

Original Paper

Between the Supreme Leader and the President: Understanding *Wilayat al Faqih* (Iranian) System of Governance

“What we are witnessing today is a strange structure of the state interwoven with religious institutions”.

Abulhassan Banisadr-2012 (Note 1)

“A strong president could 'dissolve the Majles, dismiss the prime minister, and impose himself as master of Iran” (Note 2). *Musavi Tabrizi*

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Abstract

This paper is going to explain Wilayat al Faqih (Iranian) system of governance by looking at it from institutional and elite theory approach. The paper will try also to look at the so called “president dilemma” within Wilayat al Faqih system of governance, which is represented by the power struggle between the institution of the supreme leader and the institution of the president in public policy making. This power struggle revealed the weakness of the ideology and the institution of Wilayat al Faqih founded by the leader of the Iranian revolution, Khomeini. And became to open the door for many questions of whether or not the Wilayat al Faqih ideology and institution can lead to a constitutional crisis, if not what kind of future is held for both the institution of the supreme leader and the institution of the president under its system?

Keywords

government, governance, political system, Iran, power, president, wilayat al faqih, supreme leader

1. Introduction

The president office in democracies has many conflicting power struggles with other political institutions within the system. For example, the former American presidents showed how they were fighting and pushing against the limits of their powers. Obama said that: “I didn’t appreciate how weak the presidency is until I was president”, While George W. Bush said that: “If this were a dictatorship, it

would be a heck of a lot easier” (Note 3). The problem of president office in American system is persistent and it could lead to a constitutional crisis if the president tried to stretch out his power limits. Surprisingly, this problem is also found in *Wilayat al Faqih* (Iranian) system of governance. However, it is not quite similar, as the system is a mix of republican and religious institutions. The ideology and the institution of *Wilayat al Faqih* established originally by the leader of the Iranian revolution: Khomeini didn't foresee the challenging role that the republican institutions (i.e., presidency) might have on *Wilayat al Faqih*.

Hence, in this paper I will explain the *Wilayat al Faqih* system of governance and the challenge that is facing this system represented in the power struggle between the supreme leader and the present institutions. My methodology is based on institutional analysis and elite theory, focusing on the period (1997-2013) as it is the most critical period in which the regime witnessed the rise of the reformists Khatami's presidency and up until the so-called Neo-conservative Ahmadinejad's presidency.

Understanding the Constitution

Looking at the constitution is looking at the heart of any political system. The Iranian people since the constitutional revolution were struggling for a constitution that most importantly banishes the concentration of power from being at the hands of the royal family, therefore a parliamentary system has been established. However, the constitutional politics is still a struggle that Iran is facing since 1900.

When Khomeini took power he was not setting a government that didn't exist before, but he took an already existing government, that is the government of the Shah, which went through modernization in the twentieth century. According to Max Weber, who described the modern state as the typical organization of rational legal authority, the foundation of such rational legal authority was a written constitution. Therefore, Khomeini's jurist law or Shi'i law should be transformed into the law of the state. Therefore Shi'i law has to be “extended to cover public law fully; and law-finding , the typical activity of the Shi'i jurists, needed to be supplemented if not replaced by legislation and codification. Before all else, jurisprudence had to come to terms with constitution-making” (Note 4). Thus, before going further on the subject of Khomeini's institutionalization of the “absolute mandate of the jurist” which is based on the ideology of *Wilayat al Faqih* (Note 5), it should be stated first that his *Wilayat al Faqih* ideology was also, a revolutionary act (Note 6) toward the essence of *shi'i Ithna Ashriah* (Twelver) (Note 7).

Khomeini's revolutionary act was the overthrow of the institution of *marji'at* (Note 8), replacing it with the institution of *Wilayat al Faqih*. This invoked the question of legitimacy which developed further after the revolution between *marja'iyat* and the *Wilayat al Faqih*. The first (*marja'iyat*) has no political claims as it establishes a kind of consensus between clerics and masses thus it is democratic in nature. The second exerts political power over people, relies on state apparatus, and demands that all power

(authority) should be in the hands of one Faqih, which is against the orthodox Shi'i political theory.

If the rulers today in Iran are elected based on *marja'*, it will have a democratic aspect in the sense that to be a *marja'* you need followers who then will willingly want to elect you as a supreme leader. However, the political Shi'i theory in Iran has been skewed since Khomeini came to power. To solve this crisis Khomeini, before he died "gave his blessings to the separation of *Wilayat* and *marja'iyat*, and authorized a committee to revise the constitution" (Note 9).

As the constitution before emphasized the aspect of the *marja'* is a necessary attribute to the leader (Imam) (Note 10). However, after the death of Khomeini in 1989 Khamenei was chosen by the Assembly of Experts as the leader of the revolution. It is worth noting that Khamenei was just a middle rank cleric and not a *marja'*. However, the Islamic Republic witnessed the smoothest succession when Khamenei was not chosen based on the constitution, which requires *marjai'ayt*, according to Article 107 of the 1979 constitution, which was at that time in force.

Nevertheless, the 1989 constitutional amendments dropped out this condition and remained on the attribute of *mujtahid* only, a necessity that Khomeini asked for before he died. Thus, Khomeini separated for the first time in the history of the Islamic republic the *marja'* political authority from politics which marked the division between religious authority and political authority that actually contradicts the essence of the theory of *Wilayat al Faqih*. So, in relation to the system of governance in Iran, the institution that runs the country is not the institution of *marja'* but the institution of *Wilayat al Faqih*. Therefore, "*Wilayat al Faqih* had moved practically from the stage of installing a religious state to the stage of justifying the continuation of keeping the state's authority but in the terms of worldly (secular) politics" (Note 11).

Nevertheless, due to the full entry of clergy in the government, the problem did not end, because the conflict between the institution of *marja'iyat* and the institution of *Wilayat al Faqih* has come to the surface. As, "on the one hand the government, because of its religious and clerical composition, wants the *marja'iyat* institution to itself—which is in direct contradiction to the thousand year independence of the clergy and the *marja'iyat*. On the other hand, the *marja'iyat*, because of its claim of independence, wants to subordinate the government to itself" (Note 12). However, it can be seen that the stage for clerical constitutional politics was set in the 1990 because of the institutionalization of hierocratic authority in the 1980s. As a matter of fact "the first half of the decade was marked by a clash of the state based, newly institutionalized political authority of the clerical elite and the traditional *madrassa*-based authority of the *maraje'-etaqlid'*" (Note 13).

The institution of *marja'* is far different from the Al-Azhar in Cairo which is an institution falls under the government and work based on the policies of the regime, and in which the *faqihis* (Note 14) have their salaries from the government. Furthermore, "they [*the marji'yat*] say, we want to remain independent in Qom; we want people choose their *marja'* in the traditional way; we want each *marja'*

to have his own followers, to receive the Imam's share, issue fatwas, etc., exactly in the old style. These demands contradict some of the elements, decisions and institutions of government" (Note 15). For example, regarding the issue of taxation: if a *marja'* says that you don't have to pay taxes this will create a conflict, since people should pay taxes for the government according to the law not according to the *marja'*'s fatwa. So, the *marja'* independence has come into conflict with the centralization of power. Although its situation in the past was totally different as the division of the state was secular and religious, and it gained its independence socially, economically, politically, and even culturally from the government. However, because of the political and religious (*faqihi*) nature in *Wilayat al Faqih*, this division no longer exists. The *Wilayat al Faqih* as a religious government believes that it must have control over all the political, social, economic affairs of the society. The institutions of such religious government include a mujtahid who is heading the regime, a Guardian Council, an Expediency Council and a Majlis, which are all religious institutions, in which all act according to religious teachings. Therefore, the *Wilayat al Faqih* theory demands that it is a necessity for the institution of *marj'ayat* to come under the government control.

Furthermore, an important point regarding the clerical structure and the state institutions is that the state institutions overpowered the clerical structure. This can be noted in the sense that even the Supreme Leader (who is supposed to be a religious office) is being elected by an Assembly of Experts (*Majles-e Khobregan*). Although the Assembly of Experts passes laws as a clergy (religious) institution only, the constitution states that it should not include clergymen alone. As a result reformists questioned these laws, which made it clear that this institution is not a religious but a political one. Furthermore, choosing Khomeini's successor is not a religious but an intrinsic political decision. Therefore, such succession demonstrates how such political power dominated religious power, or how the state discounted the traditional clerical hierarchy. It is worth noting thus that the changes the constitution went through set the stage for the shift from religious to political legitimacy. Renzo Guolo, the author of *The life of the Imam: Khomeini Iran and Ahmadinejad*, put it right when he stated that by this constitutional reform: "Khomeini opened up the 'conquest of the sky' of the Shi'i clergy to the militant clergy that until then had seen its access to the supreme revolutionary religious institution blocked by its lack of recognized theological and juridical wisdom" (Note 16). However, Mehrdad Haghayeghi, author of *Islam and Politics in Central Asia*, instead emphasized that: "the regime has not succeeded in institutionalizing the principle of *Wilayat al faqih*, it has to be underlined that the failure to institutionalize the concept religiously, has led the regime to institutionalize *Wilayat al faqih* politically" (Note 17).

Furthermore, Khomeini's last revolutionary step to end the decade long constitutional crisis was through establishing the Maslahat Council. Such important step also, solved the uncertainty regarding the use of "governmental ordinances", and the difficulties pertaining the Islamization of Iranian public

law. Thus, his revolutionary step helped to resolve the paradox surrounding “Shi’i jurisprudence which contains insignificant political provisions, against the revolutionary claim that Shi’i Islam is a total way of life and total ideology. Therefore, this insignificance was undoubtedly a consequence of the fact that the Shi’i Sacred Law had hitherto been a jurist’s law and not the state law or “the law of the land” (Note 18).

