

Civil Society, Democracy, and *Velayat-e Faqih*

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Theocracy in Iran, as interpreted by Ayatollah Ruhollah Khomeini, is synonymous with jurist guardianship. The Supreme Leader controls the steering mechanism of this guardianship. Also known as *velayat-e faqih*, the Supreme Leader has been granted wide-ranging authority by the constitution. Needless to say, Khomeini's charismatic power made the tolerance of such a modern theocracy possible. The post-Khomeini era, however, has witnessed the emergence of a divided state led simultaneously by the jurisconsult (*velayat-e faqih*) and by the executive head of government known as the president. Ever since, this division of authority has become known as the mixed system of Islamism and republicanism — that is, a mixture of theocracy and electoral democracy.

The Islamic republic's contradictions have stemmed largely from the lack of clarity as to who actually heads the state and who controls the levers of power. Elections are regular in Iran, but are conducted within certain limits. The public elects the president, *Majles* (parliament), and the Assembly of Experts. But the *velayat-e faqih* and clerically-dominated Council of Guardians (*showray-e negahban*) determine who can compete in these elections. More recently, the Council of Guardians has turned down a new law requiring it to explain in writing why a candidate has been disqualified.

The absolute powers of *velayat-e faqih* clearly run counter not only to the successful working of democracy but also to the effective operation of the civil society. As noted above, this can be explained by a structural contradiction within Iran's modern theocracy. Under the Iranian constitution, the ultimate authority rests with the supreme-leader-for-life, Ayatollah Sayed Ali Khamenei, who effectively controls the country's powerful institutions, namely: the military, the national police, the Ministry of Intelligence, the Basij Paramilitary, the Ministry of Information, and the Revolutionary Guards.

Additionally, *velayat-e faqih* controls the judiciary and national broadcasting, including state radio and television, and selects the key members of the Council of Guardians, a watchdog body capable of blocking legislation it deems unfit for the Islamic Republic. The *Assembly of experts elects the Velayat-e faqih himself*, which holds 86 seats. This body has the power to suspend the Supreme Leader, should it decide to do so. The Assembly of Experts is, in effect, selected by the *Velayat-e faqih*. This assembly's members are screened by the Council of Guardians, a 12-member clerical body, composed of half clerics and half lay jurists, who are knowledgeable in the Islamic Law (*Shari'a*), and whose job is to interpret the Constitution, as well as to review and confirm the compatibility of its laws with the tenets of Islamic Law. The members of the Council of Guardians are appointed by the *Velayat-e faqih* himself. This form of restricted democracy within a fractured political structure is bound to run into periodic dead-ends, yet it somehow manages to maintain a modicum of stability, and with good reason. Precisely because of this power dispersion, it is argued, some semblance of order perseveres.

Electoral Illiberal Democracy?

Can democracy flourish in a type of political structure rightly described as electoral illiberal democracy? One may argue that electoral democracies may evolve toward more

pluralism. That Khatami is a member of the clergy and very observant of the Iranian Constitution shows that it is unrealistic to anticipate a drastic move toward any form of liberal democracy. Paradoxically, however, President Khatami emphasizes wide-ranging civil liberties. Can the advocacy of social reform as such spell disaster for theocracy in Iran? That is a question worth pondering.

The Assembly of experts, dominated by conservative clerics and responsible for the selection of the Supreme Leader, Ayatollah Khamenei, reasserted its conservative composition again in the elections of October 23, 1998, in which the conservatives gained 54 seats and Khatami's supporters won only 13 seats; 16 seats went to independents. These elections proved that the Conservatives' hold on power is real. It is only natural to conclude that the power structure in the Iranian Constitution is such that it practically curbs the outcome of electoral democracy.

