - To eliminate all forms of dictatorship, autocracy, and monopoly.
- 7 - To provide political and civil liberties within the framework of law.
- 8 - To seek public participation in the determination of their political, economic, social, and cultural destiny.
- 9 - To eliminate undesirable discrimination and to create equal opportunities for all in all material fields or otherwise.
- 10 - To create a correct administrative system and to eliminate unnecessary establishments.
- 11 - To fully reinforce national defenses by imparting general military training for preserving national independence, integrity, and the Islamic system of the country.
- 12 - To lay the foundations of correct and just economy on the basis of Islamic rules for creating welfare, removing poverty, and eliminating

any form of deprivation whatsoever in the fields of nutrition, housing, employment, health care, and generalizing the social insurance.

13 -To provide self-sufficiency in science, technology, industry, agriculture, military affairs, and the like.

14 -To provide all-embracing rights for men and women, to create legal security for all and equality of all before the law.

15 -To develop [*sic*] and consolidate Islamic brotherhood and general cooperation among all people.

16 -To develop foreign policy based on Islamic standards, brotherly obligations vis-à-vis all Muslims and unqualified support for all the oppressed nations of the world.

Article 4—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 on all the articles of the Constitution and other laws and regulations. It shall be decided by the jurisconsults of the Guardian Council whether or not such laws and regulations conform to this article.

Article 5—During the Occultation of Hazrate-e Valli-e Asr²⁵ (May God hasten his reappearance), the leadership of the nation in the Islamic Republic of Iran shall be the responsibility of a Faqih who is just, virtuous, has contemporary knowledge, is courageous and efficient administrator [*sic*]. He shall assume such responsibility in accordance with the provisions of Article 107.

Article 6—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 Majlis-e Shura-e Islami,²⁶ members of councils and the like, or through referendum in cases set forth in other articles of this law.

Article 7—According to the instructions of the Koran, “*and whose affairs go by counsel amongst themselves*”²⁷ and “*take counsel with them in the affairs*”²⁸ councils, such as the Majlis, provincial council, city, local, district, village councils and the like, shall be the decision-making and administrative organs of the state.

The instances, manner of establishment and the scope of functions and authorities of the said councils shall be set forth by this law and the laws arising therefrom.

Article 8—Inviting to do good deeds, directing to do what is lawful or good and enjoining not to commit what is unlawful or bad shall be a public and reciprocal duty of all people vis-à-vis each other in the Islamic Republic of Iran, of the Government vis-à-vis people and vice versa. Conditions and limits thereof shall be determined by law.

[*And the believers, men and women, are some the patrons of others; they bid what is reasonable, and forbid what is wrong.*]²⁹

Article 9—In the Islamic Republic of Iran freedom, independence, unity, and territorial integrity of the country shall be inseparable from each other. It shall be the duty of the Government and every single member of the nation to safeguard them. No individual, group, or authority shall be allowed, on the pretext of enjoying freedom, to vitiate in any manner whatsoever the political, cultural, economic, and military independence and territorial integrity of Iran. No authority shall be allowed to usurp legal freedoms and liberties on the pretext of safeguarding the national independence and territorial integrity, even by enacting laws and regulations.

Article 10—Since the family is the basic unit of the Islamic society, all laws and regulations and pertinent [*sic*] shall strive to facilitate the setting up of a family to protect its sanctity and to stabilize family relations on the basis of Islamic laws and ethics.

Article 11—According to the stipulation of the Korance verse [*verily, this your nation is one nation; and I am your Lord, so serve me*],³⁰ all Muslims are one Ommat and the Government of the Islamic Republic of Iran shall be under obligation to lay its general policy on the basis of coalition and unity of Muslim nations and strive perpetually to achieve political, economic, and cultural unity of the Muslim world.

Article 12—The official religion of Iran shall be Islam and faith Jafari Athna Ashari, and this article shall be eternal and immutable. Other Islamic faiths such as the Hanafi, Shafei, Maleki, Hanbali, and Zaidi, shall enjoy full respect. The followers of these faiths are free to carry out their religious rites according to their own Fegh,³¹ their religious education and training, personal status (marriage, divorce, inheritance, and will), and lawsuits related thereto shall be officially recognized by courts of law. In any region where the followers of these faiths have a majority, the local rules and regulations, within the scope of authorities of councils, shall be in conformity with these faiths, by reserving the rights of followers of other faiths.

Article 13—Iranian Zoroastrians, Jews, and Christians shall be the only recognized religious minorities who, within the limits of law, shall be free to carry out their religious rites and practice their religion in personal status and religious education.

Article 14—According to the stipulation of the Koranic verse [*God forbids you not respecting those who have not fought against you for religion's sake, and who have not driven you forth from your homes, that ye should act righteously and justly towards them; verily, God loves the just*],³² the Government of the Islamic Republic of Iran and the Muslims are required to treat the non-Muslims with good manners and Islamic justice and observe their human rights. This article applies to those who do not plot or act against Islam and the Islamic Republic of Iran

CHAPTER 2

Official Language, Script, Calendar, & Flag

Article 15—The common and official language and script of the people of Iran is Farsi. Official documents, correspondence, and texts as well as text books must be in this language and script. However, the use of local and ethnic languages in the press and mass media or the teaching of their literatures in schools, along with Farsi, shall be free.

Article 16—Since Arabic is the language of the Koran and Islamic sciences and education, and the Farsi literature is completely intermixed with it, this language³³ shall be taught in all classes and in all fields of knowledge after the primary classes up to the end of the high school education.

Article 17—The source of official calendar of the country shall be the Hegira of the Prophet of Islam (Peace be on him and his Family) and both solar and lunar calendars shall be valid. However, the solar calendar shall be used in Government institutions. Friday shall be the official weekly holiday.

Article 18—The official flag of Iran shall be in green, white, and red colors with the special emblem of the Islamic Republic and the slogan of “Allah-o-Akbar.”

CHAPTER 3

Rights of the Nation

Article 19—The people of Iran, of whatever tribe and clan, shall enjoy equal rights, and color, race, language, and the like shall not be a privilege.

Article 20—All members of the nation, both men and women, shall receive equal protection of law and enjoy all human, political, economic, social, and cultural rights, with due observance of the principle of Islam.

Article 21—The government shall be required to guarantee the rights of women in all respects, by observing the principles of Islam, and shall carry out the following:

- 1 - To create suitable environment for the growth of personality [*sic*] of Woman and to restore her material and moral rights.
- 2 - To protect mothers, particularly during the period of pregnancy and custody of children, and to protect children without guardians.
- 3 - To create competent courts for preserving the existence and survival of family.

- 4 - To create special insurance for widows, elderly women, and women without guardians.
- 5 - To grant guardianship of children to worthy mothers for protecting the children's interests, in case there is no legal guardian.

Article 22—Honor, life, property, rights, dwellings, and jobs of people may not be violated except where allowed by law.

Article 23—Investigation of one's beliefs shall be prohibited. No one may be offended or reprimanded simply because of having a certain belief.

Article 24—Publications and press shall have freedom of expression unless they, [*sic*] violate the essentials of Islam or public rights. Its details shall be set forth by law.

Article 25—It shall be prohibited to inspect or fail to deliver letters, to record and divulge telephone conversations, to disclose telegraphic and telex communications, to censor them or fail to communicate or deliver them, to eavesdrop or to make any other search whatsoever, unless by order of law.

