

**DYNAMICS OF POLITICAL REFORM IN IRAN: POST
KHOMEINI PERIOD**

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SURJEET SINGH PANWAR



**CENTRE FOR WEST ASIAN AND AFRICAN STUDIES
SCHOOL OF INTERNATIONAL STUDIES
JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI-110067
INDIA
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जवाहरलाल नेहरू विश्वविद्यालय
JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI-110067

Centre for West Asian and African Studies
School of International Studies

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CERTIFICATE

This is to certify that the dissertation entitled "Aspects of Political Reform in Iran: Post-Khomeini Period" submitted by Surjeet Singh Panwar in partial fulfillment of Master of Philosophy (M.Phil) is his original work and has not been submitted for the award of any other degree of this or other university.

This dissertation may be placed before the examiners for evaluation.

Dr. Anwar Alam
Supervisor

Prof. Ajay K. Dubey
Chairperson

Chairperson
Centre for West Asian and African Studies
School of International Studies
Jawaharlal Nehru University
New Delhi-110067.

Contents

	Page
Acknowledgements	
Preface	i-ii
Chapter I	1-15
Introduction: Conceptual Framework	
Chapter II	16-36
Socio-Economic Bases of Political Reform in Iran	
Chapter III	37-54
Political Reform in Iran: Ideological Bases	
Chapter IV	55-79
Aspects of Political Reform in Iran	
Chapter V	80-85
Conclusion	
Appendix	86
Bibliography	87-94

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Preface

Last quarter of 20th century witnessed re-emergence of Islam as a political force. Iran was the first country where a *ulema*-led revolution succeeded and a kind of theocracy in the recent past was established. In the post-cold war scenario when Islam is perceived as the next challenge to liberal-democratic regimes of the West, it is important to analyse the process of political reform in Iran to see how far a Islamic polity can behave as a mature political system. In a time when extremism and terrorism comes as a manifestation of Islamic resurgence; dynamics of political reform in Iran, particularly in post-Khomeini period, throws light how far Islam is a monolithic religion and how far it reflect people's aspiration. The importance of present study is to examine the impact of current political reform in term of political development of the country. The core objective of this study is to understand the various internal and external factors influencing the process of political reform and look into the dynamism of this whole process.

The Chapter I deals with the conceptual framework of this study. It highlights how rhetorical Islamicists turned into nationalists while engaged in the state-building process. Besides highlighting the changing character of factional politics, this chapter also illustrates broad outlines of the power-structure of the Islamic Republic. The chapter notes the death of Ayatollah Khomeini in 1989 as the beginning of the 'second republic'. This chapters also touches some of the external factors influencing the process of political reform.

Chapter II attempts to locate those social segments and forces which are pressing for political reform. Simultaneously, it also tries to identify the

socio-economic interests behind the forces of status-quo. One of the aims of this chapter is to examine the linkage between economic liberalization and political reform. This chapter deals with changing demographic composition of Iran and link it with process of political reform. This chapter reflects undercurrent of change in Iran through Iranian movies. It also highlights reform phenomenon through psychological changes.

Chapter III is a study of ideological basis of political reform process. It highlights that contrary to popular notion the constitution of the Islamic Republic is not the Islamic *Sharia*. It also highlights how a kind of dualism exist in Iran and nation-state concept of Republican kind intermingles with Islamic norms. This chapter also categorize reform-minded Islamicists into three categories. Basic thrust of this chapter is on reformist interpretation of Sharia and other Islamic rules while identifying those clerics and intellectuals who are pillars of this school of thought.

Chapter IV concentrates on aspects of political reform in Iran during the post-Khomeini period. Thrust areas of this chapter are constitutional reform along with judicial reform. Press, civil liberty, political parties and election process and women reform are salient features of this chapter. This chapter strives to examine the linkage between the growth of civil society and demand for political reform in Iran. It highlights the conflict between conservative Guardian Council and judiciary with reformist *majlis* and President. At the same time it also describe attacks on the realm of civil liberty by conservatives.

The last Chapter is the Conclusion.

Chapter I

Introduction: Conceptual Framework

More than two decades after the revolution the Islamic republic remains in many respect a puzzle and Iranian society is still struggling to find the correct interpretation of an Islamic republic. The power structure, decision-making process and exact politics of the Islamic regime is far from clear, and the struggle over the revolutionary path is not yet decided. The principles of the revolutionary philosophy and politics are now being examined in a fierce and open debate.

Islamic republic of Iran was the product of the 1979 Islamic revolution and rhetoric was to establish a supra-national community of Muslims transcending national boundaries. But as it is a case with almost all contemporary Islamists, the secret to mobilizing power of the Islamic Revolutionists of Iran was not their call for restoration of the 7th century but the employment of indigenous vocabulary to sanction democratic concepts. And it is quite natural that after initial enthusiasm to dogmatic principles Islamic regime of Iran is giving greater weight to national interest and practical considerations of governance. Simultaneously, power moved gradually from prominent theologians to practical leaders with religious background, whom Olivier Roy calls 'religio-politicians'.¹

An unusual and potent alliance caused the Islamic revolution. The revolution contained many anomalies, including the importance of *bazaaris* and the orthodox *ulema* (clergy) to the revolutionary process, the

¹ Olivier Roy, "The Crisis of Religious Legitimacy in Iran", *Middle East Journal* (Washington). vol. 53, no. 2, Spring 1999, p. 211.

intrinsic revolutionary tendencies of Iranian *Shiism*, secular and religious intellectuals' unconditional espousal of revolutionary objectives, and widespread public opposition to the Shah. To these, Nikki Keddie adds the relative unimportance of the peasantry and the permeability of Iranian cities to mass revolution.² Similarly, Khomeini evoked the marginalized segments of the urban population 'the *mostazafin*' against Shah's pro-west and capitalist economic policies.³ This is why Professor Ervand Abrahamian denotes, 'this revolution is the last of the leftist, "third worldist" and anti-imperialist revolutions, although it has been carried under an Islamic cloak'.⁴ Shortly after the revolution, Khomeini became a staunch supporter of the middle class by vigorously advocating property rights. His promotion of the lower class while defending the rights of the middle class made him a populist leader par excellence strikingly similar to populists elsewhere.⁵

Realizing practical constraints for the effective governance Imam Khomeini in January 1988, made one of his important political pronouncements in the form of a letter to the then President (Ayatollah) Khamenei that government 'was a supreme vice-regency bestowed by God upon the Holy Prophet and that it is among the most important of divine laws and has priority over all peripheral divine orders'.⁶ Khomeini in fact

² Mahmood Monshipouri, *Islamism, Secularism and Human Rights in the Middle East* (Boulder & London: 1998), pp. 173,174.

³ Olivier Roy, "The Changing Patterns of Radical Islamic Movements", *CSNS policy paper 2*, JNU (New Delhi), November. 2001.

⁴ Ervand Abrahamian, *Khomeinism* (London: 1993), p.35.

⁵ Monshipouri, n.2, p.176.

⁶ Fred Halliday, *Islam and the Myth of Confrontation: Religion and Politics in the Middle East* (London and New York, 1996), pp 68-69.

sanctioned the supremacy of the state over the philosophy of the revolution. The Speaker of the *Majlis* Ali Akbar Hashemi Rafsanjani, then interpreted Khomeini's guidelines in a most revealing way: the law should follow Islamic doctrine. However, if necessary, priority will be given to government decision over doctrine.⁷ As Mark Juergensmeyer wrote that Islamic nationalism combines traditional culture with modern politics: "Because movements for religious nationalism aims at strengthening national identities, they can be seen as highly compatible with the modern system."⁸ And it is natural when modern politics is once accepted its other ingredients like democracy follows it in the vessels of cultural identity or contexts.

The paradox of the Iranian Islamic Revolution is that it has weakened traditional *Shii* clerical structure in favour of a political organization. All the "traditional" *Shii* clerical logic (established since the eighteenth century) has been ignored or bypassed by the institutions created by the Islamic revolution, in order to ensure Islamization. The *Rahbar (Faqih)* is not necessarily a *marja-e taqlid* (source of immulation). The interpretation of the *Sharia* is no longer a clerical prerogative. The Council of Guardians is not an emanation of the higher clergy but is appointed by the *Faqih*. The Expediency Council is a secular and purely political body. The economic and territorial autonomy of the clergy has disappeared in favour of the state's structures.⁹

⁷ David Menashri, *Post-Revolutionary Politics in Iran: Religion, Society and Power* (London and Portland, OR, 2001), p. 15.