This however, does not mean that Khomeini’s constitution is not based on an ideology or it is not an ideological constitution. As it is important to recall that “the embodiment of an Islamic ideology in a *Shari’ah* (Note 19)—based constitution was a major goal of the Islamic revolution in 1979” (Note 20). The ideology is *Wilayat al Faqih* “Ruling of the Jurist”, in which Khomeini saw fit in his vision of an Islamic rule. Thus, an ideological constitution, if it is to be more than a piece of paper, needs an organ or collective body to protect it. The critical function of nullifying all proposed and existing laws found inconsistent with the *Shari’ah* was given to the six clerical jurists of the Guardian Council (*Majles syanat al distor*). The Guardian Council was thus destined to become what Hans Kelsen (1928) in the late 1920s had called “the Guardian of the Constitution”; it has since then performed that function of protecting the ideological foundation of Iran’s constitution (Note 21).

In short, *Wilayat al Faqih* (clerical rule) has been successfully institutionalized through the Islamic republic constitution and through the Council of Guardians. The regime also institutionalized the “right to make definitive interpretations through the principle of *Wilayat al Faqih* in the person of Ayatollah Khomeini. Thus, the regime and, in particular, its clerical members act with the assurance supplied through a firm sense of the sacred appropriateness of their own actions” (Note 22).

The constitutional crisis after the revolution has another dimension specific to the *Wilayat al Faqih* ideology, which has never been solved, and is still soaring over the Islamic Republic since Khomeini’s death. Some scholars even believe that Khomeini and his clerical elite didn’t yet institutionalize the principle of *Wilayat al Faqih* as there are number of issues that hinder its successful institutionalization. The problem of *marjai’yat* as mentioned earlier, and the problem with the “*Wilayat al faqih*” which has a contradiction between its theoretical and its practical role. For example, Khamenei was supposed to reflect Khomeini’s wishes and directives, but his title is the “leader” rather than *Wali al Faqih* (Guardian Jurist). The Assembly of Experts’ act of bringing Khamenei made it hurt rather than help to create the representative of the *Wilayat al Faqih* theory. The Debates in the Majles are surrounding the *Wilayat al Faqih* institution, as there is a confusion as to what kind of role the institution would hold in Iran’s future, is it practical or theoretical? For example, the former Majlis deputy and theologian from Qom, Azari Qomi, has advocated that Khamenei, as Khomeini’s successor, is entitled to modify or even reverse the decisions made by Ayatollah Khomeini. The former Speaker of the Majlis, Mehdi Karroubi, however, has publicly criticized his view which theoretically confirms the principle of *Wilayat al Faqih* rather than in-validating it (Note 23).

Finally, other than the succession problem that the post-revolutionary Iran is facing, the leadership and institutional crisis reflect the contradiction in the constitution of a high degree of autonomy of the Supreme Leader's office on the one hand and a small degree of autonomy of the president office on the other hand. Thus, it would be impossible in post-revolutionary Iran not to review the kind of autonomy that the constitution institutionalized for the Supreme Leader's office. This brings the researcher to the question of whether or not (with the challenges today between both offices' roles) the *Wilayat al Faqih* is successfully institutionalized?

In the 1989 constitutional amendments, the division of power wasn't on the expense of the supreme leader's power, as powers that have been given to "the president of the Republic by one hand, was taken from him by the other hand. And away from readings and subjective impressions, the political interactions created a reality that is not necessarily constrained by the constitutional texts. Hence the following question: Do you support the situation of the President of the Republic in 1989 or not?" (Note 24) Looking at the president as any President of the Republic and his relationship with the supreme leader is important. Does he have a popular base, what kinds of power linkages does he have in the social and political stage? Also, to question the role of the Expediency Council, noting that it was unconstitutional. The different roles that the institution is playing can be seen in relation to the Shura Council. It can be noted that from one Shura Council to another the differences of its roles appears in respect to the political composition inside the system, and the degree of compliance with the Expediency Council.

Although Khomeini installed his clerical institution in the Iranian system of governance this does not mean that the Republican institution is completely demolished. But, in order to defend its position the clerical institution started from the beginning to overpower the republican institution. Khomeini because of the existence of other forces within the revolution those who didn't want to have a theocratic state, made him accept that the state should have a republican wing. A unique state that didn't exist in his early writings. Also, "a reality that would, ironically, prove to save his type of government. In this way indeed the pre-revolutionary concentrations of power were integrated in the state, yet the state was not destroyed. Rather on the contrary the incorporation of the pre-revolutionary concentrations of power in the state could eventually strengthen the state" (Note 25).

Furthermore, it's important to note that the development of the *Wilayat al Faqih* system of governance was parallel to the formation of a new state based on a religious ideology. As it is can be seen that, Firstly, the emergence of different and new centers of power, outside the control of central government. Secondly, the construction of (successful) top-down parallel institutions by a certain section of the post-revolutionary leadership to dominate government in the widest sense of the word. Thirdly, the maintaining of the majority of the old institutions and the attempt of certain factions to give them predominance on the emerging new elements, which provoked a harsh reaction of those trying to

stabilize their parallel institutions. Finally, the incorporation, centralization and “*mise au pas*” of the new power centers when possible and the elimination of these when necessary by those factions that had most successfully created new power centers. What was left was an institutionalized dual power structure. One, republican and arguably pre-revolutionary, with preexisting institutions like parliament, government and the traditional armed forces, and one, “Islamic” or post-revolutionary, with parallel newly constructed institutions like the Supreme Leader’s Office, the Council of Guardians, the IRP and the Sepah (Note 26).

A dual structure of governance resulted in a dual leadership: the duality of leadership power is between the office of the Supreme Leader and the President. The Shah’s system of governance wasn’t facing a dual structure of governance nor a dual leadership; the state power was a contested field between the Shah and the clergy. Khomeini’s *Wilayat al Faqih* didn’t start or was not created in essence as a dual leadership however, such issue started to evolve after Khomeini’s death. But “since 1989, there has been to a certain extent some sharing of power between supreme leader and the president” (Note 27). In this struggle for power: the supreme leader stand as a representative of the institution of *Wilayat al Faqih*, while the president as a representative of the republican institution.

The Iranian constitution clearly shows through the authorities that have been given to the supreme leader that there is a conflict of power when it comes to public policy making with the office of the president. In fact The *Wilayat al Faqih* ideology in its essence has no place for the president but for the Imam. Thus, the “ideological mentality of the Iranian state is weakened, largely due to the discrepancy between the constant reiteration of the importance of ideology and the ideology’s growing irrelevance to policy making or, worse, its transparent contradiction with social reality” (Note 28). Moreover, the issue of leadership in the Iranian system of governance is ill-defined. As there are different levels of the leadership mentality which resulted in some sort of tension in the system. Also, the issue of elite factionalism and contradiction in the constitution (having dual power) contributed to the issue of leadership diversity.

Furthermore, when it comes to elections, the constitution did not provide for the Leader of the state to be appointed for life by the Assembly of Experts, leaving the president being elected to serve a four-year term. The constitution of the Iranian state thus leaves different challenges that the *Wilayat al Faqih* system of governance is facing; one of the most important challenges is the “president dilemma”. The election of the president is not similar to democratic states where there is unlimited pluralism. In such an authoritarian system, there is limited pluralism. It can be said that the election of the president is an (election of an election), the Guardian Council determines if candidates (Note 29) are allowed to run for election. And then, to put it bluntly, in presidential election there are the Supreme vote (supreme leader’s vote) and the regular vote (citizen’s vote), the final vote is for the former.

The Formal Constitutional Power Structure

This section will be looking at what can be called “president dilemma”, and how the ideology of the *Wilayat al Faqih* is placing a theological legitimacy for the Supreme Leader as a super powerful institution. It will also, emphasize as it did previously, how the duality of the power structure has resulted in duality of leadership. Thus, it will look further at the impact of the supreme leader’s unlimited super power on the president’s office as there is a struggle of duality of leadership (reflected in policymaking and policy implementation). Political infighting has existed since Khomeini thus it has become one of the characteristics of the Islamic Republic system of governance. However, according to Mehdi Khalaji, a researcher at the *Washington Institute for Near East Policy*, Such infighting is not like that of the democratic countries in which they have an open competition between conflict of interests. But it takes the form of a hidden power struggle in which Iran is suffering from and more importantly hampers the government’s functioning.

The coming pages will briefly map out the most important centers of power in the Iranian system, presenting the functions of each institution and the struggle of power that it is facing.

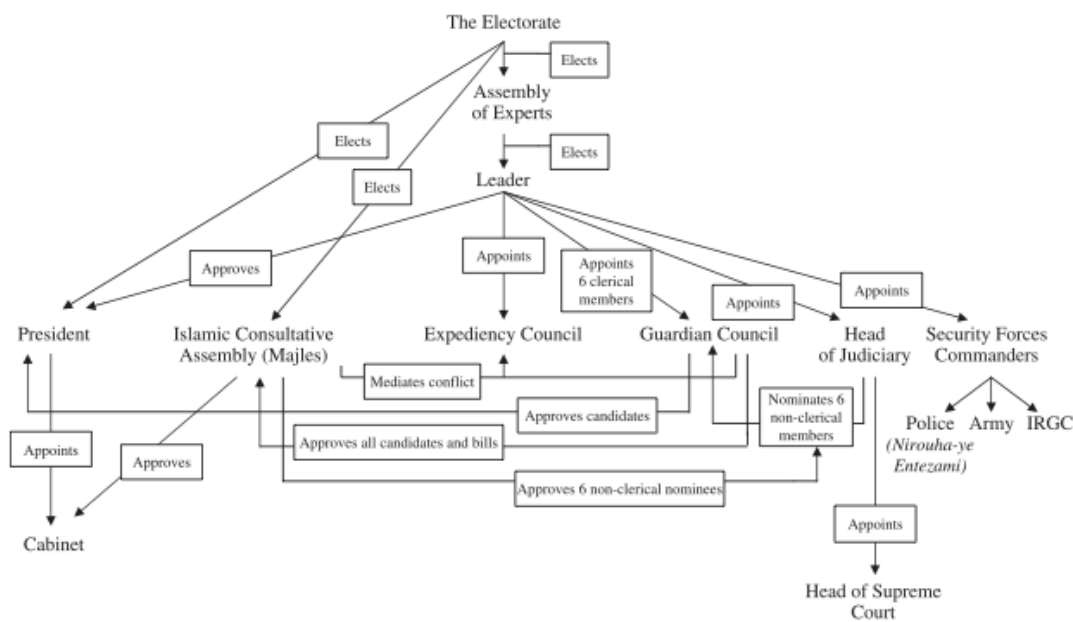


Figure 1. Distribution of Power in the Constitution (Note 30)

Looking at Figure 1 it can be seen that that there is a duality of power structure between religious (*Wilayat al Faqih*) institutions and the republic institutions, however, this does not mean that duality necessitates equality of power, rather the contrary, religious (*Wilayat al Faqih*) institutions overpower republican institutions together with protecting the *Wilayat al Faqih* system of governance. This can be

clearly seen when it comes to the function of each institution.