Article 26—It shall be allowed to form parties, societies, political, or professional associations and Islamic or other religious societies of the recognized minorities, provided that they do not violate the principles of freedom, independence, national unity, Islamic standards, and essentials of the Islamic Republic. No one may be stopped from participating in them or forced to participate in one of them.

Article 27—It shall be allowed to hold assemblies and marches, without carrying arms, provided that it does not violate essentials of Islam.

Article 28—Every one shall be allowed to take up a vocation he likes and which shall not be contrary to Islam, public interests, and rights of others.

The government shall be required, with due consideration to the need of society for a variety of professions, to create opportunities of work for all and equal conditions for obtaining it.

Article 29—It shall be the universal right of all to enjoy social security covering retirement, unemployment, old age, disability, destitution, accidents, and calamities, and health, medical treatment, and care services through insurance, and so on.

The government shall be required, according to law, to provide the aforesaid services and financial protection for every individual citizen of the country out of public revenues and incomes derived from public contributions.

Article 30—The government shall be required to provide free education and training for the entire nation up to the end of high school education, and to expand the means of free higher education up to the level of self-sufficiency of the country.

Article 31—It shall be the right of every Iranian individual and family to have a house suitable to his needs. The government shall be required to carry out this article with due observance of the priority of those who are more needy, particularly the villagers and workers.

Article 32—No one may be arrested unless by order of and in the manner provided for by law. In case of an arrest, the accused person must immediately be served within writing and made to understand the charges he is accused of and the grounds thereof. The preliminary file must be sent to competent judicial authorities within a maximum period of 24 hours and the trial proceedings must be started within the shortest period of time. The violator of this article shall be punished in accordance with the provisions of law.

Article 33—No one may be exiled from his place of domicile, or prohibited to take up domicile where he so wishes, or forced to take up domicile at a certain place except in cases provided for by law.

Article 34—It shall be the established right of everyone to plead for justice. Everyone may refer to competent courts to seek justice. All members of the nation shall have the right to have access to such courts. No one can be stopped from referring to the court to which he has a right to refer according to law.

Article 35—Both parties to a lawsuit have the right to appoint a lawyer in all courts and if they are not able to appoint a lawyer, facilities for appointing a lawyer shall be provided for them.

Article 36—Penal judgments can only be passed by and enforced through a competent court in accordance with law.

Article 37—Innocence is always presumed and thus no one shall be regarded as guilty in the eye of law unless his guilt is proved in a competent court.

Article 38—It shall be prohibited to apply any form of torture to obtain a confession or information. It shall not be allowed to force a person to give testimony, make a confession, or take an oath; such testimony, confession, or oath shall have no validity whatsoever. The violator of this article shall be punished according to law.

Article 39—Defamation or aspersions in any manner whatsoever of persons arrested, detained, jailed, or exiled by order of law shall be prohibited and punishable by law.

Article 40—No one may inflict loss on another or violate public interests by means of exercise of his rights.

Article 41—It shall be the established right of every Iranian to have Iranian citizenship. The Government may not deprive any Iranian of his citizenship unless he so requests or acquires the citizenship of another country himself.

Article 42—Foreign nationals may, within the framework of law, acquire Iranians citizenship, and such persons may be divested of their citizenship only if another state agrees to accord them its citizenship, or if they apply themselves for it.

CHAPTER 4

Economy & Financial Matters

Article 43—For ensuring economic independence of society, uprooting poverty and deprivation and meeting the needs of Man in the process of growth, while maintaining his freedom, the economy of the Islamic Republic of Iran shall be based on the following considerations:

- 1 - Satisfaction of basic needs: housing, nutrition, clothing, hygiene, medical treatment, education, and necessary facilities for the setting up of a family, for all.
- 2 - Creation of work conditions and opportunities for all for the purpose of achieving full employment and placing means of work at the disposal of those who are able to work but lack the means, in the form of cooperatives, by extending interests-free [*sic*] loans, or by any other legitimate method that leads neither to accumulation or circulation of wealth in the hands of certain individuals or groups nor to the Government becoming a big and absolute employer. Such measures shall be taken with due consideration to the needs governing the general planning of national economy in every phase of growth.
- 3 - The drawing up of the country's economic plan in such a way that the form, content, and working hours are such that every individual, in addition to his vocational pursuits, has sufficient time and ability for moral, political, and social self-development, active participation in the leadership of the country as well as the development of skills and initiative.
- 4 - Observance of the freedom of choice of vocation, non-coercion of individuals to take up a certain job and prevention of exploitation of labor of others.
- 5 - Prohibition of causing harm to others, monopoly, hoarding, usury, and other religiously void and prohibited transactions.
- 6 - Prohibition of wastage and extravagance in all concerns of economy, whether consumption, investment, production, distribution, or services.
- 7 - Use of science and technology and training of exports [*sic*] in accordance with the growth and development requirements of the country's economy.

- 8 - Prevention of foreign economic domination over the country's economy.
- 9 - Emphasis on increase of agricultural, cattle, and industrial production so as to meet public needs; leading the country to self-sufficiency; and making it free from dependence on others.

Article 44—The economic system of the Islamic Republic of Iran shall be based on public, cooperative, and private sectors, with proper and regulated planning.

The public sector includes all large-scale industries, mother industries, foreign trade, large mines, banking, insurance, power supply, dams and large irrigation channels, radio and television, post, telegraph and telephone, aviation, shipping, roads, rails and the like, which are public property and at the disposal of the government.

The cooperative sector includes cooperative production and distribution companies and institutions established in cities and villages on the basis of Islamic principles.

The private sector includes such activities related to agriculture, cattle-raising, industry, trade and services that supplement the economic activities of public and cooperative sectors.

Ownership in the aforesaid three sectors, insofar as it conforms to other articles of this chapter, does not surpass the limits of Islamic laws, causes economic growth and development of the country, and does not harm the society, shall enjoy protection of law in the Islamic Republic.

Details of regulations, scope, and conditions of the three sectors shall be determined by law.

Article 45—Anfal³⁴ and public wealth, such as Mavat³⁵ or abandoned lands, mines, seas, rivers, lakes and other public waters, mountains, passes, woods, reed beds, natural groves, unbounded pastures, legacy without heirs, unclaimed property and public property taken from usurpers, are at the disposal of the Islamic government to be dispensed with according to public interests. Details and the manner of utilization of each one of them will be determined by law.

Article 46—Everyone is the owner of the fruits of his own legitimate trade and business. No one may, as owner of his trade and business, deprive another of the opportunity of trade and business.

Article 47—Private ownership acquired legitimately shall be respected. Regulations thereof shall be determined by law.

Article 48—There shall be no discrimination between various provinces with respect to the exploitation of natural resources, use of national income and the distribution of economic activities among the various provinces and regions of the country so that each region has access to the necessary capital and opportunities commensurate with its needs and growth potential.

Article 49—The government shall be required to take wealth derived from usury, usurpation, bribery, embezzlement, theft, gambling, misuse of pious endowments, misuse of Government contracts and transactions, sale of original Mavat and Mubahat³⁶ centers of corruption and other illegitimate acts, and to return it to its rightful owner; in case the owner is now known, to return it to the Treasury. This provision shall be carried out by the Government by examining, investigating, and substantiating the proof in accordance with the provision of Sharia.³⁷

Article 50—It shall be considered a public duty in the Islamic Republic to protect the natural environment in which the present as well as future generations shall have a developing social life. Therefore, economic activities or otherwise which cause pollution or an irreparable damage to environment [*sic*] shall be prohibited.