⁸ Monshipouri, n.2, p.9

⁹ Roy, n.1, p.209.

According to Di Palma, the initial impulse towards democratization comes from within non-democratic states because they have “a proclivity to deteriorate through self-exhaustion.” Such states, he claims often either face internal paralysis and incapacitation or alternatively liberalise a little and hence give rise to expectations they cannot control. It is at such an impasse that a democratic compromise between elements of the old regime (the “right”) and proponents of democracy (the “left”) seem to be the most viable option. The challenge is how to reconcile these forces and interests to a democratic compromise.¹⁰

Factional battle between the ruling elites has paved the path for pluralism within the ruling system. The leadership of Khomeini maintained a balance between the different factions. Since the death of Ayatollah Khomeini in June 1989, Iranian polity can be understood as the outcome of an ongoing competition between different factions and personalities. Political powers are distributed, unequally, between different institutions. These include the Supreme Leader (*Rahbar*) who is the Commander-in-Chief of the armed forces; hold ultimate power is elected by universal suffrage. The *Majlis* (parliament) comprises 270 deputies who are in charge of making laws and who debate (endorse or reject) government policy¹¹ and even reject the credentials of government ministers. With the exception of the question of the *Velayat e-faqih* no other issue including direct talks with the United States or governmental corruption is off limits to the deputies. More important, the *Majlis* has the final say on who gets

¹⁰ Nasser Momayazi, “Islam and Democratic Movement in Iran”, *International Studies* (New Delhi), vol.38, no.4, 2001,p.345.

¹¹ *The Middle East and North Africa*, Europa Publications, (London: 2002), p.490.

what and how much, which is after all, what politics is all about: it approves the government submitted national budget but makes many changes.¹² President is the directly elected and executive head of the government and state. The Council of Experts comprises 83 clerics, who are responsible for choosing successor to the Supreme Leader. The Guardian Council is composed of six Muslim jurists appointed by the Supreme-Leader and Six lawyers appointed by the Chief Justice and approved by the *Majlis*. Its role is to supervise elections and to examine legislation adopted by the *Majlis*, ensuring that its accords with the Constitution and with Islamic precepts.¹³ As if the uncertain division of labour between *Faqih* and the President that obtained between 1989 and 1997 had not been enough. A new powerful office was created in the spring of 1997 for the outgoing President, Hashemi Rafsanjani, who was barred by the Constitution from seeking re-election, became the Chairman of the Expediency Council, an nominated body charged with setting basic policy. The three top leaders of Iran, all members of the clergy, each have a different conception of what the regime should be: the leader's vision seems to approximate to the totalitarian model, Rafsanjani's ideal seems to approximate to be a variation on Jonas Kadar's famous (post totalitarian) dictum 'those who are not against us are for us', and President Khatami, the only one who is popularly elected seems to be an Islamic Liberal. In

¹² Mohsen M. Milani, "Political Participation in Revolutionary Iran" in John L. Esposito, *Political Islam*, (Boulder & London: 1997), p. 89.

¹³ *The Middle East and North Africa*, n.11, p.490.

this regime totalitarian post-totalitarian and democratic tendencies co-exist and have their adherents at all levels of the country's institutions.¹⁴

At the time of Ayatollah Khomeini's death there was three main political factions in the early 1990's.

1. Radical (sometimes called 'hard liners').
2. Pragmatists, Realists or Reformists, and
3. Conservatives or Ideological Purists (often also termed as 'hard liners' and extremists').

But the dynamics of the Iranian politics is fast changing and towards the late 1990's new groupings was taking shape by consolidating these three groups into two new factions, which was identified as:

1. A pragmatic or Reformists faction (led by President Syed Mohammad Khatami and supported by some of the groups formerly known as Radicals)
2. The other, a faction of Conservatives and Ideological Purists (identified with the Supreme Leader Ayatollah Khamenei) which was usually described as the hard line camp.

It should be remembered that generally the Pragmatists were also devoted revolutionaries, aligned with Khomeini's doctrines. It was mainly the practical difficulties of running the government and implying Islamic

¹⁴ H.E. Chehabi, "The Political Regime of the Islamic Republic of Iran in Comparative Perspective", *Government and Opposition* (London) vol. 36, no.1, Winter 2001, pp. 69-70.

rule as well as the experiences of the years of Islamic rule that gave their thinking a belated pragmatic tinge. As the problems facing the regime multiplied (and politicians became more and more experienced and mature over times), the tendency towards pragmatism became more marked and the pressure for reform more noticeable. Many more elements within the regime gradually became more aware that perpetuating revolutionary rule required a great measure of realism, however others continued to uphold pure dogma.¹⁵ But it is also true that this characterisation disguises much unpleasant reality. Less than ten years ago, it was Khamenei and Rafsanjani who were being praised as moderates and pragmatists for having ousted doctrinaire “radicals” from Iranian politics. Today it is by and large those very same “radicals” who have been transformed into the leading “moderates” and “reformists” with Rafsanjani and especially Khamenei becoming “hardliners”. While many of the “hard-liners” have conservative views on social issues, their support of private property and economic reform have often caused them to be viewed as the real “Moderates” and “reformers”. Maybe it is the lesson from their past debacle or pressure of public sentiments, which pressurized Radicals to change their positions. As Pareto had observed in the early decades of 20th century, we witness a ‘Circulation of elites’ in contemporary Iran. According to Pareto people move up and down in a spiral. With the time many psychological changes take place in the elite characteristics. One elite class replaces another elite class.¹⁶ At the same time it is also true that

¹⁵ Menashri, n.7, p.50.

¹⁶ Vilfred Pareto, *The Mind and Society : A Treatise on General Sociology*, (New York : 1963), pp.516 –19.

leader of reformists President Khatami had always remained protagonist of progressive forces. Broadly, however, the first 23 years of the Islamic regime indicate an increasing trend towards pragmatism, interspersed with occasional outbursts of radicalism—a pattern that has persisted despite changes in personalities, alignments and issues.

In 1979, a confrontation between Prime Minister Mehdi Bazargan, who wished to pursue pragmatic policies, and his hard-line rivals led to the seizure of the U.S. embassy and a subsequent interval of greater extremism. In 1981, in response to President Bani Sadat's attempts to introduce somewhat greater openness, his opponents forced his expulsion and introduced another period of greater revolutionary zeal. In 1983-84, the religio-politicians - then in-charge of the executive—introduced an interlude of relative pragmatism that culminated with the arms deals with the United States in 1985-86. This was followed by a new interval of hard-line policy as demonstrated by the clash with the U.S Navy in the Gulf in 1987, riots during the 1987 *hajj* (Pilgrimage) in Saudi Arabia, and the election of more radical *Majlis* in 1988. A new pragmatic trend introduced in the summer of 1988 was most clearly reflected in the approval of a cease-fire with Iraq in July 1988 the subsequent discussion of plans for economic rehabilitation and measure of liberalism on the eve of celebrations marking the first decade of the revolution in February 1989. This triggered another phase of extremism, which was manifested in the disqualification of Ayatollah Montazeri as Khomeini's heir apparent, and the latter's *fatwa* against author Salman Rushdie in February 1989. After that, the Pragmatists reinforced their power, and the tendency towards

pragmatism became even more evident, their attempts to pursue such policies were often blocked or delayed by the more ideological and conservative factions in the establishment. The election of President Khatami further accelerated this tendency, as he sought to introduce more comprehensive reforms, which were harshly opposed by revolutionary parties.¹⁷ Many of his supporters including Tehran Mayor Gholam Hasan Karabaschi and Minister of Interior Abdullah Noori sacked, imprisoned, reformist's newspapers were banned and morality police *basij* frequently encroached people's realm of liberty. But people again stood behind reformists, by electing a reformist dominated *Majlis* in February 2000 elections and resounding re-election of President Khatami in June 2001.

✍ Legacy of a century old struggle for democracy creates a strong base for an indigenous democracy in Iran. Three earlier movements: the Constitutional Revolution of 1906, the Nationalist movement of 1951-53 under the Mosadeq leadership and the Islamic Revolution of 1979 show the Iranian's inclination towards democracy and civil liberties. But during all these occasions at last authoritarian forces grabbed the cheers of Iranian people. People's psyche is hurt with the feeling of loss and this time they want to mark a decisive note. The people, who have seen cosmopolitan life and elite during, otherwise repressive Shah regime, determine to taste the forbidden fruit again.