To the extent that electoral democracy reflects a fair/free and inclusive competition among different groups within civil society, the latter's functional importance is crucial. Consider, for example, the February 26, 1999 municipal elections, in which virtually 60 percent of the qualified voters participated; voters picked 111,000 council members in 720 cities, 240 towns and almost 34,000 villages in the first municipal elections ever. Reformists made a clean sweep in the Tehran City Council elections and won in the 28 provincial capitals. The victory of Abdollah Nuri, Saeed Atrianfar, Saeed Hajarian, and Jamileh Kadivar, all reformists whose candidacy the Conservatives failed to bar prior to City Council elections, suggested that civil society is vibrant and bent on strengthening the democratization process in Iran.

Khatami's efforts to foster the rule of law and promote social reforms, including depoliticizing the civil society, ensuring equality of access to political channels, and protecting civil rights for all segments of the population, have fueled a new debate among journalists, intellectuals, and academic circles: Should the clergy enjoy necessarily superior rights and privileges over the laity? Increasingly, objections are raised about the notion that the state belongs to the clergy and that rule by allegiance (*velayat-e-faqih*) should prevail over rule by a publicly elected leader.

Future of Student Movement

Student activism is certain to expand civil society. University student associations historically have been at the heart of civil society in Iran, and accordingly have played a major part in uprisings against the state's repressive measures. The recent student protests (July 1999), driven by a protest against the closure of the a daily called *Salaam*—a reformist and left-leaning Islamic newspaper which had begun to release vitally important information regarding the fall 1998 serial killings of secular-reformists figures, writers, and journalists—demonstrated that students are agitated over the suppression of the news media. Given that university campuses have always been and will continue to be the hotbed of pro-civil society activism, student demonstrations are certain to continue in one form or another in the foreseeable future. Students' voices simply must be heeded; they can no longer be nipped in the bud. The beginning of the academic year in Iran and the Student's Day (the 16th of Azar/December 7, 1999) are said to be potentially explosive occasions ahead.

Two Perspectives on the Composition of the Movement

There are several ways one can interpret the July 8-14, 1999 concurrent student

protests in Tehran and fifteen other Iranian cities. This essay looks only at two prevalent perspectives. First, one can view these rallies as pro-democracy demonstrations conducted in a legitimate and peaceful way to protest curbs on the country's fledgling press freedom. The protest, which consisted of nearly 200 students around Tehran University's dormitories on July 8, 1999, was provoked by the passage by the *Majles* of a tough new press bill and the subsequent closure of the daily *Salaam*. Viewed from this perspective, student protest reflected a bottled up frustration over the fact that Khatami lacked the necessary authority to implement social reforms and to promote the kind of political and cultural tolerance he pledged during his electoral campaign. But what was a purely student-driven peaceful demonstration was clearly infiltrated by so-called saboteurs and students' enemies, some of whom reportedly belonged to Mojaheen-e Khalq Organizations (MKO). Other participants may simply have been thugs, security and intelligent agents, and partisans of the orthodox clerical establishment, who were pretending to come from the students' ranks. To date, the extent to which MKO and other security forces engaged in these protests remains unclear.

Those who support this view tend to argue that pro-reform and socially progressive groups organized the student rally. The rally was, according to this view, a channel to voice widespread social discontent. Taking such a view, the Higher Education Minister, Mostafa Moin, described the students as "wise and pious," noting that they didn't deserve such a violent treatment by anti-riot police and conservative vigilante groups believed to be members of the Ansar-e-Hezbollah. Arguably, such attacks could not have been organized without high-level support by the right-wing clerical establishment.

Another perspective that is regularly featured in some press reports is that the highly complex and evolving Iranian politics has now reached a point that it must come to terms with the country's new political realities. Aware of such unpleasant realities, the Conservatives used such excuses as the foreign-led demonstrations and the country's imminent political chaos to stop rallies, sabotaging in the process the trend toward political development and social reform. By speaking of plunging the country into chaos and giving the impression that foreign hands are involved, the Conservatives raised the question of whether the continuation of these demonstrations would pose a major threat to Iran's political stability.