Article 51—No taxes may be levied unless by order of law. Instances of tax exemptions and reductions shall be determined by law.

Article 52—The Annual State Budget shall be drawn up by the government in the manner provided by law, and be submitted to the Majlis for its review and approval. Any amendments whatsoever in the figures of the budget shall also be subject to the provisions of law.

Article 53—All government receipts shall be deposited in the Treasury accounts and all payments shall be effected within the limits of credit allocations approved by law.

Article 54—The State Audit Office shall operate under the direct supervision of the Majlis. Its organization and the management of its affairs in Tehran and at the provincial capitals shall be determined by law.

Article 55—The State Audit Office shall examine or audit, in the manner stipulated by law, all accounts of ministries, government companies, institutions, and other organizations which in any manner whatsoever benefit from the State budget, to ensure that no expenditure exceeds credit allocations and that each sum has been spent for its allotted purpose. The State Audit Office shall collect accounts and relevant papers and documents according to law and submit each year's budget liquidation report together with its own comments to the Majlis such report must be made available to the public [*sic*].

CHAPTER 5

Nation's Right of Sovereignty and the Powers Arising Therefrom

Article 56—God Almighty has absolute sovereignty over the world and Man, and He has made Man the master of his own social destiny. No one can divest man of this divine right or apply it in the service of interests of a

particular individual or group. The Nation shall exercise this God-given right in the manner set forth in the following articles.

Article 57—The sovereign powers in the Islamic Republic of Iran consist of the Legislature, the Executive, and the Judiciary, which shall be exercised under the absolute Velayat-e Amr va Imamat-e Ommat³⁸ in accordance with the following articles of this law. These powers shall be independent of each other.

Article 58—The legislative power shall be exercised by the Majlis shall consist of elected members of the people, and its approvals after passing through proceedings set forth in the following articles shall be notified to the executive and judiciary for implementation [*sic*].

Article 59—The legislative power may be exercised through referendum and by seeking the direct vote of the people, in matters involving very important economic, political, social, and cultural issues. The request to seek the direct vote of the people shall be approved by two-thirds of the total representatives of the Majlis.

Article 60—The executive power shall be exercised by the president and the ministers, except in cases for which the Leader has been made directly responsible by this law.

Article 61—The judicial power shall be exercised by the courts of justice administration which shall be established according to the Islamic precepts and shall engage in setting disputes and claims, safeguarding the public rights, promoting and carrying out justice and implementing Hodoud³⁹ as ordained by religion.

CHAPTER 6

The Legislature

Treatise I—Majlis Shura-e-Islami

Article 62—The Majlis Shura-e-Islami shall consist of representative [*sic*] of the Nation elected directly by secret ballot. The qualifications of voters and candidates, and the manner of elections shall be laid down by law.

Article 63—The term of office of the representatives of the Majlis shall be four years. The elections of each term shall be held before the termination of the earlier term so that the country shall never be left without a Majlis.

Article 64—The Majlis shall have two hundred and seventy (270) representatives. As of the date of referendum conducted in 1,368,⁴⁰ no more than 20 representatives may be added to this number after every ten (10) years, by taking into account the human, political, geographical, and other similar factors.

The Zoroastrians and Jews shall have one representative each; Assyrian and Chaldean Christians shall have, one representative, [*sic*] and the Armenian Christians of the south and the north shall each have one representative.

The boundaries of the electoral constituencies and the number of representatives shall be laid down by law.

Article 65—After the holding of elections, the sessions of the Majlis be validly held with a quorum of two-thirds of the total number of representatives [*sic*]. Legal drafts and bills shall be passed in accordance with the approved internal regulations except in cases where a special quorum has been prescribed by the Constitution. For approving the internal regulations, the votes of a majority of two-thirds of those present shall be needed.

Article 66—The internal regulations of the Majlis shall lay down the manner of election of its Speaker and Presiding Board, number of committees, terms of their office and matters related to the Majlis deliberations and discipline.

Article 67—The representatives shall, at the first session, [*sic*] of the Majlis take the following oath of office and sign the text of the oath:

In the Name of God the Merciful, the Compassionate

“In the presence of the Holy Koran I swear to God Almighty and undertake upon my human dignity to protect the sanctity of Islam and safeguard the achievements of the Islamic Revolution of Iranian people and the essentials of the Islamic Republic, to uphold the trust placed in us by the Nation as a just trustee, to observe piety and honesty in the discharge of my functions as a representative of the people, to remain always faithful and true to the independence and dignity of the country, protection of rights of the Nation and service to people, to defend the Constitution, and to uphold the independence of the country and the freedom and interests of the people in words, writings and comments.”

The representatives of religious minorities shall take the above oath by swearing to their own holy books.

The representatives who are not present at the first session of the Majlis must take the oath of office at the very first session they attend.

Article 68—In time of war or military occupation of the country, elections shall be suspended for a definite period of time at the places under occupation or in the entire country, upon proposal by the President, approval by three-fourths of the total number of representatives and ratification by the Guardian Council. In case a new Majlis is not formed, the former Majlis shall continue to function.

Article 69—The deliberations of the Majlis must be open and a full report thereof shall be made public through the Radio and the official Gazette.

In emergency conditions, under circumstances when the national security requires it, the Majlis sessions may be held in camera, upon the request by the president, or one of the ministers, or ten representatives. Law and regulations passed at a session held in camera shall be valid only if approved in the presence of the Guardian Council by three-fourths of the total number of representatives. The reports and approvals of such sessions must be made public after the emergency conditions have ceased to exist.

Article 70—The president, his deputies, and the ministers may participate in the open sessions of the Majlis either collectively or individually and bring along their advisers. The ministers are required to appear before the Majlis if requested to do so by the representatives. Likewise, they will be heard by the Majlis if they so request it.

*Treatise II—Authorities and Competence
of the Majlis-e-Shura-e-Islami*

Article 71—The Majlis may, within the limits of the Constitution, enact laws on all matters.

Article 72—The Majlis may not enact laws contrary to the principle and rules of the official Faith of the country or the Constitution. This fact shall be decided by the Guardian Council in the manner set forth in Article 96.

Article 73—The interpretation of ordinary laws shall be within the competence of the Majlis. However, this article shall not prevent the judges from interpreting laws while administering justice.

Article 74—Government bills shall be presented to the Majlis after having been approved by the Council of Ministers. Members' bills may be proposed to the Majlis if sponsored by a number of at least fifteen (15) representatives.

Article 75—Members' bills, and proposals and amendments to government bills proposed by representatives [of the Majlis] leading to reduction in public revenues or increase in public expenditures, [*sic*] may be presented to the Majlis, only if they also include ways and means of making good the reduction in income or of obtaining new revenues.

Article 76—The Majlis shall be empowered to investigate and scrutinize all matters related to the country.

Article 77—All international conventions, protocols, treaties, and pacts shall receive approval by the Majlis.

Article 78—Any alterations in the country's boundary lines shall be prohibited, with the exception of minor changes made with due observance of the country's interests provided, however, that the same shall not be unilateral, shall not damage the country's independence and territorial

integrity, and shall be approved by a four-fifths majority of the Majlis representatives.

Article 79—It shall be prohibited to proclaim martial law. In a state of war, or emergency conditions similar to it, the Government shall be allowed to provisionally, [*sic*] impose necessary restrictions with the approval of the Majlis. However, its duration shall in no case exceed thirty (30) days. Should such contingency continues [*sic*] to persist, the Government shall be required to seek again permission of the Majlis.