Some scholars viewed Imam Khomeini's death as the beginning of the 'Second Republic'. Khomeini's political successors-Supreme leader Ayatollah Ali Khamenei and President *Hojjat ul-Islam* Ali Akbar Hashemi

¹⁷ Menashri, n.7, p.52.

Rafsanjani (1989-97) lacked Imam Khomeini's personal charisma, religious authority political power and mass appeal. Khomeini's most important decisions went unchallenged, those of his successors did not. Some other scholar maintain that the direction of the Islamic Republic had changed course even prior to Khomeini's death, like following the ceasefire with Iraq: 'The people saw the cease-fire as humiliating defeat'. After making enormous sacrifices for the war effort in the belief that they were fighting a holy war, 'Iranians were suddenly faced with the grim reality that God, has not triumphed over Satan (Saddam Hossein)'. The people were traumatized and that led to a marked change in their perception of the state and the clergy.¹⁸

The mass politics employed by Islamist's party (Islamic Revolutionary party –IRP) during the days of Revolution and first decade of Islamic Republic, brought previously excluded social strata into the political process. The *mostazafin* (the marginalized segments of the urban population). In doing so it has helped to flourish nation state and to create a domestic political scene, which is the only real basis for a future process of democratization. In this sense, the Islamist's party, while it was not democratic, fostered the necessary conditions for an endogenous democracy in Iran. Khatami's call for democracy, which is possible only because the whole population has been brought into a common political scene by a popular and deep-rooted revolution.¹⁹

¹⁸ ibid, pp.6-8.

¹⁹ Roy, n.3, p.4.

While they are in opposition, it is very easy for Islamists' to criticize ruling governments and promise that if only Islam, as interpreted by them guided public affairs, pressing problems of economic inequality, social dislocation and cultural malaise would be solved. But when in power it became much more difficult to formulate Islamic policies on foreign trade public education, family planning agrarian relations and on many other subjects.²⁰ Iran's experience has demonstrated that Islam is a potent ideology for protest and resistance and has an enormous capacity for mass mobilization. But as an overwhelming ideology in a modern bureaucratic state, Islam is no less vulnerable than other ideologies to the corrosive influences of power and interest. Today the main threat to Islam in Iran is the negative experience of people under the Islamic government. The clergy's direct involvement in state affairs, mismanagement of the economy, totalitarian control over the country's cultural life, and above all, abuse of power have severely undermined their own untarnished moral authority.²¹

Although the Iranian version of an 'Islamic Republic' is believed to be more doctrinaire than Pakistan in fact Iran is witness to a tremendous disjunct between state discourse and social practices: many Iranian citizens insulate themselves and even covertly resist the strident public rhetoric of the political and religious elites.²² And reason is quite clear: the

²⁰ Chehabi, n.14, p.56.

²¹ Ali Banuazizi, "Iran's Revolutionary Impasse : Political Factionalism and Social Resistance", *Middle East Report* (Washington), vol. 24, no. 6, November-December 1994, pp.2-8.

²² Munis D. Faruqi, "Iran : Renegotiating a Revolutionary Identity", *Economic and Political Weekly* (New Delhi), August 1, 1998, p. 2076.

disillusionment of a essential segment of Iranian society with government policies, especially in the areas of liberty and individual rights, the imposition of more restrictions over freedom and authoritarian infringement of people's constitutional rights and finally, the overall perception of the people about the presence of a strong inclination among authorities running the government towards authoritarianism. High inflation rate. high rates of unemployment and underemployment and declining standard of living is causing frustration among Iranians and these conditions are partly responsible for growing problems of drug addiction, prostitution and crime. Demographic pressure, unemployment rate, literacy rate and mass communication technologies have made state practically without defined border. In the face of the free flow of information government like those of other regions will continue to face burgeoning demands for reform.²³

Most of the neighbouring West Asian countries are only having cosmetic elections where ruling elites are trying to use symbol of democracy to legitimize their rule. In such a neighbourhood Iranians after getting some sort of participating rights are not ready to leave any space for any kind of autocracy and huge polling percentage shows the Iranian desire for political change. The expansion of modern Islamic civil society, including the growth of professional associations and trade organizations, is a sign of new setbacks for Iran's hard line clergy, whose theocratic vision and narrow definition of loyalty to the Islamic Republic have

²³ A.R. Norton, "Challenge of Inclusion in the Middle East", *Current History*(Washington), vol. 94, no. 588, January 1995, pp. 1-6.

alienated large segments of Iranian society.²⁴ Iranian now demand being accepted as an individual possessing rights and even instead of tribal, civil 'we' they demand societal organization and life with individual membership and identity.²⁵ Khatami's victory in 1997 symbolised this powerful desire of change that had building up over the years within the Iranian body politic. Just as the stern-faced and doctrinaire, Imam Khomeini in so many ways represented the strength of the Islamic Revolution at a time, when it was forced with determined internal and external opposition; so too the ever smiling and seemingly benevolent Khatami represents the commonly felt desire, at a time when the present face few internal or external challenges for the Islamic Revolution to be adorned with a 'human face'.²⁶

This trend was again reflected in *Majlis* (Parliament) elections of February 2000, in which reformist occupied at least two third of the 290 *Majlis* seats. The winners are mainly young people and women-whose votes helped bring Khatami to power in May 1997. Also celebrating were Muslim modernists who were silenced during the war years in the 1980s and were sidelined during the Rafsanjani years in the 1990's when a system of crony capitalism developed.²⁷ Only 27 per cent of the previous

²⁴ Faruqui, n.22, p. 2076.

²⁵ Parviz Piran, "Skeptics Enter the Scene" , *Daily Nowruz* (Tehran), June 12, 2001, p.7.

²⁶ Faruqui, n.22, p. 2076.

²⁷ *Middle East Economic Digest* (London), vol.44, no.9, March 3, 2000, p.24.

conservative *Majlis* found their way into the new one. More than 80 per cent of electorate participated in these elections.²⁸

Reformist trend was more resounding in second time victory of President Khatami in June 2001 presidential elections. It was for the first time in the history of eight presidential elections of revolutionary Iran that the President got more votes for his second term than for his first. By racking up 21.6 million votes Khatami exceeded the record 20 million benchmark that he himself set in 1997. In 1997, there was a suspicion that many of the 20 million votes that swept the little known Khatami to a surprise landslide victory over the establishment backed conservative front-runner, *Majlis* speaker Ali Akabar Nateq-Nuri, were protest votes against the system and the then dominant right wing. But this time Khatami himself was the incumbent, everybody knew what he stood for, and the right wing factions failed either to field or to endorse a candidate. So the every vote cast for Khatami can be assured as a positive act of support for him and for reform, rather than a negative vote. Now “Reform” is a reality and no body can deny it. Already, comparatively Liberal Conservatives who believe in democracy are showing signs of moving towards the political center. “Reform” is a slogan mouthed by almost everyone these days for fear of being left behind by the march of history.²⁹

“*Critical dialogue*” – has also helped reform process, which is a process of dialogue between West European countries and Iran. European countries are of thinking that instead of isolation and punishment engaging

²⁸ Monayezi, n.10, p.354.

²⁹ *Middle East International* (London), June 15, 2001, pp. 12-13.

Iran into dialogue will be more beneficial to deradicalise it on the other hand, even within Iran there is a wide consensus on ending Iran's isolation, for all sorts of practical reasons. Modernists such as Khatami also have a deep interest in showing that Islam is relevant to the modern world. Economic necessities of West and Iran is the main cause of 'critical dialogue'. Iranian oil, the large market it offers, and its strategic location on the gulf and as a gateway for natural resources from Central Asian countries are all important concerns for Europe. In addition the well being of the Iranian economy would guarantee the country's ability to pay back its huge debt to Europe. On the other side, the American sanctions have left few options for Tehran to satisfy its growing need of technological know-how, investment and trade partners, which Europe can provide.³⁰ This strategy has shown results up to some extent to change the outrageous voice of Iranian leaders, as in case of *'fatwa'* against Salman Rushdie state distanced itself from execution of it.

But if anybody thinks that external pressure will fundamentally change the Iranian political system then soon he will find himself caught napping. Iran is going through a reform process but that will be within an evolutionary process, as Khatami himself clarified, without endangering national unity or stability. But one positive thing is that Khatami is having a strong intellectual commitment to the political and social reforms unlike his predecessor Ali Akbar Hashemi Rafsanjani, who gave the impression of being only superficially committed. And this is the positive aspect of entire dynamics of reform process in Iran.

³⁰ Gawdat Bahgat, "The New Iran : A Myth or a Reality?", *Asian Affairs* (London), vol 29, no.2, June 1998, p.14-9.