Crisis of Legitimacy

The fear of political insecurity made it possible for the Iranian clerical establishment to lash out against President Khatami, taking advantage of this opportunity to undermine and destabilize his government. Although Khatami's administration was not shaken up by these events, student protests subsided shortly thereafter, and President Khatami chose to proceed cautiously. Perhaps the most obvious message to emerge from these protests was the crisis of legitimacy and the crisis of confidence in the ruling clerical establishment. Pro-regime demonstrations, which were organized by the right-wing clerical establishment to counter student protests, however widespread and organized they were, failed to restore the lost confidence. Hence the anticipated tensions in the near future.

Throughout this six-day event, the students' organization, known as Students for the Consolidation of Unity, avoided pushing President Khatami beyond certain limits, knowing that requesting a prompt and unconditional support for students would plunge the country into more confusion. Such chaos would have in turn provided a scapegoat for arresting more students and reformists. All this could have played into the Conservatives' hands, who were waiting for an opportunity to declare President Khatami incompetent, thereby

paving the way for an Islamic coup or takeover. Students were fully aware of such a possibility.

What to Expect

With the new academic year under way, no action has thus far been taken against the police, security agents, and Islamic vigilantes who broke up students' peaceful protests. What is more, new death sentences have been handed down against four students believed to have been behind these protests. The convoluted climate surrounding the judicial nature of such accusations, which bodes ill for the Presidency of Khatami, is bound to raise further questions about the state of human rights in Iran.

So now students face a key question: should they advocate a gradual change or a violent upheaval? The trajectory students choose will hinge on several factors. First, Iranian youth and politically active segments of society seem reluctant to engage in another revolution of the magnitude that swept away the Shah. Second, given the limitations under which President Khatami operates, incremental change within the confines of the law appears to be both a predictable and pragmatic course to take. Third, with the upcoming sixth *Majles* elections (February 2000), many hope that reformists could win a parliamentary majority and help nudge along President Khatami's reform programs. Fourth, ultimately any fundamental change in the Iranian Constitution must come from a necessity that reconciles the country's national interest with the realities of a sustainable drive toward democracy. For this to happen in Iran, the democratic aspects of the Islamic republic must prevail over its theocratic ones. That is why a gradual change seems to be a prudent course at this juncture.

DISCUSSION

Dear Dr. Monshipoori: I enjoyed the irony of your piece — namely, the notion of elected but “illiberal” politics in the Islamic Republic, a self-proclaimed theocracy whose contradictions continue to perplex analysts. In this vein, I am wondering of you think that we in Iranian studies/social science need to articulate more clearly distinctions between “civil society,” “democracy,” and “pluralism”? If so, how would you define, distinguish between, and ultimately apply these concepts to present-day Iran?

I realize that my two questions are too broad for a short reply and could merit an entire book! Nevertheless, food for thought that occurred to me as I read your article.

Mahmood Monshipoori:

Dear Dr. Vaziri: Thank you for your questions. Yes, “civil society,” “democracy,” and “Pluralism” are conceptually distinct but interrelated. Civil society is a buffer between the State and the individual. Both Islamists and secularists can participate in it as long as they accept the pluralistic nature of the process and observe a modicum of civility toward the “Other.” In Iran, civil society is just emerging. Democracy is restricted (illiberal) in that it is still subordinated to theocracy if a conflict arises between the two. Nevertheless, it is “democracy” in procedural sense of the term: fair/free elections are held periodically, albeit

between limited numbers of candidates. But until the rule of law, separation of powers, and fundamental rights are upheld, this form of democracy is not the worst alternative. This brings us to your second question: Can we apply such terms when analyzing Iranian politics? Yes, but needless to say, we must acknowledge their limits, relative nature, and other related difficulties in their applications. It is important, however, to remember that limited and restricted democracies could gradually open up the political space and alter the nature of public discourse, as has been the case in Iran. Iran is in transition toward democracy. Many hurdles stand in the way, but increasingly people are calling into question theocracy and its grip on power. Fledgling democracies need to be patiently nurtured. Power struggle in Iran is a blatant manifestation of this transition. While the destination is not in sight, the path is visible. We need to work with what we have and move toward the final destination.