Article 80—The government may give or take loans or grants-in-aid, whether domestic or foreign, with the approval of the Majlis.

Article 81—It shall be absolutely prohibited to grant concessions to foreigners for establishing companies and institutions in the areas of trade, industry, agriculture, mines, and services.

Article 82—The employment of foreign experts by the Government shall be prohibited unless it is essential and approved by the Majlis.

Article 83—Government buildings and properties constituting national heritage may not be transferred to another unless with the approval of the Majlis, and that, too, shall be possible only when it is not single in its kind.

Article 84—Every representative [of the Majlis] shall be responsible vis-à-vis the entire Nation and shall be entitled to express his views on all internal and external matters of the country.

Article 85—The position of membership [of the Majlis] shall be personal and may not be assigned to another. The Majlis may not delegate the right to legislate to another person or committee.

However, in necessary cases, it may delegate the right to legislate certain laws to its own internal committees, with due observance of the provisions of article 72. In this case, such laws shall be enforced on trial basis [*sic*] for the period set by the Majlis. Their final approval, however, shall rest with the Majlis.

Likewise, the Majlis may delegate to its relevant committees the permanent approval of articles of association of government agencies, companies or organizations, or those affiliated to the government, with due observance of the provisions of Article 72, and/or authorize the government to approve them. In such a case, the government approvals shall not be inconsistent with the principles and rules of the country's official Faith or the Constitution and the issue shall be determined by the Guardian Council in the manner laid down in Article 96. Moreover, the government approvals shall not be inconsistent with the general laws and regulations of the country. While the government notifies such approvals for implementation [to the ministries concerned], it shall also notify the same to the Majlis Speaker who shall examine and state whether or not they are inconsistent with the said laws.

Article 86—While carrying out their functions as Majlis members, the representatives of the Majlis shall be completely free to express their views and cast their votes. They may not be prosecuted or arrested for expressing their views in the Majlis or casting their votes while discharging their functions as a representative.

Article 87—The president shall obtain a vote of confidence from the Majlis for the Council of Ministers after the latter is formed and before proceeding with any other matter. He may also seek the Majlis's vote of confidence for the Council of Ministers during his term of office in respect of important and controversial issues.

Article 88—Whenever at least one-fourth of the total number of representatives of the Majlis have a question to ask from the president, or any of the representatives from the responsible ministers on subject [*sic*] relating to their duties, the president or the minister concerned, as the case may be, shall be required to appear before the Majlis and answer the question. Such answer shall not be delayed for more than one (1) month in case of the president, or more than ten (10) days in case of the minister, unless there is a plausible excuse, as decided by the Majlis.

Article 89

- 1 - The representatives of the Majlis may impeach the Council of Ministers or any of the ministers in cases deemed necessary by them. The articles of impeachment may be proposed to the Majlis only if signed by at least ten (10) representatives of the Majlis. The Council of Ministers or the particular minister impeached shall appear before the Majlis within a period of ten (10) days from the date the articles of impeachment are proposed to the Majlis, answer the impeachment, and seek a vote of confidence from the Majlis.

In case the Majlis does not pass a vote of confidence, the Council of Ministers or the particular minister impeached shall be dismissed. In both cases, the ministers impeached may not be a member of the Council of Ministers formed immediately thereafter.

- 2 - If at least one-third of the representative [*sic*] of the Majlis impeach the President with respect to discharge of his duties of management of the Executive Power and running of the executive affairs of the state, the president shall appear before the Majlis within the period of one month from the date the articles of impeachment are proposed, and give sufficient explanations with respect to the issues raised. If after the statement made by the opposing and supporting representatives and reply by the president, the two-thirds majority of the representatives votes to the incompetence of the president, the Honorable Leader shall be informed of the circumstances for the enforcement of paragraph 10, Article 110 hereof.

Article 90—Anyone having a complaint against the manner in which the Majlis, the Executive or the Judiciary is carrying out its functions, may submit his complaint in writing to the Majlis. The Majlis shall then be bound to examine those complaints and give adequate reply. In case the complaint relates to the executive or the judiciary, it shall demand proper investigations and reply from them, and then declare the results thereof within a reasonable period of time; in cases where it relates to public [*sic*], the Majlis shall inform the public at large.

Article 91—With a view to safeguarding the rules of Islam and the Constitution, and to see that the approvals of the Majlis are not inconsistent with them, a Council known as the Guardian Council shall be established composed of the following:

- 1 - Six Faqihs, just and acquainted with the needs of the time and issue of the day. These individuals shall be appointed by the Leader.
- 2 - Six jurists, specializing in various branches of law, elected by the Majlis from among Muslim jurists proposed to the Majlis by the Head of the Judiciary.

Article 92—Members of the Guardian Council shall be elected for a period of six years. However, after the passage of three years in the first term, half of the members of each group shall be changed by drawing lot, and new members shall be appointed in their stead.

Article 93—Without the Guardian Council, the Majlis shall have no legal validity except in case of approval of credentials of its representatives and election of six jurist members of the Guardian Council.

Article 94—All legislation passed by the Majlis shall be sent to the Guardian Council. Within a maximum period of ten (10) days from the date of its receipt, the Guardian Council shall be required to examine the same to ensure that it conforms to the principles of Islam and the Constitution. If the Guardian Council finds any inconsistency in the legislation, it shall return it to the Majlis for review. Otherwise the said legislation shall be enforceable.

Article 95—Should the Guardian Council in certain cases feel that ten (10) days' time is not sufficient for examining and giving a final opinion, it may request the Majlis to further extend the said time limit for a maximum period of another ten (10) days giving reasons for such request.

Article 96—The majority of Faqihs of the Guardian Council shall decide whether or not the legislation passed by the Majlis is in conformity with the precepts of Islam. The majority of all members of the Guardian Council shall decide whether or not the same complies with the provisions of the Constitution.

Article 97—With a view to expediting the work, members of the Guardian Council may attend the Majlis sessions while a government bill or a

members' bill is being discussed, and listen to the deliberations. However, if an urgent government or members' bill is on the agenda of the Majlis, members of the Guardian Council shall attend the Majlis sessions and express their views.

Article 98—The interpretation of the Constitution shall be the responsibility of the Guardian Council, which [interpretation] shall be approved with a three-fourths majority of its members.

Article 99—The Guardian Council shall be charged with the responsibility of supervising the elections of the Assembly of Experts for Leadership, the president, the Majlis-e-shura-e-Islami, and referendums.

CHAPTER 7

Councils

Article 100—With a view to expediting the speedy implementation of social, economic, development, health, cultural, and educational plans and other welfare affairs, the management of the affairs of each village, district, city, town, or province shall be carried out with the cooperation of the people, and with due consideration to the local needs, under the supervision of a Council known as Village, District, City, Town, or Provincial Council whose members shall be elected by the people of the same locality.

The qualifications of the electors and candidates, their functions and authorities, the manner of election of and supervision by the said Councils and their hierarchy shall be laid down by law, with due consideration to the principles of national unity, territorial integrity, system of the Islamic Republic, and allegiance to the Central Government.

Article 101—With a view to preventing discrimination in and obtaining cooperation for the drawing up of development and welfare plans, and exercising supervision over their coordinated execution, a High Council of the Provinces shall be established consisting of representatives of the provincial Councils. The manner of establishing and functions of this Council shall be laid down by law.