Chapter II

Socio-Economic Bases of Political Reform in Iran

A political system is based upon the political culture of the country. General culture of a society influence its political culture and affects the political development. Political reform in Iran in recent years reflect this reality. Changing demography, economic grievances of the people and emerging ideological variation among scholars representing various societal segments are the forces behind political reform.

In Iran 40 million people are younger than 25 years age. Comprising almost two-third of the population, they are the baby boom that followed the 1979 Islamic Revolution.¹ Most of these young people are not having memories of oppression during Shah regime or any kind of sentimental attachment with 1979 Islamic revolution. They have grown up under a system that dictates what they should eat, drink, watch, read and who they are allowed to socialize with. They now demand such basic rights as job opportunities and freedom to socialize and choose their future spouses. These people can neither wait nor be crushed any longer. Iranian government has presented Iranian nationalism through Islamic symbols, so to oppose the regime they are not only raising anti-regime voices, but a few has gone to the extent of raising anti-Islamic slogans. Iran's youth have benefited from a rapid expansion of educational opportunities that has roughly doubled the overall literacy rate and secondary school enrolment since the revolution, making them more conscious and less susceptible to demagoguery than previous generations. With a voting age of 16 and more

¹ Fen Montaigne, "Iran Testing the Water of Reform", National Geographic (Washington), July 1999, p. 14.

than half of the electorate under 30, Iran's youth constitute a large and growing base of support for the reformers. Indeed 85 percent of Iranian's under 29 voted for Khatami in 1997 presidential elections.² In Iran, the state-imposed restrictions cause inconvenience to most of the country's educated citizens, most of its professionals and almost all of the pre-revolutionary political, social and cultural elites.³ The dominance of Islamically devised conservative laws over people's public and private lives, and the suppression of their individual rights led to growing frustration and anger towards the regime. The ban on music, un-Islamic texts and pictures, social contact between unmarried men and women and the repressive dress regulations for men and women were followed by the establishment of detention centres and severe punishment to wrongdoers.⁴

Women were one of the important participatory groups in 1979 revolution. A large number of women participated in mass protest against Shah rule. Imam Khomeini himself accepted, "The most important event taking place in Iran was the transformation witnessed in the women. The Iranian women have contributed more to this Revolution than men".⁵ But in 1981 an Islamic dress law was passed which required the use of strict

² "Young Iranians Help Elect Moderate ", *Associated Press*, 23 October, 1997. (in Nasser Momayazi, "Islam and the Democratic Movement in Iran", *International Studies* (New Delhi), 4, 2001, pp. 352-53.

³ H.E.Chehabi, "The Political Regime of the Islamic Republic of Iran in Comparative Perspective", *Government and Opposition* (London), Vol. 36, no. 1, Winter 2001.

⁴ Ramin Jehanbegloo, "A Quest for Change: Khatami and Democracy Within Islam" *World Affairs* (London), April-June 2001, p. 124.

⁵ "Selected Messages and Speeches of Imam Khomeini" (Speech to the Women Members of Isfahan University Jihad on May 24, 1981), *Ministry of Islamic Guidance, Islamic Republic of Iran*, 1982, p.45.

hejab (Veiling), by women at work and in public.⁶ The regime was successful in its mission of gender segregation, allocating new physical locations for women's presence anywhere in the society. They were required to ride in the back of a bus sit in the back rows of public seminar halls and enormous numbers of morality police (*basij*) were present everywhere to ensure observance of the regulations. The Islamic republic gave men not only the right to divorce their wives on demand but also the custody of the children. They were even required to obtain their husband's written permission to work outside the home or to leave the country. Women who committed adultery were stoned to death according to the *Sharia* law.⁷ In mobilizing and politicizing women, the revolution gave them sources of ideological and political powers which have prevented their complete subjugation. Conservatives' success with the veil has obscured the fact that they are fighting a losing battle against the basic social processes of modernity and of the liberationist aspirations unleashed by the revolution, which they cannot turn back.⁸ In 1982, new marriage contracts were introduced which contained provisions enabling women to initiate divorce on a wide range of grounds, including the husband's maltreatment, delinquency, addiction and contracting a second marriage without the consent of the wife. These contracts also stipulate that a woman divorced, though no fault of her own is entitled to claim a portion of the husband's wealth acquired over the period of marriage. In practice,

⁶ Elton L. Daniel, *The History of Iran*, (London: 2001), pp. 213-14.

⁷ *ibid*, p. 214.

⁸ Sami Zubaida, "Is Iran an Islamic State?" in Joel Beinin and Joe Stark (ed.), *Political Islam*, (London: 1997), p. 114.

courts seem to observe these provisions with the exception of the claim on the husband's wealth.⁹

It is interesting to note that for women also life under the Islamic Republic has meant increased employment and educational opportunities. Iranian women are in fact among the most educated and accomplished in the Muslim world. Before the revolution 35 percent of women were literate, now the rate stands at 74 percent.¹⁰ Not only are over 40 percent of students in higher education now women, but the prestigious university of Tehran is also having around 47 percent female studies. This figure compares with 21 percent under the Shah.¹¹ More important, one third of faculty members in universities are women.¹² And around 30 percent of all government employees are women.¹³ Today one in three Iranian physicians is a woman. Before the revolution many traditional women would not go to university or work. But because the revolution made these places so accessible, conservative families let their daughters go to university and into the work place. With the revolution, many women came out of the kitchen. Birth control policy has also given them time for themselves. Women who emerge into society cannot be oppressed anymore. As efforts

⁹ Ziba Mir Hosseini, "Women, Marriage and the Law in Post-Revolutionary Iran", in Haleh Afshar (ed.) *Women and the Middle East*, (London: 1993), pp. 84.

¹⁰ Montaigne, n.1, p.18.

¹¹ Munis D. Farugui, "Iran: Renegotiating a Revolutionary Identity", *Economic & Political Weekly* (New Delhi), August 1, 1998, p. 2076.

¹² Robin Wright, "Iran's New Revolution" in Robert J. Griffiths (ed), *Developing world*, 01/02, (Connecticut : 2001), p. 139.

¹³ Faruqui, n.11.

to coerce women into conservative Islamic values increased, women began exercising their voting rights with considerable effect.¹⁴

In the early years of the revolution, the ruling clergy in course of mass politics made the *mostazafin* (the disposed and marginalized segments of the urban population) the champion of the revolutionary struggle. The shanty dwellers acquired a central position in the restoration of justice and were a major source of popular support for the Islamic regime. They helped enormously in consolidating state control. The government, however, failed to consistently provide housing for the poor, in part because of the rapid rural-to-urban migration and in part because of the informal and autonomous way in which the poor tended to operate and subsist. Their lifestyle led to state toleration of "informal" communities and settlements that had no legal recognition.¹⁵ But the economic liberalization and subsidy-cut deprived these sections from proper bread; this diluted with housing shortage and jobs scarcity resulted in riots in many cities since 1992 (the time when results of Rafsanjani economic reforms started surfacing). By putting *mostazafin* in the centre of politics Islamists willy-nilly expanded the horizontal realm of political participation. It was this awareness among urban poor which made possible for Khatami to invoke people on the issue of democratic rights.

Minorities are another important factor in Iran. Iranian population includes 51 percent Persians, 24 percent Azerbaijanis, 7 percent Kurds, 3

¹⁴ Montaigne, n.1, p.18.

¹⁵ Asef Bayat, 'Squatters and the State: Bank Street Politics in the Islamic Republic', Middle East Report (Washington), vol. 24, no. 6. November - December, 1994, pp. 10-14.



percent Arabs and numerous tribal groups.¹⁶ During the early days of Islamic Republic distinct and low voiced cries for autonomy were heard all over Iran and this, in course of time developed into a distinct point of dissent. All ethnic groups - Baluch in the East, Azeri Turks and the Kurds in the North-West, Turkomans in the North – East, and Arabs in the South – all of whom, constituted more than one-third of the population of Iran, demanded local autonomy. The slogans raised there were on the lines “Democracy for Iran, Autonomy for Region”. With exception of national defence, foreign policy and long-term economic plans they demanded the right to determine their own destiny. In the early years of Islamic Republic armed forces suppressed many uprisings in the name of Kurdistan, Khuzistan, Azerbaijan, Baluchistan and Turkoman Sahara. Though, the government succeeded in keeping the ethnic and tribal troubles in bounds by “carrot and stick” policy; but failed to offer solutions which would win the long-term loyalty of ethnic groups and tribes to the Islamic Republic of Iran.¹⁷ But Khatami started healing process. Under Khatami’s reconciliation policy Iran has accepted thousands of Kurd refugees from its erstwhile foe Iraq.¹⁸ Though the country state-controlled radio and television do their best to weed out “corrupting” Western influences, the internet and surreptitious satellite dishes are beginning to shred the Islamic curtain with which the authorities have sought to shield Iran. Media and Iranian Diaspora have made them well acquainted with western societies.