The Supreme Leader & the President

When looking at the formal political power structure of the IRI it shows that “it is composed of the Supreme Leader and three sets of institutions: 1) The religious supervisory bodies; 2) The republican institutions; 3) The religious foundations” (Note 31). The system has then three centers of powers, as it shows in Buchta’s figure (Figure 2). However, what must be noted is that the dual institutions (republican and religious) are under the complete supervision of the Supreme Leader’s institution. The *Wilayat al Faqih* system of governance not only invested the powers of these institutions in the Supreme leader institutions but it also assert that “the position of the Supreme Leader is both the single most important position in the Islamic Republic the one that has changed most fundamentally since its inception...as the leader’s legitimacy evolved from religious to politico-religious, (double legitimacy), though it can still hardly be called democratic” (Note 32).

For the Supreme leader’s institution, Mehdi Khalaji put forward a different political term for it which is “*Bayt Rahbar*” (House of the Supreme Leader) (Note 33). It means that the supreme leader is not working alone as he meets in his home with thousands of employees between expert and consultant and manager in various disciplines. Therefore, all institutions such as religious political, economic, etc., follow the house of the supreme leader, as these institutions are managed by those who work in the *Bayt Rahbar*. The management of the supreme leader’s home affairs means that the methodology of decision making is subject to complexities and entanglement, because many of those who work in the “home” have their links in the Ministry of Intelligence, the Revolutionary Guards, and economic institutions that such network of relationship intervention can affect the decision making process in the system of governance. Thus, the role of the supreme leader shouldn’t be seen as the commander of the revolution, exercising power individually, but as an institution.

The competences of the Leader are defined in article 110 which are: “defining, after consultation of the Expediency Council, and supervising the execution of the general policies of the Republic; ordering national referenda; assuming the supreme command of the Armed Forces; declaring war and peace and the mobilization of the Armed Forces and resolving disputes between different sections of the Armed Forces” (Note 34). In addition, the supreme leader has the power to dismiss, appoint and accept resignation of the clerics who work in different institutions of such as: the Guardian Council, the Head of the Judiciary, the head of the radio and television (*seda o sima*), the Chief of the Joint Staff, the General Commander of the Sepah, the Supreme Commanders of the Armed Forces and law enforcement forces. On the other hand, the office of the president can be seen as the exact contrary to the supreme leader’s office. Although the president, according to the constitution (art. 115) (Note 35), is the second most important office in the Islamic Republic, it is still an institution that is designed to be a weak and divided presidency. Thus, it can be seen how much the president competence is limited to the

field of the executive.

The Majles & the Council of the Guardian

The religious supervisory bodies in the Islamic Republic consist of two groups:

1) Three decision-making and advisory institutions: the Council of the Guardian (*Shora-ye Maslahat-e Nezam*), the Assembly of Experts (*Majles-e Khobregan*); and the Expediency Council (*Majma'-e Tashkhis-e Maslahat-e Nezam*); 2) Institutions, with no legal status, that are considered to be the extended arms of the supreme leader (Note 36). In these body of institutions, and regarding power centers, and decision making at the level of policy making, the Guardian Council acts as a supervisory institution over the Parliament not the opposite, this is no wonder as half of its members are elected by the Supreme Leader, contrary to the Parliament in which the members are elected by the people.

The Guardian Council is an important body in the Iranian system of governance. It consists of twelve jurists (six clerical and six non-clerical). The six clerics are appointed through the traditional religious network, as they are elected from among the ranks of the clerical elite, and are appointed by the supreme leader. The non-clerical members are appointed by the republican institution, parliament (*majles*) at the recommendation of the head of the judiciary. The powers of the Guardian Council include making sure that the laws passed by the *majles* are compatible with the Shari'a (Islamic law). The Guardian Council has supreme oversight of the elections of the system's different institutions, which are: the *majles*, the Assembly of Experts, and the presidency. Therefore, the Guardian Council "remains today, the government's most important organ, but the Expediency Council and the Assembly of Leadership Experts are also, central" (Note 37).

However, it can be stated that the Guardian Council failed in regards to institution building in Iran. The main reason is the absence of a written jurisprudence, which is far different in comparison to other jurisprudence of other constitutional courts found in other countries such as the United States (having a Supreme Court). Moreover, such failure has gone hand in hand with the increasing politicization of judicial review, which preceded the politicization of the judiciary and the use of courts as instruments of political repression. In fact, it is quite clear that, since 2000, the overall effect of the Guardian Council on institution-building has been negative: paralyzing legislation and nearly destroying the Majles as an institution. This has been accomplished largely by the council's blanket extension of inconsistencies in applying the shari'a to such items as the government annual budget (Note 38).

So, does the Guardian council (as an institution the constitutional amendment of 1989) act as a protector of the constitution and the revolution principles or does it actually protect Khomeini's ideology and the *Wilayat al Faqih* system of governance?

Furthermore, the other religious supervisory are: The Assembly of Experts, The Expediency Council, and religious institutions, such as the Office of the Representatives of the Supreme Leader

(*Namayandegan-e Rahbar*), Association of Friday Prayer Leaders and the Special Court for the Clergy (*Dadgah-e Vizheh-ye Rouhaniyat, SCC*). The coming paragraphs will talk about the Assembly of Experts and the Expediency Council in relation to the Guardian Council.

The Assembly of Experts consists of 86 clerics. The Iranian people elect members of the council for an 8-year term. However, the Guardian Council has to accept the candidates before elections. The Assembly of Experts also had the power to elect the Supreme Leader from its own ranks and dismisses him if he does not fulfill his duties (constitution, 1990, p. 69, p. 72), the latter of which is unlikely to happen. The Expediency Council was established in 1988 to act as a mediator between the *majles* and the Council of the Guardian, and to advise the supreme leader. The Expediency Council has 31 members that are appointed by the supreme leader from among the ranks of the Iranian political elite (Note 39).

Moreover, the Expediency Council:

The other major clerically dominated organ of the regime-has outgrown the confines of Khomeini's original terms of institution, which stipulated that it "not become a power alongside the other [three] powers". And has even outgrown its expanded capacities as included in the constitutional amendments of 1989. The Expediency Council is now a legislative body of major importance. But unlike the Guardian Council, the Expediency Council is under no obligation to return legislation it has changed to any other government body for review. It began its independent law-making activities immediately by modifying legislation other than that subject to dispute between the Guardian Council and the Majles. In fact, in the Expediency Council's first four years, these reviewable legislative items amounted to less than one-third of its enactments. Nevertheless, according to the Guardian Council's interpretation of the constitution on October 15, 1993, no legislative organ has the right to annul or rescind an enactment of the Expediency Council. But the legislative powers of the Expediency Council came under attack after the reformist victory in the parliamentary elections of 2000. By May 2002, however, the Expediency Council responded to an article in the reformist newspaper *Nowruz*, which had cited instances of its legislation as unconstitutional, reaffirming their constitutionality and its legislative power. According to the May 29, 2002, issue of *Nowruz*, the Expediency Council cited Clause 8 of the amended Article 110 of the constitution which gave it the power of "solving the difficulties of the regime that cannot be solved through ordinary channels".

Unlike the Expediency Council, the Assembly of Experts has limited legislative power, which it can exercise independently of the supreme leader. As Javadi-Amoli

(1998, p. 12) rightly points out. The critical importance of the Assembly of Leadership Experts was demonstrated in its swift choice of Khomeini's successor. In its internal regulations passed in 1983 (Articles 1 and 19), the assembly set up a seven-man investigation committee to supervise the conditions and comportment of the supreme leader on a continuous basis. This committee was further given the responsibility for "supervising the administrative organization of Leadership in coordination with the Leader". With its enhanced powers of dismissal, and the mechanism for continuous vigil via the investigation committee, the Assembly of Leadership Experts has become an influential organ in the collective conciliar rule (Note 40).

The Organization of the Armed forces

Khomeini (The Faqih) knew that he couldn't trust the Shah's military during and after the revolution so he made a new military called: the "Revolutionary Guards" besides the military. It's not only as a form of protecting the revolution but also to prevent any future coup d'état. Moreover, after three decades the Revolutionary Guards are still the source of trust. As mentioned earlier under the supreme leader's powers there is the (House of the Supreme Leader), which is constructed from an important alliance between two elites: clergy, mainly the supreme leader and the IRGC. Here the institutional approach is important in order to understand what kind of institutional mix we have between both elites. The coming paragraphs will explain further the important role of IRGC in the *Wilayat al Faqih* system of governance, especially in regards to their influence on public policymaking.

The root of the alliance between the "House Leader" and the Guards is not just because the Guards follow the latter by virtue of appointing them but because the Revolutionary Guards since their formation was an autonomous institution. It can be seen that, after the victory of the revolution such institution is not merely a follower but it is the first partner in the House power. Therefore, such alliance helped to protect the revolutionary institutions (*Wilayat al Faqih Institutions*), and to dispel the charm of the old alliance between clergy and the Bazaar. Iran's revolutionary Guards do not obtain only military power but also became one of the most powerful economic actors, which made them able to influence the political decisions of the government.