Article 102—The High Council of the Provinces shall be allowed, within the scope of its functions, to draw up bills and propose them to the Majlis-e-shura-e-Islami either directly or through the Government. Such bills shall be discussed by the Majlis.

Article 103—Governors-General, governors, deputy-governors and other civil authorities appointed by the government shall be required to abide by the decisions of the Councils made within the scope of their⁴¹ authorities.

Article 104—Councils shall be established in production, industrial and agricultural units composed of the representatives of workers, farmers, other employees and managers, and in educational, administrative and services units and the like, composed of representatives of workers of such units, for the purpose of ensuring Islamic justice and cooperation for drawing up plans, and creating coordination for the furtherance of affairs.

The manner of establishment of such councils and the scope of their functions and authorities shall be laid down by law.

Article 105—The decisions of such councils shall not be contrary to the provisions of Islam and the laws of the country.

Article 106—The Councils may not be dissolved except in case of deviation from their legal functions. The authority to determine such deviation, the manner of dissolution of the councils as well as their re-establishment shall be laid down by law. In case of objection to its dissolution, a Council shall be allowed to complain to a competent court, and the court shall be required to examine the matter out of docket.

CHAPTER 8

Leader or Council of Leadership

Article 107—After the Religious Authority and great leader of the universal revolution of Islam and founder of the Islamic Republic of Iran, Late Ayatollah-AL-Ozma-Imam Khomeini, (may God bless him) who was recognized and accepted for religious and political leadership by the decisive majority of the people, the Leader shall be determined by the Khobregan⁴² elected by the people. The Leadership Khobregan shall examine and discuss about all Faqihs qualified under Article 5 and Article 109 hereof. Should they find one of such Faqihs as a greater authority on religious matters and issues of Fegh, or on political and social issues, or having popularity or special distinction in one of the qualifications mentioned in Article 109 hereof, they shall choose such a Faqih as the Leader. Failing this, they shall choose and declare one of them as a Leader. The Leader thus chosen by the Khobregan shall have Velayat-e Amr⁴³ and all responsibilities arising therefrom. The Leader is equal before law with other people of the country.

Article 108—The law relating to the number and qualifications of the Khobregan to manner of their elections and the internal regulations pertaining to their meetings, shall be drawn up in the first term by the Faqihs of the first Guardian Council, approved by their majority vote, and then finally ratified by the Leader of the Revolution. Thereafter, any amendment or

review of this law, and the approval of other regulations related to functions of the Khobregan shall be within the competence of the Experts themselves.

Article 109—Qualification and Attributes of the Leader:

- 1 - Academic qualifications necessary for issuing decrees on various issues of Fegh.
- 2 - Fairness and piety necessary for leading the Islamic Ommat.
- 3 - Proper political and social insight, prudence, courage, authority, and power of management necessary for leadership.

In case there are many individuals who qualify [*sic*] the above conditions, the one who has stronger insight in Fegh and politics shall be preferred.

Article 110—Functions and authorities of the Leader:

- 1 - To determine the general policies of the system of the Islamic Republic of Iran after consulting with the Majma'-e-Tashkhis-e- Maslehat-e- Nezam.⁴⁴
- 2 - To supervise over the good performance of the system's general policies.
- 3 - To decree referendums.
- 4 - To hold the Supreme Command of the Armed Forces.
- 5 - To declare war or peace, and mobilize the armed forces.
- 6 - To appoint, dismiss, or accept resignations of:
 - a.) The Faqihs of the Guardian Council.
 - b.) The highest authority of the Judiciary.
 - c.) The head of Sazman Seda va Seema-e Jomhouri-e-Islami Iran.⁴⁵
 - d.) Chief of Joint Staffs.
 - e.) Chief Commander of the Islamic Revolutionary Guard Corps.
 - f.) Chief Commanders of the Armed Forces and Police Forces.
- 7 - To resolve disputes and coordinate relations between the three Powers.⁴⁶
- 8 - To resolve intricate questions of the System that cannot be settled through ordinary means through the Majma'-e Tashkhis-e Maslehat-e Nezam.
- 9 - To sign the order of appointment of the President after he is elected by the people. The competence of the presidential candidates, in respect of being qualified according to the Constitution, shall, before the elections, be ratified by the Guardian Council, being ratified at first term by the leader.
- 10 - To dismiss the President of the Republic, by taking into account the interests of the country, after the Supreme Court has given a verdict

on the violation, by the president, of his legal functions, or the vote of his incompetence has been passed by the Majlis on the basis of Article 89 hereof.

11 -To pardon or mitigate the sentences of condemned persons, within the scope of Islamic precepts, upon recommendation by the head of the judiciary.

The Leader may delegate some of his functions and authorities to another person.

Article 111—In case the Leader is unable to carry out his legal functions, or loses one of his qualifications mentioned in Article 5 and Article 109, or if it transpires that he did not qualify some of the conditions from the very beginning, he shall be dismissed from his position.

Such decision shall be made by the Khobregan mentioned in Article 108.

In the case of death, resignation or dismissal of the Leader, the Khobregan shall be required to determine and declare the new Leader at the earliest. As long as the Leader is not declared, a council composed of the president, head of the judiciary and one of the Faqihs of the Guardian Council chosen by the Majma'-e Tashkhis-e Maslehat-e Nezam shall collectively discharge the functions of the Leader on a temporary basis. If one of them is not able to discharge his duties for any reason whatsoever during this period, another person shall be appointed by the Majma in his place, maintaining the majority of the Faqihs in the council.

This council shall proceed with the discharge of the duties set out in paragraphs 1, 3, 5, and 10, and sub-paragraphs (d), (e), and (f) of paragraph 6, Article 110 hereof, after approval by three-fourths of the members of the Majma'-e Tashkhis-e Maslehat-e Nezam.

If the Leader is temporarily unable to discharge the functions of the Leader as a result of sickness or other accident, the council mentioned in this article shall discharge his functions during such period.

Article 112—The Majma-e Tashkhis-e Maslehat-e Nezam shall be convened at the order of the Leader to determine such expedience in cases where the Guardian Council finds an approval of the Majlis against the principles of Sharia or the Constitution, and the Majlis in view of the expedience of the System is unable to satisfy the Guardian Council, as well as for consultation in matters referred to it by the Leader, and for discharging other functions laid down in this law.

The permanent and mutable members of this Majma shall be appointed by the Leader.

Regulations related to the Majma shall be prepared and approved by the members of the Majma itself and ratified by the Leader.

CHAPTER 9

The Executive*Treatise I—The President and Ministers*

Article 113—Next to the Leader, the president shall be the highest official state authority who is responsible for the implementation of the Constitution and, as the chief executive, for the exercise of the executive powers, with the exception of those matters that directly relate to the Leader.

Article 114—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.

Article 115—The president shall be elected from among distinguished religious and political personalities having the following qualifications:

He shall be of Iranian origins, have Iranian citizenship, be efficient and prudent, have a record of good reputation, honesty, and piety, and be true and faithful to the essentials of the Islamic Republic of Iran and the official Faith of the country.

Article 116—Presidential candidates shall officially announce their nominations before the commencement of elections. Provisions relating to the holding of presidential elections shall be laid down by law.