¹⁶ Montaigne, n.1, p.10.

¹⁷ A.H.H. Abidi, *Iran at the Corssroads, The Dissent Movement*, (New Delhi: 1989), pp.174-211.

¹⁸ Montaigne, n.1, pp.10-15.

Khatami turned to the national feelings that had been neglected for the past 18 years, and naturally it was these oppressed marginalized sections which put the Khatami at the seat of president. It is not a vote for Khatami as a person but a messiah of 'civil society' and 'rule of law', Khatami's second term mandate indicates people's desire for fundamental change in the nature of regime. In this sense political reform is irreversible.

Besides changed composition of society and evolution of earlier marginalised societal segments, many subtle changes occurred in different layers of the society. At the level of popular culture the interplay of broader modernizing forces – rationalization, secularization, commercialization and increased differentiation of various societal spheres – with the continual adaptation of different life styles are changing the psyche of Iranian towards modernity. As Fariba Adelkhah asserts that Iranian people rejects the notion of tradition as something located in the past or to be over come, instead tradition continuously improvise itself in real life.¹⁹ Rafsanjani regime started airing Western and popular music and relaxed enforcement of the rules on full Islamic dress, permitted the use of cosmetics, colored *chadors*, and expensive western clothes underneath by exemplifying lifes of Imam Hasan and Ali.²⁰ Iranian very soon adopted this new life style as a mechanism for building and asserting the modern self. But modernity is not merely about the assertion of the self, it is also about bureaucratization, rationalization, commercialization and even democratization.

¹⁹ Fariba Adelkhah, *Being Modern in Iran*, (New York: 2000) Book review in *International Journal of Middle East Studies* (New York and Cambridge) vol. 33, no.1, February 2001, p. 165.

²⁰ Ervand Abrahamian, *Khomeinism; Essay on the Islamic Republic*, (Berkeley: 1993), pp. 139-40.

Rationalization and bureaucratization of more and more of daily life, modernization and commercialization of the religious sphere, the appetite for sports among all categories of people, the birth of urban culture, the stress on individual autonomy and, at the same time respect for laws and regulations expanded the sphere of public space.²¹ How Iranians are expressing their self within the limits of available space is very much evident from evening of November 16, 1997, when Iran literally grounded to halt, people poured into the streets to blow horns, sing, dance and enjoy a broadly carnivalesque atmosphere to celebrate Iran's unexpected qualification for the 1998 football World Cup. It was widely acknowledged that Iran had not seen such a spontaneous outpouring of joy and happiness since the downfall of the Shah. Conservative estimates placed the numbers of people on the streets of Tehran at 1.5 million. Similar scenes were repeated across Iran. Many youthful mixed-sex groups was singing and dancing. It is incredible how the occasion of qualifying for the World Cup was simultaneously narrated as a collective political statement - about Iranian youth, about freedom, about gender relations and about political freedom.²²

Very interestingly, Iranian movies has also become reflection of undercurrent of change in Iran. During Khatami's tenure as a Culture Minister (1982-1992) he began to ease the cultural controls. The Iranian film industry flourished and writers were allowed to negotiate what they could publish as an alternative to a complete ban on their work. He drew

²¹ Adelkhah, n.19, pp. 1-204.

²² Faruqi, n.11, p. 2073.

the ire of more conservative *ulemas* for his patronage of films such as the famed Persian director Mohsen Makhmalbaf's 'Nights of Zandehrood' and 'Time of Love' which tackled such counterrevolutionary issues such as adultery and suicide.²³ With the establishment of the Farabi Cinema Foundation and other measures, the govt. became financially more supportive of film-making. Besides this Khatami's relaxation to control over the content of films led to a remarkable outburst of brilliant film-making, and Iranian movies began to win international acclaim at one film festival after another.²⁴ Now –a-days Iran makes some 70 films a year, out of which at least ten secure top honours across the globe.²⁵ Cultural 'Glasnost' under Khatami first as Culture Minister and later as president, boosted up film making a lot. Ataollah Mohajerani, Minister of Culture and Islamic Guidance, suggested that "music is the truth, and poetry and dance are its manifestations" (Salaam, August 1997) and this in a country where a combination of music and dance is frowned upon and female vocalists banned.

Iranian films reflect reality of day to day life under the shadow of Ayatollahs. Legendary Mohsen Makhmalbaf's early films portrayed the lowest classes of Iranian society, usually placed in desperate situations where they had to confront corruption, oppression and exploitation by those who take advantage of the misfortune of others.²⁶ Dariush Mehrjui's

²³ Tarck E. Masoud, "Misreading Iran", *Current History* (Washington), January 1998, p. 41.

²⁴ Daniel, n.6, p. 235.

²⁵ "Beyond Fantasy", *The Hindu*, (New Delhi), September 16, 2001.

²⁶ Daniel, n.6, p. 235.

“Sara” (1993) and “Leila” (1997) critiqued injustice perpetrated on women with social and religious approval.²⁷ “Baran” (2001) deals with love in silence and secrecy through sigh and sidelong glance, with suffering and sacrifice.²⁸ “Adam Barfi” deals with a young man’s desperate efforts to get a travel visa for the U.S. This movie received permission to be screened after a long denial, even though its show was attacked by conservatives in Shiraz, Isfahan and Amol.²⁹ Recently, “The Hidden Half” by well known director Tahmineh Milani suffered the blow. On 26 August, 2001 Milani was summoned and detained on the orders of the Tehran Revolutionary court. The Court had taken exception to film’s dealing with the period just before and after the 1979 revolution, in which various left wing factions took part only to be later suppressed by the Islamic movement. The film after extensive censorship had given approval by the Ministry of Culture and Islamic Guidance, which is guided by reformist camp. The Court accused Milani of “supporting counter revolutionary grouplets” and of “distorting art for political purpose”.³⁰ These incidents show the tension within the system for the extent of *glassnost*.

The limitations to picturise emotional scenes reveal the imposed reality. Even being the society of warm, well-bonded families, no Iranian movie show a mother or sister kissing, loving or hugging their respective son or brothers. It is a surprising fact, but more surprising is the reason

²⁷ “Beyond Fantasy”, n.25

²⁸ “A Tasty Slice of Continental Cinema”, *The Hindu* (New Delhi), November. 23, 2001.

²⁹ Faruqui, n.11, p. 2073

³⁰ *Middle East International* (London), September 14, 2001, p.18.

behind this, being not real relative actors are not allowed to show even such pious scenes, because Iranian theocrats does not allow a non-related male and female to indulge in such closeness. It highlights the hypocrisy of conservatives in power.

The dissatisfaction of new recruit in clergy is also becoming theme of new Iranian movies. Reza Mir Karimi's work "Under the Moonlight" paints the distressing dilemma of a youth about to become a clergyman. His confrontation with different variety of characters from the society's have-notes gives him lessons that no religion can change their miseries.³¹ It is the sign of Iranian coming back from other worldly thoughts to living world.

Not only in movies but in real life also rationalizing, individualizing and commercialising processes in the religious sphere is going on. For example, religious meetings helped by the development of the media, have become an individualized space where reactions are expected, whereas before one attended such meetings above all to listen.³² Appetite for publicity through media is forcing clergy to be more rational, at least in appearance. The process of conferring sacredness "from below" in practice makes it impossible for political authorities to impose complete centralization on the religious sphere. Instead it allows for interaction among different religious agents and the emergence of yet another public space.³³

³¹ "Facts of Life", *The Hindu* (New Delhi), December. 30, 2001.

³² Adlkhah, n.25, p. 166

³³ *ibid.*

Much contrary to popular notion, Iranian clergy is not a single-
visioned monolithic body. Within the clergy a discourse upon Islam, state
and society is always going on. *Shiism* has traditionally been a polycentric
faith. The *Shii ulema* have always offered different interpretations of Islam,
and the faithful have freely chosen their favourite clerics.³⁴ Roughly, there
are three streams within *ulema* on the issue of relation between state,
society and Islam. First one is conservatives which believes in clergy
controlled system and is pro-regime; second, is the Neo-traditionalist
which admit the need for change in practice and seek new interpretation
within the bounds of *fiqh*.³⁵ This is the section, which is making
environment for slow and gradual change in respect to society. Ayatollah
Yusuf Sane'i is the leading figure of this section.