Khamenei assigned the Revolutionary Guards some heavy economic projects to execute, which was something that the guards desired to have. Entrusting the guards for the implementation of such projects like building dams and "the headquarters of the prophets" was well thought decision by the supreme leader. As such heavy projects require from its executer the creation of interdisciplinary engineering and multiple sciences, and the import of advanced technology from abroad. It also can achieve for its executer the reputation and control of being able to engage in other economic areas. It can also, cast popular consent because they bring benefits to the people, it produces electricity and

revive agricultural land. And it enables “the headquarters of the seal of the prophets” through dam construction projects to control the four most important ministries for generating income in the state, namely: the Oil Ministry, and the Ministry of Energy, Ministry of Roads and Transport, and the Ministry of Communications (Note 41).

Furthermore, the IRGC political roles are also defined after Khatami’s victory in 1997, as they strengthen their alliance with the supreme leader as one block that fight any reforms in the system of governance, wither in *Wilayat al Faqih* institutions or the constitution. In addition after the 2009 crackdown of the state witnessing civil protests against unfair elections, the IRGC took the role to defend the supreme leader’s choice of Ahmadinejad, fearing that this would overthrow the *Wilayat al Faqih* system of governance. Also, like any system of governance, the alliance resort to media as an approach to increase its authority. Media information campaigns start to call for the absolute theory of “*Wilayat al Faqih*” in that its legitimacy and its legality are derived not from the people but from God according to the ruling coalition.

The Informal Power Structure

In order not to be lost in this informal structures and networks, as there are formal power structures outlined by the constitution, there are also, a number of informal power centers, all under the control of the Supreme Leader, that exert considerable power. In fact, these informal centers act as powerful instruments through which the Leader controls key institutions and/or resources within the system and, at the same time, guards against threats from within or from outside of the political establishment. As Figure 2 below, illustrates, the Supreme Leader is surrounded by a line-up of pressure groups through which the Leader’s influence resonates throughout the system. These pressure groups act as informal power centers and intervene on behalf of the Leader when and where his direct intervention could be politically costly. Of these various informal institutions, four are most important. They include the “Representatives of the Leader” (*Namayandegan-e Rahbar*) to the different organs of the state, including universities; the Special Court for the Clergy; the Friday Prayer Imams of each city; and government funded foundations called *Bonyads* (Note 42), which report directly to the Leader and are technically under his direct control and supervision (Note 43).

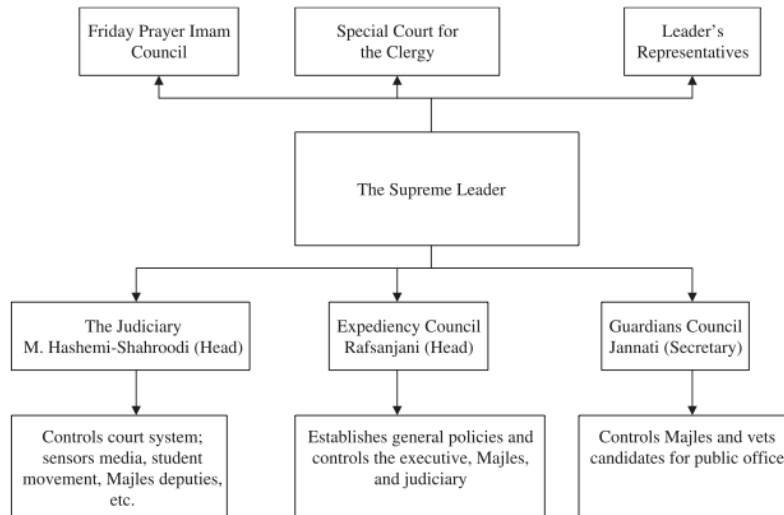


Figure 2. Effective Structure of Power in Iran (Note 44)

Furthermore, when we describe the informal powers in Iran, it is important to note that it does not only include those who have institutional positions in the system but also, those who are influencing the discourse of the elite, and those who are directly and indirectly influencing decision making. Thus, it can be seen how the system is interwoven with informal networks which are playing an important role in the system replacing political parties, in which the system lacks. As a result, it can be noted that the Iranian post-revolutionary politics is characterized by a kaleidoscopic nature. The complexity of the Iranian politics therefore emanates from competition between the informal networks, as they struggle for power and control of various state institutions. Also, it is worth adding that “the failure of the state to impose its authority and the lack of a strong partisan tradition in the country means that debate over key questions of national importance such as republicanism versus theocracy, nuclear policy and the relationship between the executive and legislative branches of the state are often conducted in terms of political conflicts between various factions. Political coalitions have formed and fallen apart because party politics has not become well established” (Note 45).



Figure 3. Kaleidoscopic Nature of *Wilayat al Faqih* System of Governance

Moreover, Wilfried Buchta defined the informal powers as rings: First Ring: The “Patriarchs”, Second Ring: The highest-ranking governmental functionaries and administrators, Third Ring: The regime’s power base, Fourth Ring: Formerly influential individuals and groups, and Outside the Circles of Power: The quietistic majority of Shi’i clerics (Note 46).

Understanding Elites

Understanding the Iranian elites entails going back to the elite’s historical background. It will help in looking at the historical power relationships between the Iranian elites and thus understanding the Iranian political system’s ground of reality and the relationship between the different political factions. Moreover, Buchta emphasized in his book “*Who Rules Iran?*” an important point when looking at the Iranian elite which served as a shift from institutional analysis to elite analysis. He emphasized that instead of looking at how the system is working, together with looking at the ideological, formal or bureaucratic characteristics of the system, it is more useful to observe the kind of loyalty and bonds of patronage among the elite. So, in other words, just as the title of an individual cannot automatically be equated with his actual level of influence, formal regulations—which are based on codified constitutional definitions and laws—do not form the exclusive fundamental principles for the most important decision-making processes in Iran. At least as important are the informal, uncoded relationships based on personal bonds and personal or group rivalries (Note 47).

Thus, it’s important to raise the question of “who are the elite?” Iran since the revolution witnessed a shift in the state and regime type that created a complex system of governance, which is classified as a hybrid regime. Nonetheless, it is worth noting that where transitology and modern elitist theories underline how elites make the system, theories of state formation underline how the system makes elites. It would be reductive to reduce differences between both to a simple voluntarist structuralist debate, yet there are undeniable parallels. Moreover, Attempting to systemize and understand the contemporary Iranian regime is a fruitless undertaking if one forgets the fundamental contributions not only of elitist theorizations, but also of the underlying structures and dynamics, both clearly situated in time and space (Note 48).

Therefore, elitist together with state-formation theories have a considerable advantage on describing the emergence of the elites and their incorporation in the system and how they influence the system's structure of power. This is through defining historical forces which drive the elite and their actions, thus, where both transitology and monist-pluralist paradigms failed, historical sociology paradigm can succeed.

Furthermore, regarding the elite struggle for power, it should be noted that even before the disintegration of the Shah's regime there were historical centers of power which existed autonomously before the revolution, and invested their powers in the Islamic Republic state formation: the clergy institution in which they have a historical role. The Bazaar's role, which I will discuss in the coming pages, without giving an extended analysis of its characteristics but mostly on its relationship toward both the state (government) and the clergy. Finally, it is contemporary power elites who can be called "The new elites", and who came in after the Iranian revolution. In the history of the Iranian state and formation of the new state (Islamic Republic), it can be seen that not only the political powers of the clergy and the bazaar but also their alliance in influencing policymaking. However, the new elite in contemporary Iran helped to change the balance of power between the clergy and the bazaar and to influence the power of decision making in the regime.

The Clergy and the Bazaar

The *Bazaaris* were an important actor in Iran, as they "historically have translated their commercial centrality into political contestation" (Note 49). Furthermore, before the revolution, they made the Shah listen to their demands and protect their interests. They have an autonomous power from the state which made them not only able to mobilize people against state policies as they were supporting Mossadeq oil Nationalization Movement in 1951 and were against the 1953 CIA military coup. They also established an alliance with the clergy whenever they needed to confront state policies, they were also, able to play as independent actor from other social groups such as the clergy. They also participated in a number of historical events such as the constitutional revolution in 1906, the anti-white revolution protests in 1963, and the Islamic Revolution.

Although not all *bazaaris* were supporting the Islamic Revolution but a minority of *bazaaris*; Khomeini depended on such an alliance in the Islamic revolution, especially when it comes to financial aid. However not all *bazaaris* supported him as since history, the Bazaar's interests do not always meet with the clergy's interests. Therefore in establishing the Islamic Republic, Khomeini granted the minority of Bazaaries privileges of political and economic power, as some were members of the parliament as a representative of the *Moatlefeh* Party (Note 50). Also they were given positions in the Ministry of Economy, access to the industry and, etc. Nevertheless, after the death of Khomeini and with the IRI facing difficult times such as the Iran-Iraq war, the Bazaar power started to weaken. Thus, what kind of power does the bazaar have now? And does the so-called bazaar-mosque alliance still exist?

With their economic power shifted to the revolutionary Guards, the bazaar lost their influence or power in the political sphere. During the 2009 protests, known as the Green Movement, the attempt to topple the newly reelected Ahmadinejad regime, the *bazaaris* stood silent and couldn't make a strike against the regime, the reason for that is because:

Today, the bazaar is on the verge of recession and bankruptcy; it is no longer a powerful and influential institution in the political arena of Iranian society. The emergence of various foundations and the entry of the Islamic Revolutionary Guards Corps (IRGC) into the field of economic activities have broken the bazaar's back. The cost of political activity in current conditions is much higher than in the Mossadeq era (Note 51).