Article 117—The president shall be elected by an absolute majority of votes cast. However, if in the first round none of the candidates secures such majority, a second round of elections shall be held on the Friday of the following week. Only two of the candidates, who secure the highest number of votes in the first round, shall participate in the second round. But in case one or more of such candidates wish to withdraw from the elections, two candidates from among the rest, who secured the highest number of votes in the first round, shall be introduced for election.

Article 118—The Guardian Council shall be responsible for supervising over the presidential elections in accordance with the provisions of Article 99. But before the first Guardian Council is established, such responsibility shall be carried out by the Supervisory Council laid down by law.

Article 119—The new president shall be elected not later than one month before the termination of the term of office of the outgoing president. During the time the new president is elected and the term of the president comes to an end, the outgoing president shall carry out the presidential duties.

Article 120—Should one of the presidential candidates, whose competence has been established according to this law, dies [*sic*] ten (10) days before the elections, the elections shall be postponed for a period of two weeks. In case, between the first and second round of elections, too, one of the two

presidential candidates who has secured the highest number of votes dies, the elections shall be postponed for two weeks.

Article 121—The president shall take the oath of office at the Majlis in a session attended by the head of the judiciary and members of the Guardian Council, and sign the following oath:

In the name of God the Merciful, the Compassionate

I, as the President, upon the Holy Koran and in the presence of the Iranian Nation, do hereby swear in the name of Almighty God to safeguard the official Faith, the System of the Islamic Republic and the Constitution of the country; to use all my talents and abilities in the discharge of responsibilities undertaken by me; to devote myself to the service of the people, glory of the country, promotion of religion and morality, support of right and propagation of justice; to refrain from being autocratic; to protect the freedom and dignity of individuals and the rights of the Nation recognized by the Constitution; to spare no efforts in safeguarding the frontiers and the political, economic and cultural freedoms of the country; to guard the power entrusted to me by the Nation as a sacred trust like an honest and faithful trustee, by seeking help from God and following the example of the Prophet of Islam and the sacred Imams (Peace be upon them), and to entrust it to the one elected by the Nation after me.

Article 122—The president shall be responsible vis-à-vis the Nation, the Leader and the Majlis, within the limits of his authorities and responsibilities undertaken by him by virtue of the Constitution and/or ordinary laws.

Article 123—The president shall have an obligation to assent all legislation of the Majlis or the result of a referendum, after the same have duly been passed and notified to him, and to forward it to relevant authorities for implementation.

Article 124—The president may have deputies for the discharge of his lawful functions.

Article 125—The president or his legal representative shall sign treaties, conventions, agreements and contracts concluded by the government of Iran with other governments and likewise agreements concerning international unions, after the same have been ratified by the Majlis.

Article 126—The president shall be directly responsible for the State Plan and Budget, and Administrative and Civil Services Affairs of the Country. He may delegate their administration to others.

Article 127—In special circumstances, the president may appoint one or more special representatives, as may be required, with specific authorities, subject to approval by the Council of Ministers. In such cases, the decisions made by said representative or representatives shall be

tantamount to the decisions taken by the president and the Council of Ministers.

Article 128—Ambassadors shall be appointed upon proposal by the minister of Foreign Affairs and approval by the president.

The president shall assent the credentials of the ambassadors, and receive the credentials of foreign ambassadors.

Article 129—The president shall award state decorations and medals.

Article 130—The president shall submit his resignation to the Leader, and shall continue to discharge his functions as long as his resignation is not accepted.

Article 131—The first deputy of the president shall assume the president's authorities and responsibilities, with the approval of the Leader, in case of death, dismissal, resignation, absence or illness of the president lasting more than two months, or in case the term of office of the president has ended but the new president has not yet been elected due to certain obstacles or other such events. A council composed of the Majlis Speaker, head of the judiciary and the first deputy of the president shall be required to arrange for the election of the new president within a maximum period of fifty days.

In case of death of the first deputy and/or other events preventing the discharge of his functions as well as in the case where the president does not have a first deputy, the Leader shall appoint another person in his place.

Article 132—During the period the functions and authorities of the president are assumed by the first deputy or another person who is appointed under Article 131 hereof, the ministers may not be impeached or a vote of no confidence may not be passed against them; neither a review can be made in the Constitution nor a referendum held.

Article 133—Ministers shall be appointed by the president and presented to the Majlis for a vote of confidence. No fresh vote of confidence shall be required for the ministers if the Majlis is changed. The number of ministers and the scope of authorities of each of them shall be laid down by law.

Article 134—The president shall be the head of the Council of Ministers. He shall supervise the work of ministers and by taking the necessary measures coordinate the decisions of individual ministers and the Council of Ministers; he shall determine the plan and policy of the Government and implement the law in cooperation with the ministers.

In cases of difference of opinion and/or interference in the legal duties of government organizations, the decision of the Council of Ministers taken at the proposal of the President shall be binding if it does not require interpretation of or amendment to the law.

The President shall be responsible vis-à-vis the Majlis for the actions of the Council of Ministers.

Article 135—Ministers shall remain in office as long as they have not been dismissed or the Majlis has not passed a vote of no confidence against them as a result of impeachment or motion for a vote of confidence.

The resignation of the Council of Ministers or of any individual minister shall be submitted to the president, and the Council of Ministers shall continue to function until such time as the new government is appointed.

The president may appoint, for a maximum period of three months, acting heads for ministries not having ministers.

Article 136—The president can dismiss the Ministers. In that case, he must obtain a vote of confidence from the Majlis for the new minister or ministers. If after the Majlis has given a vote of confidence to the government half of the members of the Council of Ministers are changed, he shall again request the Majlis for a fresh vote of confidence for the Council of Ministers.

Article 137—Every individual minister shall be responsible vis-à-vis the president and the Majlis for his own special duties. However, in certain matters approved by the Council of Ministers he may also be held responsible for the actions of others.

Article 138—In addition to the instances where the Council of Ministers or a particular minister is charged with the duty of drawing up administrative regulations of laws, the Council of Ministers shall be authorized to pass bylaws and decrees for the purpose of carrying out administrative functions, ensuring implementation of laws, and regulating administrative institutions. Every individual minister may also draw up regulations and issue circulars within the limits of his duties and approvals of the Council of Ministers. However, the purport of such regulations shall not be contrary to the letter and spirit of the law.

The Government may delegate approval of certain matters related to its functions to committees composed of a number of ministers. Approvals of such committees within the limits of the law shall be enforceable after approval by the president.

The government decrees and administrative bylaws and approvals of the committees mentioned in this Article shall be communicated [to the ministries concerned] for implementation and be notified to the Speaker of the Majlis so that if he finds them against the law, he could return them to the Council of Ministers for revision, giving his reasons therefore.

Article 139—The settlement of disputes concerning public or government property or its referral to arbitration shall in each case be contingent upon the approval by the Council of Ministers and shall be notified to the Majlis. Cases in which the party to a dispute is an alien as well as important internal matters shall also be approved by the Majlis. Important matters shall be laid down by law.” So, the one change is ‘of’ to ‘or’ in the first sentence (“ . . . concerning

public or government property . . .” rather than “. . . concerning public of government property . . .”). I understand that the second sentence (“Cases in which . . .”) is unwieldy, but this is a correct reproduction of the original text. Perhaps adding [sic] with ‘sic’ in italics at the end of that sentence to note that it is not a grammatical error on the part of the writer but instead a feature of the original text would be appropriate, as I have done this elsewhere in this Appendix where such errors occur in the original text.

Article 140—Charges brought against the president, his deputies or ministers concerning ordinary crimes shall be examined by the Public Courts of the Justice Administration, with the knowledge of the Majlis.