Third section is the moderates (or say, modernists), The modernists,
whether clerics or lay persons are prepared to go beyond the old *fiqh*
wisdoms in search of new answers for new questions. They do not see
Islam as a blueprint with a built- in fixed program of action for the social,
economic and political problems of the Muslim world; but they argue that
'Islam allows change in the face of time, space or experience'.³⁶ An
increasing number of moderate clerics fear that Islam in Iran has been
polluted by its association with politics, becoming no more than a state
ideology like communism. They favour separation of religion and politics.

³⁴ Mohsen M. Milani, "Islam in Iran" in John L. Esposito, *Political Islam*, (Boulder /
London: 1997), p.86.

³⁵ Ziba Mir-Hosseini, *Islam and Gender : The Religious Debate in Contemporary
Iran*, (London and New York: 2000), p.19.

³⁶ *ibid*, p. 213

The clergy sense its rising unpopularity in Iranian life, and lament the fact that the abuses of the small minority of clergyman in power have tainted the reputation of the entire fraternity. Better to retreat from the politics, they argue than to suffer an ignominious defeat and the scorn of their fellow Iranians. Better to dismantle the *Velayat-e faqih* or at least subject it to the dictates of popular will than to lose the essence of *Shism*, the soul of Islam.³⁷ As there are very few channels to affect basic change in the political system of Iranian regime and any impetus for change can only come from within the ruling politico religious elite, definitely importance of Neo traditionalist and modernist *ulemmas* increase many-fold.

Economic compulsion of various societal segments and changing economic scenario is also responsible for political reform process. The upheavals of the Iranian revolution followed by economic sanctions by U.S. and its western allies, and eight year long war with Iraq left the Iranian economy shattered, the infrastructure, oil production and export facilities were totally ravaged, economics of cities and villages were severely damaged. Despite a reduction in the numbers of poor, the mechanism of income distribution did not work properly. Although the income distribution among households generally, and between the rural and the urban sectors in particular, improved in the early years following the revolution, this trend had come to a halt by the mid 1980's.³⁸ During the period 1977-78 to 1989-90 per capita income dropped by nearly 45 per

³⁷ Masoud, n.23, p.41.

³⁸ Ali A. Saeidi, "Charismatic Political Authority and Populist Economist", *Third World Quarterly* (Washington), vol. 22, no. 2, 2001, p.231.

cent.³⁹ So Rafsanjani regime decided to strive for major economic reforms. The regime declared its support for open-door and laissez-faire policies. Rafsanjani regime started privatization policy, reduced subsidies on public commodities, lifted rationing from many goods, decreased expenditure to control the inflation, liberalized import and reestablished free trade zones in Persian gulf. To obtain foreign investment government signed agreements with International Monetary Fund (IMF) and World Bank, invited expatriate Iranians to invest and permitted foreigners to have total ownership of ventures and to export all their profits⁴⁰ (instead of complete ban on foreign ownership by Islamic regime during days of Khomeini.)

These reforms made long lasting impact over socio-political scenario in 1990's Iran. First, it increased the number of new middle class many-fold, second it increased the pace of urbanization, and thirdly and most important, it increased public frustration over high prices, housing shortages and shrinking social services.

Cut in subsidies and putting more items of import on the market rate of exchange resulted in soaring prices. According to Bank *Markazi* officials prices rose by 19.6%. Food, clothing and housing costs moved up. The health ministry had to reverse an earlier decision to increase heavily subsidized prices of medicines. Business people who were enjoying a mini boom had welcomed the various reforms, but life became harder for ordinary Iranians particularly those on fixed salaries.⁴¹ The average Iranian

³⁹ Milani, n.34, p.203.

⁴⁰ Abrahmian, n.20, pp. 138-39.

⁴¹ *Middle East Economic Digest* (London), vol. 35, no. 32, August 16, 1991, p. 12.

patience however, is not limitless as manifested by the sporadic riots that have erupted in major cities such as Tehran, Mashhad, Shiraz, Qazvin and Arak since 1992.⁴² It was natural when state was working as a welfare state and providing people subsidized social services; people were not challenging the regime overtly, but economic reforms caused public suffrage and anger.

The percentage of the urban population living in poverty declined slightly from 12.9% in 1988 to 12.1% in 1996, but for rural households it increased from 21.3% to 22.9% in the same period. This clearly indicates that the state failed to target the poor sufficiently, despite the establishment of several para-governmental organizations directly to assist the poor and low-income groups and other populist economic policies.⁴³ It naturally would have increased the migration of people from rural areas to cities, as it is evident from 5 percent per year growth rate of cities.⁴⁴ These migrated people naturally, would have fade-up of clerical establishment, this disenchantment grew because of inadequate civic facilities in cities, thanks to huge rate of urbanization. Naturally, these people now want good governance, instead of otherworldly incentives, and pressing for political reform and Khatami's overwhelming victory was manifestation of this shift.

According to a 1998 report over 500,000 new entrants into the job market each year, soaring inflation (unofficially ranging between 30 and 60

⁴² Faruqi, n.11, August 1, 1998, p. 2074.

⁴³ Saeidi, n.38, p. 231.

⁴⁴ A.R. Norton, "The Challenge of Inclusion in the Middle East" *Current History* (Washington), January 1995, vol. 94, no. 588, p. 1.

per cent), a devaluing currency (that has gone from around 70 Riyals to the U.S. Dollar in 1978 to more than 4800 on the 1988 black market rate) and underemployment (hovering, according to conservative estimates at around 75 per cent) have shaken the confidence of most non-elite Iranians. Many are being forced to take second and third jobs.⁴⁵ Giant para-government organisations (*Bunyaads*) with no governmental discretion over their expenses, no shareholders, no public accounts, and no well defined legal status and enjoying complete tax exemption, have been operating autonomously from the government (only under the supervision of the supreme leader), and have acted like giant private monopolies rather than charity organizations caring only about the welfare of the poor. They have therefore themselves been a major source of distortion and obfuscation in resource allocation, a major financial drag on the economy and one of the main obstacles to rational economic reform.⁴⁶ Ayatollah Ruhollah Khomeini famously said: "The revolution was not about the price of watermelons." In the two decades since the revolution, nothing has destroyed the legitimacy of the regime as much as its failure to deliver the economic goods. No amount of excuses or diversions obscures this blunt fact. All the windy rhetoric about the revolution's virtuous aims bums up against the impoverishment of the nation. There is no distribution (just or otherwise) without production. There is no social justice without protection. There can be no production without incentives, competition and a "work culture".⁴⁷ In such a circumstance it is natural that people think

⁴⁵ Faruqui, n.11, p. 2074.

⁴⁶ Saeidi, n.38, p. 232.

⁴⁷ Shahram Chubin, "Iran's Strategic Predicament", *The Middle East Journal* (Washington), vol. 54, no.1, Winter 2000, p. 22.

that truly elected representatives of the people should be maintained at the helm of affairs and political reform is essential to this cause.

The first round of economic reforms in the Islamic republic quickly came up against a dead end, because the then Rafsanjani administration was not prepared to carry out parallel political reforms. The political opening introduced by President Khatami in 1997 has made it possible to complete the economic reform programme. Political reform at least ensure that whatever outcome comes out of economic reform process is there own decision. On the other hand the corrupt economic interests that flourished under the old system have since early 2000 in connivance with conservatives managed to paralyse the country's politics as well. To much pleasure of Khatami government souring oil prices since early 1999 allowed oil export revenue to, on average, double over the next two years. The higher income led to a decision in mid-2000 to utilise about \$ 4000 million, or nearly one-half of the year's extra revenues, to boost development projects and create jobs.

Unemployment has fallen by perhaps one percentile point from an official level variously estimated at 12-16 percent during the period of early 1999 to early 2001. The inflation growth rate has also improved - from an annual average to about 20 percent in previous years to something closer to 15 percent in 2000. Gross domestic product (GDP) is showing its highest growth in years, recording 4-5 percent in 2000. The country's external accounts are at their healthiest ever. The first half of 2000-01 saw the trade balance producing a record surplus of more than \$ 6700 million. The current account was also in surplus by more than \$ 6200 million.

Annualised, this surplus should help to create a very healthy special fund set up in 2000 to provide a buffer in case world oil markets deteriorate again. Official foreign reserves are being replenished to more than double the three-month cover for imports that they provided in 1998.