Furthermore, today for the Islamic Republic the "Bazaar-Mosque alliance" lost its full meaning, and if there are any remaining of such an alliance it will be represented by The Society of Islamic Coalition (SIC, *Jam-iyyat Mutakifh-i Islami*) and its sister organization, the Society of Islamic Associations of Guilds and Bazaars of Tehran (SIAGBI, *Jami-ih-yi Anjumanah-yi Islami-yi Asnaf va Bazar-I Tihran*), which is referred to jointly as SIC-SIAGBT, and is considered to represent the interests and embody the will of the trading class.

Nevertheless, the SIAGBT doesn't reflect the sentiments nor the interests of *bazaaris*. As it can be seen, the SIAGBT "in 2000 had only 2,500 members out of a Tehran bazaar that comprises roughly 40,000 individuals. Instead it claims to present the views of the bazaar from a position of state-sanctioned authority" (Note 52). In addition the so called *bazari* associations lack the ability to reach *bazaaris* and mobilize them toward supporting the conservatives' decisions or agenda. For example,

In 1999 and 2003, SIC and the Tehran bazaar's Islamic associations' call for bazaar closures, part of a time-honored repertoire of political dissent, had very little *bazari* support. As it has become apparent that SIC-SIAGBT cannot mobilize support for the regime and the conservative camp, these associations have lost clout with the supreme leader and opened the door to other conservative forces to play a leading role (Note 53).

Elections, especially in Iran show us the nature of alliance between different elites, and it shows that the SIAGBT, which doesn't represent the majority of *bazaaris* doesn't have a significant power in the Iranian structure of power and policy making. For example,

The new right has enjoyed electoral success and political power, it has become emboldened and sought greater independence from SIC and power in agenda setting. For instance, a member of the Developers' Coalition of Islamic Iran, whose candidates were victorious in the 2003 municipal elections, claimed that SIC's support did not win them more than 1,000 votes, and therefore the coalition owed

nothing to SIC (Note 54).

Nevertheless, this doesn't mean that the SIAGBT value to the system is downgraded, as they are loyal not only to the IRI but also, to Khomeini's ideology since 1980. They cannot represent *bazaaris*'s interests, which are not always coinciding with the regime. Thus, their political alliance with the regime is relevant very much to the survival of the regime. However, if they represented the majority they might be able to compete with the new economic power the IRGC, and restore back their autonomous power of influencing policymaking.

The Clergy and the IRGC

The military of the Islamic Republic in post-revolutionary Iran consists of two main segments: regular forces (Artesh) and revolutionary forces. The former are holdovers from the pre-revolutionary period and were less involved in the political development of the Islamic Republic. The Artesh comprises of an army, navy, and air force. However, the revolutionary forces, which include the IRGC, the Basij popular militia, and other associated forces, have had a significant impact on the shape and nature of the Iranian state. Unlike the regular armed forces, the IRGC was given the additional mandate of "safeguarding the revolution" (Note 55). As stated before, Khomeini established the IRGC to ensure the military loyalty to the revolution. However, unlike Khamenei, Khomeini didn't want the IRGC power to be extended to domestic politics because "constitutionally the IRGC is barred from direct involvement in politics, and this prohibition was held firmly in place by Khomeini until his death in 1989" (Note 56). While Khamenei finding the system in danger because of the presidency and the parliament (republican institutions) being controlled by the people and may not willingly adopt the ideology of *Wilayat al Faqih*, he established an alliance with the IRGC to empower the institution of *Wilayat al Faqih* and ensure that the system of *Wilayat al Faqih* remain intact.

Therefore Khamenei application of IRGC "safeguarding the revolution" made him replace clerics with IRGC, in a number of positions and Ministries, thus, "within three decades, thousands of IRGC officers found their way into parliament, local government, the foreign office and more" (Note 57). In fact Khamenei, replacing the clerical elite in the system structure of power extended to empowering the "new elite" with political and economic power, which also impacted the *bazaaris* elite and made them less powerful economically therefore politically. Moreover, Khamenei transferring to the IRGC the "exercise of broad responsibility, has led to the gradual permeation of the organization's influence in all sectors of the Iranian state, including the areas of domestic security, ideological promotion, cultural work, industrial development, foreign engagements, and politics" (Note 58). It is important to note that there are factors pertaining to the IRGC place and work within the Iranian system of governance and society (Note 59), which are: the ideological nature of the organization and its commitment to it, its cultural and religious dimension which should not be ignored.

Furthermore, the consequence of Khamenei's action of empowering the IRGC is the militarization of

Iranian politics. It can be seen that:

The line between politics and the military in Iran has been seriously blurred. Major General Mohammad Ali Jafari has stated openly, in fact, that “before being a military organization, the [IRGC] is, first and foremost, a political-security organization”. According to the International Crisis Group, “Iranians generally view [the IRGC] as the most powerful (and intimidating) pillar of the Islamic Republic” (Note 60).

As the IRGC became centralized in the system, with its iron fists to protect the regime from any external or more importantly internal enemy, especially, after Khatami’s rise to power, and the victory of the reformists, the IRGC new task is to block the clergy specifically reformists clergy outside the system of governance, leaving with no influence in regime or even public policy making. For them, the reformists taking power means not only the empowerment of the president and the parliament but also, weakening the institution of *Wilayat al Faqih*.

The IRGC blocking reformist clerics can be easily seen in the presidential and parliamentary elections. As the IRGC “wants a president it can work with-and one who, above all else, won't get in its way” (Note 61). Therefore the only clerics that the IRGC would accept are hardliners clerics (Principalaists/ultraconservatives). However, the IRGC couldn't resist approving a former officer of the IRGC-controlled Basij militia Mahmoud Ahmadinejad for presidency. Thus, he “presided over a cabinet wherein twelve out of twenty-one ministers are former Revolutionary Guard officers, the most ever in the history of the Islamic Republic. (Ahmadinejad’s government also boasts a record low number of clerics; Intelligence Minister Hojjat al-Eslam Heydar Moslehi, a Shiite mullah, serves as the lone representative of the clerical class” (Note 62). Moreover, during Ahmadinejad’s presidency “dozens of seats in parliament and a brace of top posts have recently been filled by ex-servicemen” (Note 63).

Such an extreme makeover to the *Wilayat al Faqih*'s representatives or powerful actors became more intensified after the 2009 crackdown, as there were huge civil protests, Khamenei and the IRGC instead of calling it the “Green Movement”, they referred to it as the “velvet revolution”, thus those who have positions especially in the Ministry of Intelligence were replaced systematically by IRGC officers. Nonetheless, “the very notion of relying on a military apparatus for the protection of a political establishment suggests its true vulnerability” (Note 64). Also, in the late elections of 2013, and after the victory of Rouhani (Note 65), the IRGC defined for Rouhani’s administration some “red lines” that should be taken into consideration in his term. This was “three days after the election, Brig. Gen. Mohammad Esmail Kowsari repudiated the influence of reformist leaders in the 2013 election. He warned against allowing former presidents Hashemi Rafsanjani and Mohammad Khatami to have influence again” (Note 66).

Furthermore, other than being afraid of regime change the IRGC are afraid of reformists rise to power inside the system which would make them question oil revenues being in the hands of IRGC to use as their own income for their domestic and international projects. Also, regarding Iran's sanctions for enriching nuclear power, "the IRGC has a clear economic interest in a general sanctions regime, which has removed foreign direct investments in Iranian businesses and removed foreign competitors from the Iranian oil and natural gas market, thereby helping the IRGC expand its economic clout through the seizure of major projects, like various development phases of the South Pars oil and gas field" (Note 67). Thus, their hard stance on the nuclear issue and sanctions on regime made them become a significant player in the regime, which in turn weakened traditional players in politics such as the bazaar. As the bazaar retreat from the Iranian market, it became filled with IRGC, therefore they didn't gain only economic power but also political power.

The IRGC having such economic and political power means that they can influence public policy in Iran. For example, Rafsanjani criticized the IRGC (Sepah)'s influence in Iran to the degree of comparing their role during his presidency and today. He said that "Sepah's engineering combat corps during the time of war could be useful for the re-construction efforts, and we gave them projects to complete such as building roads. It was useful both for the country and for Sepah. But now, Sepah has taken economy, domestic and foreign policy in its hands, and it won't be satisfied with anything less than the entire country" (Note 68). With such an economic power the IRGC has the control over the political elite in the system, helping their ultraconservatives clergies in their challenge against reformists and political dissents. Therefore, the survival of the regime is no more in the hands of Khamenei and the clergy but mainly in the hands of the IRGC as the only unabated politico-industrial entity.

Factional Rivalries

Iran's elite factionalism has been a subject of tense. Nevertheless, focusing on elite factionalism entails the focus of micro politics, instead of macro politics, therefore Iranian factionalism serves as a blinder to Iran's institutional fracture. Since, it's *Wilayat al Faqih* system of governance, would it matter to have a factional elite or does the power scattered among the Supreme Leader's party, and supporters equal to those who are out of it? The question then here is not who's wining (as for any democratic system) but who has the lead?

The *Wilayat al Faqih* system of governance having different factions, holding different ideologies on *Wilayat al Faqih* and how the system or regime should be run made it difficult not to think of the system as *Wilayat al Faqih* democracy, that the regime will be led by different factions. Nevertheless, when taking a look at the stages that the regime went through and until now (especially governed with different factions of the elite), it's noted that although there were changes of ideologies in government, still such ideological shifts were inside a small group having one ball (governance), that is going

between the two splitted smaller groups, the first group is holding the ideology of keeping the *Wilayat al Faqih* system of governance, the second group is with the ideology of reforming or changing the *Wilayat al Faqih system* of governance. Factional rivalries have been common since Khomeini but it was not the same as after Khomeini's death. However, to be more precise and because the research is focused in the time between 1997-2013, thus the examples presented here on factionalism and institutional fracture is between this period of time.