Article 141—The president, deputies of the president, ministers, and government employees may not hold more than one government jobs [sic]; they shall be prohibited from holding another job of any type in institutions whose capital is owned fully or partly by the Government or public institutions, and from acting as a representative of the Majlis, attorney at law, legal consultant, chairman, managing director or a member of the board of directors of various types of private companies, with the exception of their respective departmental cooperative companies.

Teaching positions in universities and research institutes shall be exceptions to this rule.

Article 142—The assets of the Leader or the president or the deputies of the president, ministers, their spouse and children, before and after service, shall be examined by the head of the judiciary to see if they have not been increased unlawfully.

Treatise II—Army and the Revolutionary Guard Corps

Article 143—The Army of the Islamic Republic of Iran shall be responsible for safeguarding the independence, territorial integrity, and the Islamic republican system of the country.

Article 144—The Army of the Islamic Republic of Iran shall be an Islamic army, which is an ideological and people’s army and which shall recruit competent individuals faithful to the objectives of the Islamic Revolution and ready to make sacrifices for attaining the same.

Article 145—No foreigner shall be accepted in the Army or the police forces of the country.

Article 146—The establishment of any foreign military bases in the country, even for peaceful purposes, shall be prohibited.

Article 147—In time of peace, the government shall employ the Army men and its technical equipment in relief, educational and production operations, and Jihad for Construction, fully observing the standards of Islamic justice, to the extent that it does not harm the combat readiness of the troops.

Article 148—It shall be prohibited to make personal use of army equipment and facilities as well as its men as orderlies, personal drivers, and the like.

Article 149—Promotion of ranks of military men and its withdrawal shall be made in accordance with law.

Article 150—The Islamic Revolutionary Guard Corps, which was established in the early days of the victory of this Revolution, shall continue to exist to carry out its role as the protector of the revolution and its achievements. The scope of function and responsibilities of this corps in relation to the function and responsibilities of other armed forces shall be laid down by law emphasizing the brotherly cooperation and coordination between them.

Article 151—On the basis of the Koranic instructions (*Prepare ye against them what force and companies of horse ye can, to make the enemies of God, your enemies, and others beside them, in dread thereof. Ye do not know them, but God knows them!*),⁴⁷ the government shall be under obligation to provide military training facilities for all the people of the country in accordance with the precepts of Islam in the manner that all the individuals shall always have the ability to defend the country and the system of the Islamic Republic with arms. However, the possession of arms shall be allowed with the permission of official authorities.

CHAPTER 10

Foreign Policy

Article 152—The foreign policy of the Islamic Republic of Iran shall be based on the negation of exercising or accepting any form of domination whatsoever, safeguarding all-embracing independence and territorial integrity, defense of the rights of all Muslims, nonalignment with domineering powers, and peaceful and reciprocal relations with non-belligerent States.

Article 153—It shall be prohibited to conclude any treaty or agreement whatsoever that will result in the alien domination over the natural and economic resources, culture, Army, and other concerns of the country.

Article 154—The Islamic Republic of Iran regard the happiness of Man in the Human Society as its aspiration and recognizes independence, freedom, and the rule of right and justice as the right of all people of the world. Therefore, while completely refraining from any interference in the internal matters of other nations, it supports the rightful struggle of the oppressed people against their oppressors anywhere in the world.

Article 155—The government of the Islamic Republic of Iran may grant political asylum to those seeking refuge in Iran, with the exception of those who are recognized as traitors and terrorists according to the laws of Iran.

CHAPTER 11

The Judiciary

Article 156—The judiciary shall be an independent power that protects individual and social rights, shall be responsible for implementing justice and shall carry out the following functions:

- 1 - To examine and pass judgments in respect of litigations, violation, complaints; to settle lawsuits, resolve hostilities, and to take necessary decision and action in respect of that part of matters of personal status to be laid down by law.
- 2 - To restore public rights and to promote justice and lawful freedoms.
- 3 - To supervise the proper implementation of laws.
- 4 - To uncover crimes, to prosecute and punish the criminals and implement Hodoud and the Islamic codified penal provisions.
- 5 - To take suitable measures for preventing the commission of crime and to reform the offenders.

Article 157—For the purpose of carrying out the responsibilities of the judiciary in all judicial, administrative and executive matters, the Leader shall appoint, for five years, a Mojtahed⁴⁸ who is just, has knowledge of judicial matters, is prudent and has managerial skills, as the Head of the judiciary who shall be the highest authority of the judiciary.

Article 158—Functions of the Head of the judiciary are as follows:

- 1 - To create the necessary organizational structure at the justice Administration, commensurate with the responsibilities set forth in Article 156.
- 2 - To draw up bills related to the judiciary, compatible with the Islamic Republic.
- 3 - To employ just and competent judges, to appoint and dismiss them, transfer them to other places, define their jobs, promote their ranks, and such other administrative matters, in accordance with law.

Article 159—The Justice Administration shall be the official authority to deal with grievances and complaints. The manner of establishment of courts and their jurisdictions shall be laid down by law.

Article 160—The minister of justice shall be responsible for all matters concerning the relations of the judiciary with the executive and the legislative branches. He shall be appointed from among those proposed to the president by the head of the judiciary.

The head of the judiciary may delegate to the minister of justice full financial and administrative authorities as well as the authorities for employment of personnel other than judges. In such case, the minister of justice shall have the same authorities and responsibilities which are laid down by law for other ministers as the highest executive authority [of their respective ministries].

Article 161—With a view to exercising supervision on the proper implementation of law by the courts of law, creating uniform and binding judicial precedent and carrying out the responsibilities assigned to it by law, a Supreme Court shall be established on the basis of rules and criteria laid down by the head of the judiciary.

Article 162—The president of the Supreme Court and the attorney general shall be just Mojtaheds conversant with judicial matters. The head of the judiciary shall appoint them for these positions for a period of five years in consultation with the judges of the Supreme Court.

Article 163—The qualifications and conditions of judges shall be laid down by law in accordance with the criteria of Fegh.

Article 164—A judge may not be removed provisionally or permanently from his position without having been tried and his guilt or violation, which is the basis of his dismissal, having been proved; neither may he be transferred to another place nor his position be changed without his consent unless it is in the interests of the society by the head of the judiciary after consulting with the president of the Supreme Court and the attorney general. Periodic transfers of judges shall be made on the basis of general rules and regulations laid down by law.

Article 165—Trials shall be conducted openly and the presence of people therein shall be allowed unless the court decides that it would be contrary to public morals and public order, or in private lawsuits where the parties to it request that the trial be held in camera.

Article 166—Judgments of courts must be substantiated and supported by articles of law and the principles on the basis of which such judgments are rendered.

Article 167—A judge shall be required to try to find out the verdict of every lawsuit in codified laws; if he fails to find out, he shall render a verdict on the matter under consideration based on authentic Islamic sources or authoritative Fatwas.⁴⁹ He may not refrain from dealing with the case and rendering a judgment on the pretext of silence, inadequacy, or brevity of or contradiction in codified laws.

Article 168—Investigation of political crimes and press offences shall be open and shall be carried out by a court of law in the presence of a jury. The manner of appointment, qualifications, and authorities of the jury, and the definition of a political crime shall be laid down by law on the basis of Islamic precepts.

Article 169—No act or omission [*sic*] of an act may be regarded as a crime retroactively by virtue of a law enacted thereafter.