The surpluses are not due to higher oil income alone. Imports have been restricted for some years, averaging about \$ 14,000 million a year - compared with \$ 25,000 million at one stage in the early 1990's. The improved circumstances have even strengthened the once-hapless rail. A new floating rate was introduced in 1999 and the gap between the official floating and the black market rates, having reached 20-fold a decade ago, pretty much disappeared in late 2000.

New job creation is however, nowhere near the 7,60,000-a-year target set by the government. The budget for year 2000-01 doubled allocation for this purpose to nearly \$ 600 million setting a very optimistic target of 6,85,000 new jobs.

Simultaneously, the *majlis* has been trying to eliminate \$ 1000 million in flour subsidies provided to bakeries. The subsidies keep bread prices relatively low, but they result in large-scale wastage and even smuggling of flour to neighbouring countries. Under the proposed reform the subsidies would go, selectively to needy consumers through rationed coupon system. If successful, this would represent the first concrete structural reform of the economy in memory.⁴⁸

⁴⁸ *Middle East Economic Digest* (London), 2 February 2001, p. 25.

It is significant to see that as condition of economy is recovering on the political front attack on reformists and civil liberty of people is increasing. It is not only frustration of conservative clerical elites, who are watching their grip over power losing but it is also a attempt to control incoming material (oil) wealth by a nexus of Conservatives and *bazaaris*.

Economic reforms along with rapid urbanization, advanced education and greater exposure to mass communication in late 1980's and 1990's have culminated in a steady growth of the middle class and intelligentsia that provide a social base for democracy, and that was non-existent before. This new middle class is different from the bourgeoisie identified by Marx and Moore with the 19th century development of democratic institutions. The earlier bourgeoisie based its claim to political participation on the basis of its wealth but this new one on its skill and talent acquired through access to modern educational opportunities in the Iran and abroad. This new middle class has continuously challenged the traditional political order and shows a strong motivation for political influence.⁴⁹ Crucially, the social strata most resistant to socio cultural imposition are precisely the educated middle classes the regime needs for economic regeneration.⁵⁰

Excited by rapid socio-economic changes in Iran some over-enthusiastic Western critique suggests that the market forces are on the verge of abandoning the revolution and these forces by pushing for reform

⁴⁹ Nasser Momayazi, *The Struggle for Democracy in the Middle East*, *International Studies*, 34, 1, 1997, p. 36.

⁵⁰ Zubaida, n.8, p. 118.

will lead theocracy towards democracy. But it is partially true and only about new–techno-oriented economic class, which is still small in digits. It is fairly obvious that political, social, economic and marital linkages have succeeded in forging ever-closer alliances between *bazaaris* (traditional economic class) and Iran’s theocratic political elites. There are widespread allegations that what Khatami faces is not a straight forward case of traditionalists nervous about change, but powerful business and political interests who fear losing their privileges.⁵¹ The reappointment of *bazaari* Mohsin Rafiqdoost as head of the quasi state run ‘Bunad-e Mostazafan’ (Iran’s largest holding company which is made up of some 100 firms and worth at least \$12 billion) is an example of the degree to which the fortunes of the *bazaaris* are inextricably linked to the status-quo.⁵² The capacity and vulnerability power of these *bunyaads* is evident from the table :

Vulnerable Groups supported by main *Bunyaads* in 1990.

S.l	Bunyaad	Household	Population	Payments
1.	Mustadâfan	NA	295342	112195
2	Shahid	302286	662286*	170000
3	Kumitah Imdad	868936	3003224	43087
4	15 th Khurdad	381684	6674984	NA
	Total	1798988	1243204	370268

Source: Bunad-i Mustad’afan, Bunad-i Shahid, Kumiti-i-yi imdad, Iran Statistical Centre (Quoted in Ali A. Saeidi, “Charismatic Political Authority and Populist Economist”, *Third World Quarterly* (Washington), vol. 22, no. 2, 2001, p.231).
 NA : Not Available, * estimated

⁵¹ *Middle East Economic Digest*, 27 April 2001, p. 4

⁵² Masoud, n.23, p. 41

It comes as no surprise that this group is one of the most important pillars of conservative support within Iran. In 1997 presidential elections conservative candidate Nateq Nari was the official candidate of the most powerful organization of clerics, the right wing conservative '*Jame'eh-ye Rowhaniyat-e Mobarez*' (JRM), (Tehran's Militant Clergy Association. He was also backed by JRM's *bazaari* ally, *Jam 'iyat-e Motalefeh-ye Islami* (the Islamic Coalition Society), as well as by the Qum Theological Lecturers Association and numerous smaller clerical, professional and trade organizations. On the other hand Khatami was supported by *Majma 'e-Rowhaniyun-e-Mobarez* (MRM) (The Militant Clerics Society), non-clerical *Sazma-e mojahedin-e-Enqelab-e Islami* [the *Mujahidin* of the Islamic Revolution organization (MIRO)] and moderate technocrats' '*Kargozaran*'.⁵³

So, political reform of Iran is the product of necessity and this necessity occurred because of great social mobilisation. Interestingly this mobilisation is the handiwork of the various policies of Islamic regime during first decade after its inception. But the phantom is out of the bottle now, whether for good or bad. Khatami's two consecutive victories has proved that chariot of time has taken its toll and social realities of 21st century are differ from that of two decades back. Generational change is very much evident in social, economic and theological spheres which leads towards reform and generations can't be taken back without demolishing the entire system itself. So 'reform' is the slogan of the day and it is there to stay.

⁵³ Stephen C. Fairbanks, "Theocracy Vs. Democracy: Iran Considers Political Parties", *Middle East Journal*, (Washington), vol 52, no.1, Winter 1998, p. 19.

Chapter III

Political Reform in Iran: Ideological Basis

Islamic Republic of Iran—as title itself suggests—Iran has intermingled two ideas as basic foundation of the state. First, Islam i.e., prominence to Islamic rules; Second Republic, which means a government, elected and run by people on democratic principles. Whenever conservative interpretation of Islamic rules take precedence Iran heads towards fundamentalism, but supporters of domestic principles are now in a mood not to surrender. Growing support for reform is reflection of this mood. At the same time retaliation of conservative establishment is very much there. In such a background every sensible observer of Iranian politics realise that due to the pervasive role of Islam in cultural life, however, a genuine and enduring democratization of region cannot happen by rejecting or neglecting Islam but through its democratic interpretation.

It is important to not that the Constitution of the Islamic Republic is not the Islamic *Sharia*. It privileges the *Sharia* as the source of legislation but this is only one of its many provisions. There is a dualism in the Iranian constitution between the sovereignty of the people (derived from the dominant political discourses of modernity) and the sovereignty of God, through the principle of *velayat-e faqih*.¹

Article 6 of the Constitution states that "the affairs of the country must be administered on the basis of public opinion expressed by means of

¹ Sami Zubaida, "Is Iran an Islamic State" in Joel Beinin & Joe Stark (ed.), *Political Islam*, (London: I.B. Tauris, 1997), p.106.

elections"². As dethroned heir-designate of Ayatollah Khomeini - Ayatollah Montazeri - recently said in an interview that he and other framers of the 1979 Islamic constitution never intended to accord the institution of *velayat-e-faqih* with absolute powers. "He can never be above the law, and he cannot interfere in all the affairs, particularly the affairs that fall outside his area of expertise, such as complex economic issues, or issues of foreign policy and international relations," explains Montazeri. "The most important point to be highlighted is that Islam is for the separation of powers and does not recognize the concentration of power in the hand of a fallible human being."³

In the case of Iran an elected Parliament (*Majlis*) debates and enacts legislation (within stipulated limits). Government is responsible to Parliament, which can scrutinize the actions and policies of the executive. Legislation must not depart from the basic tenets of Muslim law, but this, for the most part, exists not in a codified form but in the books of opinion and interpretation written by jurists. It was a committee of jurists in the form of the Council of Guardians, which was entrusted by the Constitution with the task of ensuring that parliamentary legislation conformed to the *Sharia*. This is one of the most contentious areas of difference and conflict between hard-liners and reformists. Hard-liners, who are controlling Guardian Council and Judiciary interprets Muslim law according to their hard-line stances while Reformist, who are holding control over the

² *The Constitution of Islamic Republic of Iran*, 2nd edition (Tehran: 1990), p.29.

³ Geneive Abdo, "Re-thinking the Islamic Republic: A 'Conversation' with Ayatollah Hossein Ali Montazeri", *Middle East Journal* (Washington), Vol. 55, No.1, Winter 2001, p.11

Presidency and *Majlis* along with support of media and public opinion are for progressive and reformist interpretation.