The institution that Khomeini established, the Maslahat Council which is to middle or solve any struggle between the two institutions, Guardian Council and the Majles (parliament) actually belongs to the *Wilayat al Faqih's* institutions, therefore it is another example that *Wilayat al Faqih* institutions are overpowering the republican institutions. However, when it comes to factionalism between the Iranian political elite the Maslahat Council is an institution that sides with those who believe in the ideology of *Wilayat al Faqih* as a system of governance. For example,

the September 2002 bill to restrict the supervisory power of the Guardian Council was predictably rejected by the Council. In March 2003, the Majles passed amendments to the electoral law with the same effect. Khatami threatened to resign or put the bills to referendum. At this point, the Maslahat Council let its position be known by quadrupling the budget of the Guardian council at a meeting on March 15 (Note 69).

The outcomes of the meeting made Khatami and the Majles Speaker Karrubi, walk out in protest. The Guardian Council's final stand in rejecting these attempts was in order to restrict its power. Reformists didn't expect that the Guardian Council would be fully supported by its sister Maslahat Council and "given the budgetary means to punish them by depriving them of their parliamentary seats in the forthcoming elections of February 2004" (Note 70).

Both of *Wilayat al Faqih* institutions; the Guardian Council and the Maslahat Council have the most important function which is to maintain the system of clerical conciliarism. Such political function of these institutions can be noted when Khamenei tried to suppress the reform movement, blocking the way from regime change or (*perestroika*). Even the judiciary faced a political abuse, suppressing its freedom of expression. The power of *Wilayat al Faqih* and its religious institutions to suppress republican institutions can be stated when "the state favored *marje'-etaqlid* spoke out in favor of the theocratic government and against the Majles. Dissident clerics, however, could not be silenced. In fact, to Ayatollah Montazeri goes the credit of demanding in February 2001 that the constitution of the Islamic Republic be revised, something president Khatami and his Majles supporters lacked the courage to do" (Note 71).

There were divisions created between reformists' camps after Khatami's failure to bring out a real socio-political and economic change. Nevertheless, Khatami opened the door on *Wilayat al Faqih*

regime, and not only demand to establish the rule of law and democratic principles, as a protector of the constitution but also, questioned the legitimacy and authorities of the Supreme Leader and whether Iran should have a leader with constrained authorities or not, bringing *Wilayat al Faqih* system to the subject of democracy. While the definition of conservatives in Iran changed especially after Ahmadinejad's rise to power because of the divisions that he created in the conservative camp, Iranian people witnessed the rise of neoconservatives. The neoconservative-populist president not only came with a campaign that speaks with a reformist agenda, claiming to change the socio-economic problems in the state but also came with a support of state institutions. Supporting Ahmadinejad is something that the conservatives wanted as a representative of their system in which they can rely on. Nevertheless, such institutional support may not last!

Ahmadinejad having the support of his spiritual advisor, Mesbah Yazdi a member of the Assembly of Experts, and who's been called the most "conservative, powerful cleric in Qom", also, known for his opposition to reformists. Also, "Ahmadinejad's other strong supporter in Iran's ruling elite is Ayatollah Ahmad Jannati, the powerful Secretary of the Guardian Council and the chief gatekeeper in vetting candidates to all elected offices, who had put him on the Council's payroll as an election inspector and enabled him to become part of the hardliner elections network" (Note 72). According to Jannati:

He did not have to worry about the Seventh and later the Eight Majles whose candidates he had vetted properly. As the Majles began to know its place and became more compliant, the tension in its relations with other organs of the regime somewhat surprisingly shifted from the Guardian Council to the Presidency. Ahmadinejad showed the same imperiousness in dealing with the hardliner Majles as Jannati had toward the reformist one he had defeated (Note 73).

Not only reformists want to remove the clerical regime but also, Ahmadinejad who became a mixture of neoconservative and reformist in his own way, wanted the same. Ahmadinejad wanted to empower the president. Unfortunately the president and the parliament go together as Ahmadinejad was going against the majority hardliners MPs. He rejected to be accountable to the parliament as there were complaints by the parliament on his arbitrary acts. A dispute between Ahmadinejad and the parliament reached a tipping point on the issue of package of laws that Ahmadinejad saw not applicable, disapproved by the government but been passed by the parliament. Such dispute made Ahmadinejad:

Write a letter to the Chairman of the Guardian Council Ahmad Jannati, complaining about Larijani, and asking him to intervene, but he did not hear an answer that would please him. Ahmadinejad made the controversy with his opponents arrive to the Expediency Council, as the Iranian president is raising the question that read: "And what does the Expediency Council means?" As he was talking about more than 130 laws contrary to Islam and the Constitution, were approved by the Council and

received support from the Expediency. The sign of Ahmadinejad directing his arrows toward the Expediency is when he was wondering whether the Expediency has a legitimacy that is over the Constitution. So, he demanded for an explanation, in which he stated the need for a top decision center which is above both the Constitution and legitimacy, and one of its main authorities is decision-making (Note 74).

Moreover, members of the Expediency Council described Ahmadinejad's attitudes as a kind of denial and ingratitude as to what he has been given and to the status held for him by the Expediency. According to Najafabadi, head of Supreme court: "the Expediency includes 30 members who have the confidence of the Supreme Leader of the Revolution, and he cannot question the integrity of the decisions of the Expediency and lay charges on them, as the decisions of the Expediency are the decisions of the Islamic Republic" (Note 75). However, for Ahmadinejad on the other hand, decisions of the Expediency are not according to the law.

The examples from the two Iranian presidents' period show that the powerful small group of ultraconservatives and supporters of the leader would not only undermine the law of republican institutions but also religious institutions especially when it comes to their own interests, widening the fracture in the system. So, Iran's political factionalism is not only the defining factor of *Wilayat al Faqih* ideology impact on public policy making and governance. As when linking the factor of factionalism to the political-institutional aspect of the Iranian state, one can see that the formation of *Wilayat al Faqih* system of governance, and the three ideological dimensions of post-revolutionary regime resulted not only in the struggle of power between institutions (religious/republican), but also, institutional contradictions and incompatibilities. In fact,

if ones use Tilly's definition of a state (differentiation from other organizations in society, autonomy, centralization, and formal coordination of its parts) as a yardstick in Iran, one could argue that a state in its true sense does not exist in the Islamic Republic. Rather, one sees a collection of incoherent power structures that dispense power; enact, arbitrate, and execute rules; and allocate resources and values in society. For the factions, this unique polity becomes a tool for pursuing factional interests clothed in ideological terms (Note 76).

Khamenei came to the center of factionalism as a result of the tensions been made in the system and the challenges that are facing the *Wilayat al Faqih* system of governance especially after the rise of reformists. Although Khamenei supported Ahmadinejad to block reformists and bring back all conservatives to their place in the system, unfortunately Ahmadinejad challenged the councilor rule more than Khatami did, or perhaps he completed what Khatami started. So, although both of them have different ideologies, both agree to challenge the Supreme leader, which is challenging the *Wilayat al*

Faqih institution. Thus, Khamenei being in the center of factionalism is not a factional issue more than an institutional catastrophe right in the heart of the system between the office of the president and the office of the supreme leader. A thing that was clear enough in the second term of Ahmadinejad, when he became the first controversial Iranian president to challenge the supreme leader in news Articles, scholar's analysis and more importantly regional and international superpowers such as the United States of America.

Ahmadinejad's attitude toward the Supreme Leader was classified not only as going against the supreme leader's red lines (for Iranian Presidents) but also extending the authorities of the president by jumping to sit next to the supreme leader's huge circle of power and authorities. Khamenei thought he supported an obedient president or supporter of him but it turned out that he was not but a challenge to his authority. For example, Khamenei blocked the appointment of Ahmadinejad's first Vice President, Esafandiar Rahim Mashaei his advisor and father in law of his son. Ahmadinejad also, faced some pressure from hardline newspaper *Kayhan* which demanded for the expel of Mashaei from his cabinet. Ahmadinejad thus,

wrote a terse, purely formal letter to the Supreme Leader and fired Minister of Culture and Islamic Guidance Hossein Saffar Harandi, who had criticized him for not carrying out the Supreme Leader's order immediately. Khamenei also imposed Moslehi as intelligence minister and Mostafa Mohammad Najjar, a Guard brigadier general with whom he has good relations, as the interior minister, and blocked Ahmadinejad's bid to fire then Foreign Minister Manouchehr Mottaki (Note 77).

Ahmadinejad's slogan perhaps was: "no for the Supreme Leader's absolute authority...entails no for the clergy rule"! This was a clear shift in his ideology from the first term, calling himself the "son of the Supreme Leader". However, lately he adopted in his speeches the ideology of nationalism, believing in the "Iranian school" and how it enriched both Islam and the world, more than adopting an Islamic ideology (*Wilayat al Faqih*) which would strengthen the support for a clergy rule.

Ahmadinejad came with the clergy support without believing in the absolute authority of the supreme leader, knowing the hierarchal structure of power in the system and the weight of the ultraconservatives, he wanted to win their support and eventually as their representative, he came into clash with the reformist's clergy. There were two important clerics against Ahmadinejad: Hashem Rafsanjani who warned Khamenei that supporting him would put the Islamic Republic in danger, while Montazeri issued a fatwa against the illegitimacy of Ahmadinejad's presidency, which was after the 2009 elections and civil protests. Such clash with clergy showed that there is a new debate brought by the Reformist clerics such as Montazeri who joined Ali Sistani to strengthen the demand for reformism in the system thus with Montazeri's Fatwa which states that, "the idea of a superior spiritual leader that has political power is not in conformity with Islam,...It shows that there is a movement within the clerical

establishment that understands religion as going beyond and being independent from politics and that advocates for a secular state in which one clerical elite that bundles all political power would be unnecessary” (Note 78).

Ahmadinejad eventually turned the tables on both reformists and conservative clerics to assert his own way, which made him lose the support of both ultraconservatives like Mesbah Yazadi (Note 79) and the IRGC, which fully support Khamenei. This is evident from his last attitudes towards the clerics.