Article 170—Judges of courts shall be required to refrain from implementing government decrees and regulation which are contrary to law or the rules of Islam or beyond the limits of authorities of the executive. Anyone may apply to the Administrative High Court for the annulment of such regulations.

Article 171—Should someone suffer moral or material loss as a result of interpretation, or mistake of fact or of law by a judge, or application, by him, of a rule on a particular case, in the event of default, the defaulting judge shall stand as a guarantor according to the principles of Islam, otherwise the losses shall be indemnified by the state. In any event, the accused person shall be rehabilitated.

Article 172—For the purpose of investigating the crimes related to the special military or police duties of the members of the Army, Police, and the Islamic Revolutionary Guard Corps, military courts shall be established in accordance with law. However, their ordinary crimes or those committed in their capacity as law enforcement officers shall be investigated by the public courts. Military prosecutor's office and military courts are a part of the Judiciary and shall be subject to provisions related to the Judiciary.

Article 173—For the purpose of dealing with complaints, grievances, and objections of people against government employees, institutions, or administrative regulations and redressing their rights, a court known as the Administrative High Court shall be established under the supervision of the head of the judiciary.

The scope of authorities and the mode of operation of such courts shall be laid down by law.

Article 174—On the basis of the right of supervision by the judiciary on the good conduct of affairs and proper implementation of laws by the administrative departments, an organization known as the “State Chief Inspectorate” shall be established under the supervision of the head of the judiciary.

The scope of authorities and functions of this organization shall be laid down by law.

CHAPTER 12

Seda va Seema⁵⁰

Article 175—Freedom of speech and expression of ideas must be guaranteed at the Seda Va Seema-e Jomhouri Islami Iran, with due observance of the principles and criteria of Islam and the interests of the country.

The Leader appoints and dismisses the head of the Seda va Seema-e Jomhouri Islami Iran. A Council composed of representatives of the president, the head of the judiciary and the Majlis (two representatives each) shall exercise supervision over this corporation.

The corporation's policy, the manner of its management and supervision over it shall be laid down by law.

CHAPTER 13

National Security High Council

Article 176—With a view to safeguarding national interests, and protecting the Islamic Revolution, territorial integrity and national sovereignty, a “National Security High Council” headed by the president shall be established, which shall have the following responsibilities:

- 1 - To determine the national defense/security policies within the framework of general policies laid 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 nonmaterial resources of the country for facing internal and external threats.

The members of the Council consist of:

- Heads of the three Powers
- Chief of the Supreme Command Council of the Armed Forces
- The official in charge of the Plan and Budget matters
- Two representatives nominated by the Leader
- Minister of Foreign Affairs, minister of the Interior, and minister of Intelligence
- A minister concerned with the subject, and the highest authorities of the Army and Guard Corps.

Commensurate with its responsibilities, the National Security High Council shall establish subcommittees such as defense subcommittee and national security subcommittee. The subcommittees shall be headed by the President or one of the members of the High Council appointed by the president. Limits of authorities and functions of the subcommittees shall be laid down by law, and their organizational structure shall be approved by the High Council.

Approvals of the National Security High Council shall be enforceable after ratification by the Leader.

CHAPTER 14

Review in the Constitution

Article 177—Review in the Constitution of the Islamic Republic of Iran, when necessary, shall be made in the following manner. The Leader, after consulting with the Majma-e-Tashkhis-e-Maslehat-e-Nezam shall propose, in an order addressed to the president, the amendments in or additions to

the Constitution to the Constitutional Review Council, which shall consist of the following:

- 1 - Members of the Guardian Council
- 2 - Heads of the three Powers
- 3 - Permanent members of the Majma-e-Tashkis-e-Maslehat-e-Nezam
- 4 - Five members of the Leadership Assembly of Khobregan
- 5 - Ten representatives appointed by the Leader
- 6 - Three members of the Council of Ministers
- 7 - Three representatives from the judiciary
- 8 - Ten representatives of the Majlis-e-shura-e-Islami
- 9 - Three academics.

The manner of working and election and conditions thereof shall be laid down by law.

Approvals of the Council, after ratification and assent by the Leader, must be approved through referendum by the absolute majority of those participating in the referendum.

It is not necessary to observe the provisions of Article 59 with respect to referendum on the “Constitutional review.”

The substance and spirit of the Articles⁵¹ related to the Islamic nature of the System, the Islamic criteria constituting the basis of all rules and regulations, the foundations of faith, the objectives of the Islamic Republic of Iran, the republican form of government, the Velayat-e-Amr va Imamat-e Ommat management of the country’s affairs on the basis of referendum; the official religion and faith of Iran are immutable.

Moreover, the Constitutional Review Council approved that:

1. In all the articles, chapters and preamble of the Constitution of the Islamic Republic of Iran the expression “National Consultative Assembly” be changed to “Islamic Consultative Assembly.”
2. Title of Treatise I, Chapter 9, be changed to “President and Ministers”, and the title “Treatise III” in the same Chapter (before Article 143) be changed to “Treatise II.”
3. The title “Chapter 12, Mass Media” be changed to “Chapter 12, Seda va Seema.”
4. Before Article 176, the title “Chapter 13, the National Security High Council,” and before Article 177 the title “Chapter 14, Review in the Constitution” be added.

The changes and amendments in the Constitution, totaling to forty-eight codified Articles, were drafted and finally ratified, together with the foregoing explanations, at the 38th through 41st final sessions, seventeen thru [sic] twenty Tir, 1,368,⁵² of the Constitutional Review Council.

Ali Meshkini
Chairman, the Constitutional Review Council

NOTES

1. Qur'an 57:25
2. 1962
3. 1963
4. God is Great
5. Rule of the clergy
6. January 7, 1978
7. February 10 and 11, 1979
8. Satanic
9. Nation
10. Qur'an 21:92
11. Qur'an 7:157
12. Qur'an 21:105
13. Qur'an 3:28
14. This is a Hadith or narration related by religious authorities.
15. Qur'an 28:5
16. Or the "rule by the clergy and perpetual leadership" embodies the idea that until the appearance of Imam Mahdi or the Messiah, the leadership of the Muslims rests with the representative of Imam or the clergies.
17. Jurisconsult
18. This is a Hadith or narration related by religious authorities.
19. Crusade
20. Qur'an 8:60
21. Qur'an 4:58
22. Qur'an 2:143
23. Corresponding to March 30 and 31, 1979
24. Prophet Mohammad, his daughter and the 12 Imams
25. The Mahdi (or the Messiah)
26. The Islamic Consultative Assembly or the Majlis
27. Qur'an 42:38
28. Qur'an 3:159
29. Qur'an 9:71
30. Qur'an 21:92
31. Religious Jurisprudence
32. Qur'an 80:8
33. Arabic
34. Spoils
35. Ownerless barren lands
36. Ownerless Properties
37. Religious law
38. Authority and leadership of the Imam
39. Penance by the lash
40. 1989
41. That is, of Councils

42. Experts
43. Religious and political leadership
44. Regime's Expedience Council
45. The Islamic Republic of Iran Broadcasting Corporation
46. That is, Executive, Legislature and Judiciary
47. Qur'an 8:59
48. Doctor in Religious Law
49. Religious Injunctions
50. Radio and Television (The Islamic Republic of Iran Broadcasting Corporation)
51. That is, of the Constitution
52. Corresponding to July 8 thru [*sic*] 11/1989

Appendix B

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