Ahmadinejad resembles the first Iranian president Abol Hassan Bani-Sadr, as he was a rival to Khomeini’s authority of leadership, thus Khomeini’s being afraid of his popular support (which means the empowerment of the Republican institution), he was impeached in 1981 and fled to France. So, does the *Wilayat al Faqih* system of governance start to disintegrate? Such question started to loom over the Islamic Republic, to the degree that we found Khamenei’s outspoken fears resembled in his willingness to remove the presidency office. Ahmadinejad not only put the office of the president in jeopardy but also, the Supreme leader office who supposed to be above factional politics struggle for power, and more importantly above electoral politics when he supported Ahmadinejad in the disputed June 2009 election. Khamenei was trying to teach Ahmadinejad a lesson when he wanted to expand his authorities, that in the Islamic Republic a president is not the supreme leader. Nevertheless, with such power of struggle between the President and the supreme leader the *Wilayat al Faqih* ideology remains until now the center of the Iranian System of Governance. The problem is now with the making and the planning of the Iranian public policy. How much it will be affected and whether or not the leaders of the Islamic Republic will not include their struggle in public policy making. Will public policy be paralyzed more by the duality of power more than factionalism?

In conclusion, in *Wilayat al Faiqh* system clerical institutions are overpowering the republican institutions. The supreme leader institution is limiting the president powers. This is making it difficult for the president whether or not he is among Khamenei’s loyal follower, to bargain or even challenge the limits of the Iranian president power. Thus, when looking at policy making in the Iranian system of governance we will confront in terms of state structure the institutional question (who is, who, where) and in terms of concentrations of power, the decisional question (who decides). This all can be seen in terms of competition (between state structures) and within these state structures are elite competitions, those who have religious legitimacy and those who have popular legitimacy. Therefore, policymaking is not part of this struggle but at the center of this struggle as who or which institution has the power to make a policy!

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Notes

Note 1. He continued saying: "as there are religious elites in Najaf and Qom who are expressing its rejection of the principle of Wilayat al Faqih such as Ali al-Sistani and others". Russia Today. Interview of First Iranian President: The Iranian people are depressed and may revolt at any moment. June 31, 2012. <http://arabic.rt.com/prg/telecast/657041/>

Note 2. Surat-e Mashru'ih-e Mozdkerdt-e Majles-e Barrasi-ye Nehd'z-ye Qdnin-e Asasi-ye Iran [The Detailed Deliberations of the Proceedings of the Council on the Final Review of the Constitution of the Islamic Republic of Iran] (Tehran, 1986), Vol. 2, p. 83.

Note 3. Prokop, Andrew. (2016, December). "Obama: I Didn't Appreciate How Weak the Presidency Is until I Was President." Vox, 21 <https://www.vox.com/2015/11/17/9749754/obama-presidential-power>

Note 4. Ende, W., & Brunner, R. (Eds.). (2001). *The Twelver Shia in Modern Times: Religious Culture & Political History*. Brill. p. 302.

Note 5. The Guardianship of the Islamic Jurist, also called the Governance of the Jurist (Persian: ولایت فقیه, Vilayat-e Faqih; Arabic: ولاية الفقيه, Wilayat al-Faqih) is a post-Occultation theory in Shia Islam which holds that Islam gives a faqih (Islamic jurist) custodianship over people.

Note 6. "The Islamic Republic represented a revolution within Shiism. More than any branch of Islam, Shiites historically were wary of political power. They viewed the state as imperfect, corruptible and a source of persecution. They deliberately distanced themselves from politics. After Iran's revolution, however, they became the political power, changing the role of the clerics as well a central tenet of the 'quietist' Shiite faith. Tehran's Shiite theocracy is the only time Muslim clerics have ever ruled a state". Wright, Robin. "The Challenge of Iran". *The Iran Primer*. United States Institute of Peace. <http://iranprimer.usip.org/resource/challenge-iran>

Note 7. Twelver (Arabic: اثنا عشرية, translit. Athnā'ashariyyah or Ithnā'ashariyyah; Persian: شیعه دوازده امامی, pronounced, or Imamiyyah (Arabic: امامية) is the largest branch of Shia Islam. The term Twelver refers to its adherents' belief in twelve divinely ordained leaders, known as the Twelve Imams, and their belief that the last Imam, Muhammad al-Mahdi, lives in occultation and will reappear as the promised Mahdi. According to Shia tradition, the Mahdi's tenure will coincide with the Second Coming of Jesus Christ (Isa), who is to assist the Mahdi against the Masih ad-Dajjal (literally, the "false Messiah" or Antichrist). Twelvers believe that the Twelve Imams are the spiritual and political successors to the Islamic prophet Muhammad.

Note 8. In Shia Islam, marja' (Arabic: مرجع; plural: marāji') (also known as a marja' taqlid or marja' dīni (Arabic: مرجع / تقلید مرجع / دینی مرجع) literally meaning "source to imitate/follow" or "religious reference", is a title given to the highest level Shia authority, a Grand Ayatollah with the authority to make legal decisions within the confines of Islamic law for followers and less-credentialed clerics. After the Qur'an and the prophets and imams, marāji' are the highest authority on religious laws in Shia Islam.

Note 9. Ende, Werner. p. 21.

Note 10. "Khomeini was said to have overruled a council in one of his last verbal instructions. The fact that not only the marja'yyat but also the qualification of "ejtehad motlaq" was at the last minute omitted for the leader is surely indicative of the incompatibility of the old and the new Shi'i theories of authority" (End of footnotes, p. 315). See 1989 Proceedings, vol. 2, pp. 642-645, 07.

Note 11. Al Labad, Mustafa. (2006). *Hadaiq al 'hzan: Iran & walayat al Fiqh*. Dar al Shorok. Egypt.

Note 12. Mir-Hosseini, Z., & Tapper, R. (2006). *Islam and democracy in Iran: Eshkevari and the quest for reform* (Vol. 54). IB Tauris. p. 122.

Note 13. Gheissari, A. (Ed.). (2009). *Contemporary Iran: Economy, society, politics*. Oxford University Press. p. 249.

Note 14. A faqih is an Islamic jurist, an expert in fiqh, or Islamic jurisprudence and Islamic Law.

Note 15. Mir-Hosseini, Z., & Tapper, R. (2006). *Islam and democracy in Iran: Eshkevari and the quest for reform* (Vol. 54). IB Tauris. p. 122.

Note 16. Botenga, M. (2009). *The Iranian leviathan: state formation, progress and democracy in Iran*.

Note 17. *Ibid*, p. 277.

Note 18. Ende, Werner, et al. p. 313. "Khomeini's statements on the Absolute Mandate of the Jurist represented the logical conclusion of his earlier attempts to modernize Shi'i jurisprudence by making it more practical. It crowned the revolutionary transformation of Shi'i law from a formalistic "jurist's law" into the public law of the Iranian state by institutionalizing the legislative authority of the supreme jurist and establishing the Maslahat Council as its bureaucratic organ. This solution however, meant the triumph of the state law over the Shi'i jurisprudence, and it made the theocratic state highly authoritarian. From another point of view, this development resulted from the adoption of the Sunni principle of maslahat, which had been firmly rejected by the Shi'i tradition, and amounted to considerable Sunnitization of Shi'ism".

Note 19. Islamic law or Sharia law is a religious law forming part of the Islamic tradition. It is derived from the religious precepts of Islam, particularly the Quran and the Hadith.

Note 20. Gheissari, Ali. p. 247.

Note 21. Zonis, M. (1985). *The rule of the clerics in the Islamic Republic of Iran*. *The Annals of the American Academy of Political and Social Science*, 482(1), p. 93.

Note 22. *Ibid*, p. 95.

Note 23. Haghayeghi, M. (1993). *Politics and ideology in the Islamic Republic of Iran*. *Middle Eastern Studies*, 29(1), p. 38.

Note 24. Abdul Minam, Neven. (2002). (in Arabic). *Decision Making in Iran and the Iranian Arab Relations*. Center for Arab Unity Studies. Lebanon. p. 71.

Note 25. Botenga, Marc. p. 230.

Note 26. *Ibid*, p. 230.

Note 27. Rakei, E. (2008). *Power, Islam, and political elite in Iran: a study on the Iranian political elite from Khomeini to Ahmadinejad*. Brill.p 4. "Since the death of Khomeini of the Islamic ideology has been constantly decreasing and gradually, especially when Mohammad Khatamai was elected president in 1997, even the core element of the Islamic ideology, the Wilayat al Faqih system has become subject

of debate. As a result the Islamic ideology has actually become less relevant for policy making in Iran. Furthermore, Khomeini's successor, Ayatollah Ali Khamenei, does not have the same religious standing and, therefore, does not have the same authority among the population in general and the clergy in particular".

Note 28. Molchanov, M. A. (2016). *The Ashgate research companion to political leadership*. Routledge. pp. 300-301.

Note 29. "Iran's limited political pluralism is best represented in the two-tier electoral system in which candidates are screened, genuine opposition candidates are prevented from running and political parties are discouraged. Citizens are implicitly divided into two groups of insiders (*khodi*) and outsiders (*gheri-e khodi*), the latter being excluded from meaningful political participation. Moreover, Chehabi argues that "the decentralization of the Islamic faith and openness to diverse interpretations, together with elite factional politics, contributed to the development of limited pluralism in the Iranian state and prevented the success of totalitarian tendencies (Molchanov, M. A. (2016). *The Ashgate research companion to political leadership*. Routledge. p. 301.

Note 30. Kamrava, M., & Hassan-Yari, H. (2004). Suspended equilibrium in Iran's political system. *The Muslim World*, 94(4). p. 506.

Note 31. Rakel, Eva. p. 32.

Note 32. Botenga, Marc. pp. 231-235.

Note 33. The term "*Bayt* (home)" is used in the Shi'i literature to describe the offices of *Maraji's al Taqlid*, and it has a kind of sanctification; since the Arabic word "house" gained meaning in the Islamic literature, in the sense that the Sacred House in Mecca. And after the Islamic Revolution, Ayatollah Khomeini launched his description of "House", and later became known as the "house of the Imam". Then used by Ayatollah Khamenei after taking over as Supreme Commander of the Revolution which is the *Wali al-Faqih*, thus his office from which manages the affairs of Iran became called "House *Rhebra*" (House Leader). (Alumari).

Note 34. Alumari, Hassan. (2013, April). (in Arabic). Political Decision in Iran between the State and the Revolution. *Aljazeera Center for Studies*. <http://studies.aljazeera.net/files/iranandstrengthfactors/2013/04/201343105119173879.htm>

Note 35. Article 115: The President must be elected from among religious and political personalities possessing the following qualifications: Iranian origin; Iranian nationality; administrative capacity and resourcefulness; a good past-record; trustworthiness and piety; convinced belief in the fundamental principles of the Islamic Republic of Iran and the official madhhab of the country. (Iran Constitution). The president is elected for a four-year term directly by secret ballot, with a possibility of a second round if no candidate gets a majority in the first round very similar to the system of the French Fifth Republic.

- Note 36. Rakel, Eva. p. 34.
- Note 37. Gheissari, Ali. p. 250.
- Note 38. Ibid, p. 251.
- Note 39. Rakel, Eva. p. 34.
- Note 40. Gheissari, Ali. pp. 252-253.
- Note 41. Alumari, Hassan. (2013, April). (in Arabic). Political Decision in Iran between the State and the Revolution. *Aljazeera Center for Studies*.
<http://studies.aljazeera.net/files/iranandstrengthfactors/2013/04/201343105119173879.htm>
- Note 42. *Bonyads* means: para-governmental organizations. For more information see: Saeidi, Ali “Iranian Para-governmental Organizations (bonyads)”. Middle East Institute.
<http://www.mei.edu/content/iranian-para-governmental-organizations-bonyads>
- Note 43. Mehran Kamrava, et al. pp. 508-509.
- Note 44. Ibid, p. 508.
- Note 45. Goodman, A. (2010). 5. Iran: informal networks and leadership politics. *Terrorism, Security and the Power of Informal Networks*, 99. p. xi.
- Note 46. For more information see: Buchta, Wilfried. *Who Rules Iran?: The Structure of Power in the Islamic Republic*. Washington Institute for Near East Policy, 2001. pp. 9-10.
- Note 47. Buchta, W. (2000). *Who Rules Iran? The structure of Power in the Islamic Republic*, 1. p. 7.
- Note 48. Botenga, Marc, pp. 65-67.
- Note 49. Keshavarzian, A. (2007). *Bazaar and state in Iran: The politics of the Tehran marketplace* (Vol. 26). Cambridge University Press. p. 228.
- Note 50. Bazaar and clergy forged a coalition based on mutual interest and their common opposition against the ruling Shah Mohammad Reza Pahlavi. In 1962, Ayatollah Khomeini asked the bazaar to use this coalition to establish the Islamic party of coalition (Motalefeh Party). The Motalefeh Party would represent the interests of the “clergy, faithful merchants and deprived people”. The clergy was financially supported by the Bazaar, which ensured its supply with material goods. These would include the costs for building constructions such as mosques, religious schools (madrasas) or simply living expenses for the local Muslim community. For its political and cultural interests, the Bazaar was dependent on the clergy. The clergy had the religious legitimacy and an overwhelming support within the rural and poor urban parts of Iran. Finally, it was the Bazaar which supported Khomeini with financial aid during his Iraqi exile in Najaf and later in Neauphle-le-Château, France. (Hedayat, Ali. “The Iranian Bazaar does not rebel”. *Open Democracy*. December, 2010.
<http://www.opendemocracy.net/ali-hedayat/iranian-bazaar-does-not-rebel-1>
- Note 51. From the National Movement to the Green Movement: An interview with Dr Misagh Parsa. (2010, March) Gozaar: A Forum on Human Rights and Democracy in Iran.

<http://www.gozaar.org/english/interview-en/From-the-National-Movement-to-the-Green-Movement.html>

Note 52. _Keshavarzian, A. (2009). Regime Loyalty and Bāzārī Representation under the Islamic Republic of Iran: Dilemmas of the Society of Islamic Coalition. *International Journal of Middle East Studies*, 41(2), p. 236.

Note 53. Ibid. p. 236.

Note 54. Ibid. p. 239.

Note 55. _Ostovar, A. P. (2009). Guardians of the Islamic Revolution Ideology, Politics, and the Development of Military Power in Iran (1979-2009). p. 1.

Note 56. _Barlow, R., & Akbarzadeh, S. (2013). Beyond repair: ruptures in the foundations of the Islamic Republic of Iran. p. 15.

Note 57. IRGC's Controls over Politics & Politicians. (2013, August). [Iran 24/07]. Retrieved from <http://iran2407.wordpress.com/2013/07/30/irgcs-controls-over-politics-politicians-2/>

Note 58. Ostovar Afshon. p. 1.

Note 59. "The Constitution attributes a slightly different function to the Sepah than it does to the Artesh. As Article 150 reads that the Sepah, organized in the first days of the victory of the revolution, should continue their work of 'guarding the Revolution' (negahbani az enqelab), which would indicate a more internal domestic role for the organization". (Botenga, Marc. *The Iranian Leviathan: State Formation, Progress and Democracy in Iran*, p. 254).

Note 60. Rebecca Barlow et al. "Beyond repair: Ruptures in the foundations of the Islamic Republic of Iran". *National Centre of Excellence for Islamic Studies*. University of Melbourne *NCEIS Research Papers*. 5.9, p. 15.

Note 61. Ostavar, Afshon. (2013, June). "Iranian election: do the Revolutionary Guards have a candidate?" *The Guardian*. <http://www.theguardian.com/world/iran-blog/2013/jun/03/iranian-election-revolutionary-guards-candidate>

Note 62. Alfoneh, A. (2010). All the guard's men: Iran's silent revolution. *World Affairs*, 73-79.

Note 63. The Revolutionary Guards are back. (2004, July). *The Economist*. Retrieved from <http://www.economist.com/node/2773140>

Note 64. Rebecca Barlow et al., p. 16.

Note 65. The Revolutionary Guards leadership has refrained from commenting on Rouhani's victory except to distinguish him politically from the reform movement led by President Mohammad Khatami between 1997 and 2005. Mohammad Safar Harandi, a senior IRGC adviser, for example, insisted that the new president is ideologically closer to the principlists (ultraconservatives), the political group most closely aligned to the influential Command Network. The "Command Network" is one faction of

extremely influential hardline IRGC commanders. This is a group with relationships dating back to the 1980-1988 war with Iraq that has since remained remarkably cohesive. Many of its members almost certainly interacted with Rouhani during the war or his 16 years as secretary of the Supreme National Security Council. Fulton, Will. "Rouhani and the Revolutionary Guards". *The Iran Primer*. July 23, 2013. <http://iranprimer.usip.org/blog/201307?page=2>

Note 66. Fulton, Will. (2013, July 23). "Rouhani and the Revolutionary Guards". *The Iran Primer*. Web. <http://iranprimer.usip.org/blog/201307?page=2>

Note 67. Alfoneh, Ali. "The economic elites close to former Presidents Rafsanjani and Khatami whose businesses suffer, and will continue to suffer, under present and future sanctions regimes" (Alfoneh, Ali).

Note 68. Karami, Arash. (2013, April). Rafsanjani Denies Controversial Remarks About Khamenei, Revolutionary Guard. *Iran Pulse*. <http://iranpulse.al-monitor.com/index.php/2013/04/1803/rafsanjani-denies-controversial-remarks-about-khamenei-revolutionary-guard/>

Note 69. Arjomand, S. A. (2009). *After Khomeini: Iran under his successors*. Oxford University Press. p. 106.

Note 70. Ibid, p. 106.

Note 71. Ibid, p. 102.

Note 72. Ibid, p. 162.

Note 73. Ibid, p. 163.

Note 74. Samadi, Fatima. (2102). (in Arabic) *Political Currents in Iran*. Arab Center for Research and Policy Studies. Qatar. p. 304.

Note 75. Ibid, p. 305.

Note 76. Botenga, Marc. pp. 292-293.

Note 77. Sahimi, Muhammad. (2011, May). "Ahmadinejad-Khamenei Rift Deepens into Abyss". *Tehranbureau*.

<http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2011/05/opinion-ahmadinejad-khamenei-rift-deepens-to-an-abyss.html>

Note 78. Schmitt, Sabrina. (2009, July). "Iran's Power Struggle: Two important Ayatollahs vs Ahmadinejad". *World Security Network*. <http://www.worldsecuritynetwork.com/Iran/sabrina-schmitt/Irans-Power-Struggle-Two-important-Ayatollahs-vs-Ahmadinejad>

Note 79. Some of the clerics that might have supported Ahmadinejad against the more pragmatic conservatives such as parliamentary speaker Ali Larijani are now out front, alongside Larijani, demanding that Ahmadinejad bow before the Supreme Leader. The Revolutionary Guards were seen as

the most hardline element within the regime, backing Ahmadinejad against the Green Movement and even established regime figures such as former President Hashemi Rafsanjani, but the Guards' leadership also appears to have turned on the president and thrown its weight behind Khamenei. Even the arch-conservative cleric Ayatullah Mohammed Taghi Mesbah Yazdi, once a strong backer of Ahmadinejad, has publicly castigated the nationalist trend associated with Ahmadinejad (Karon & Tony, 2011, May) "Iran: Ahmadinejad on the Ropes in Clash with his Supreme Leader". *World Time*. <http://world.time.com/2011/05/06/iran-ahmadinejad-on-the-ropes-in-clash-with-his-supreme-leader/#ixzz2fcm0YbNV>