There is a dualism in Iran: nation state concept intermingled with Islamic forms. These forms are not revivals of continuities with historical instances but quite novel creations. Khomeini's doctrine of *velayat-e-faqih*, for instance, as applied to government, is a major departure from historical Islamic political thought and practices, including *Shiism*.⁴ To create a system that is simultaneously Islamic and republican required some creative borrowing from the West and some modification of the notion of popular sovereignty. After all, the *Shii* political theory of governance was not sufficiently developed to offer solutions to modern problems of governance. Hojjatalislam Ali Akbar Hashemi Rafsanjani was quite candid about this shortcoming: "Where in Islamic history do you find parliaments, presidents, prime ministers? In fact, eighty percent of what we now have has no precedent in Islamic history."⁵ Unlike Roman Catholicism *Shiism* has neither a Church nor an accepted hierarchy of power. Interestingly, the original constitution of Iran attempted to create a hierarchy of political and religious powers by insisting that the *faqih* was the country's highest religious and political authority. This is why the constitution stipulated that the *faqih* must not only be accepted by the majority of the people but must also be a *marja-e taqlid* (source of immulation). But this goal has not been achieved; even in the heyday of Khomeini's popularity, other grand

⁴ Zubaida, n.1, pp. 105-106.

⁵ Mohsen M. Milani, "Islam in Iran", in John L. Esposito, *Political Islam*, (Boulder/London: Lynne Rienne Publishers, 1997), p.82.

ayatollahs, like Syed Kazem Shariatmadri and Mohammad Reza Golpayegani, enjoyed considerable mass followings of their own. It was natural because *Shiism* has traditionally been a polycephalic faith. The *Shii ulema* has always offered different interpretations of Islam and the faithful have freely chosen their favourite clerics. In such a background the emergence of factions and difference of opinion in Islamic Republic was inevitable. Ayatollah Khomeini had himself publicly declared that he was not seeking religious leadership in Iran. This fact is testimony to the Islamic Republic's failure to render *Shiism* monolithic, as there are many people who follow not present leader Ayatollah Khamenei but other ayatollahs in Iran and in Iraq. Therefore, factions and *Shiism* are inseparable, two sides of the same coin. The change in the provisions related to *velayat-e-faqih* in revision of the Constitution after Khomeini's death in 1989 was implicit acceptance of this fact. Today the *faqih* no longer has to be accepted by the majority of people, nor is he required to be a *marja-e taqlid*. Because of this revision, in 1989 the Assembly of Experts could select as the new *faqih*, Sayyed Ali Khamenei, who at the time was a *hojjatalislam*, a rank lower than an ayatollah.⁶ With Khomeini's death in 1989 the constitution had to be amended to take into account the vacuum at the very top. Among key amendments, the religious credentials of the supreme leader were down-graded below that of grand ayatollahs to *majtahed* - a designation that cover scores of religious leaders.⁷ Twice, after that, ruling elites has tried to put cloak of *marja-e taqlid* over

⁶ ibid, p. 86.

⁷ *Middle East Economic Digest*(London), vol. 44, no. 8, 27 April 2001, p.4.

Ayatollah Khamenei, but all in vein. Later, as a compromise Khamenei was elevated to the religious status of *marja* but along with score of other ayatollahs. In such a backdrop it is obvious that few of them do not talk in line with the official religious - political line, so a diversification of religious sovereignty of *Velayat-e faqih* has widened the scope for voices of reform. As Ayatollah Montazeri speaks, "How can we accept that the *Velayat-e faqih*, who is not even infallible, and hence open to error, be considered to get a treatment even higher than the Prophet and the Commander of the Faithful (Ali)? How can we accept that he is needless of consultation and immune to any criticism? Whereas even Prophet and Ali used to consult with their disciples and close aides and often took account of their view in the decisions that they made".⁸ Similarly Hojjat ul-Islam (and Professor) Mohsen Kadivar argued in an article that 'The basic problem of Iran is *Velayat-e faqih*. According to Kadivar Islam regards every person as grown-up and mature (*rashid* and *balegh*), unless otherwise proven, whereas the principle of *Velayat-e faqih* is based on the notion that people are irresponsible and incapacitated (*mahjur*).⁹

This was seen to be dominant public opinion in Iran, when Syed Mohammad Khatami was elected president in clear defiance of top leader, by defeating his candidate Majlis speaker Nateq Noori. Khatami spoke in one of his press conferences with domestic and foreign journalists on December 14, 1997 that "the principle of a civil society is that people have the right to decide their own future; in Islam we believe that God is the

⁸ Abdo, n.3, p. 22.

⁹ David Menashri, *Post Revolutionary Politics in Iran: Religion, Society and Power*, (London & Portland, OR: Frank Cass, 2001), p.36.

only power that can rule humankind and he wants human kind to decide its fate."¹⁰

According to Asghar Schirazi, within the ranks of the reform-minded Islamists three distinct positions can be observed:

1. Firstly, a cautious position which approves of reform only in so far as it justifies *Velayat-e faqih* and the practical consequences of that concept in government policy and legislation. Otherwise, it insists on maintaining view based on so-called traditional *fiqh*. The clerics in the Guardian Council adopt this position together with many of the teaching staff at the religious academies, members of the Assembly of Experts and the Imams of the Friday prayers.

2. A second group apply far-reaching measures in adapting the *Sharia* to present day requirements, particular to the needs of government, and to approve whatever reform of *fiqh* and the organisation of the religious seminaries is necessary to achieve this end. These reformers are chiefly found among the students at the religious seminaries and their younger teachers.

3. The third group, whose adherents and sympathisers are more to be found amongst Islamic or Islamist intellectuals, advocate a radical reform of the conception of Islam which begins with Islam's view of man and the world. Politically, this group more or less openly criticises

¹⁰ Ramein Jehanbegloo, "A Quest for Change: Khatami and Democracy Within Islam", *World Affairs(New Delhi)*, April-June 2001, p.125.

the concept of *Velayat-e faqih* and that it be replaced by 'scientific management' i.e., the government should be run by modern experts.¹¹

Among the ruling clerics the first step towards reform was put by Imam Khomeini himself during his last days. Khomeini being a pragmatic visionary not wanted that future progress of Islamic Republic of Iran was ruined by fundamentalist ideological dogmas. It was in this context that Khomeini, in January 1988 made one of his most important political pronouncements in the form of a letter to the then President Hojjat-ul Islam Khomeini. Khomeini had apparently argued that the government could exercise power only within the bounds of divine statutes. But Khomeini disagreed stating that "the government which is part of the absolute vice-regency of the Prophet of God is one of the primary injunction of Islam and has priority over all other secondary injunctions, even prayers, fasting and hajj. The ruler is authorised to demolish a mosque or a house that is in the path of a road and to compensate the owner for his house. The ruler can close down mosques if need be, or can even demolish a mosque, which is a source of harm... The government is empowered to unilaterally revoke any *Sharia* agreement (Islamic law) which it has concluded with the people when those agreement are contrary to the country or to Islam." Ayatollah Khomeini itemized a set of issues, on which if this view was not valid, the government would not be able to take action. This included: conscription, compulsory dispatch to the fronts, prevention of the entry or exodus of any commodity, the ban on hoarding except in two or three cases, customs duty, taxes, prevention of profiteering, price fixing, prevention of the

¹¹ Asghar Schirazi, *The Constitution of Iran: Politics and the State in the Islamic Republic*, (London & New York: 1997), pp. 257-58.

distribution of narcotics, ban on addition of any kind except in the case of alcoholic drinks, the carrying of all kinds of weapons.¹²

For some time now in discussions of the reform of *fiqh* the concept of 'dynamic *fiqh*' (*fiqh-e puya*) has been used as a counterpoint to the concept of traditional *fiqh* (*fiqh-e-sonnati*). Religious intellectuals in Iran, whose ideas provide a ideological basis for political reform, are not against the Islamic system but an interpretation of Islam that treats it as a primitive myth and as a uni-dimensional and rigid Islamic ideology of the social order.¹³ These reformists emphasize the role of reason in people's lives. Revival entailed renewing religion by reinterpreting texts. This task is possible as there are sufficient Islamic injunctions to allow democratic expression. Islamic heritage contains concepts such as *ijtihad* (independent individual reasoning and enquiry in legal matters), *shura* (consultation) and *ijma* (consensus) – that could provide both foundations and mechanism for developing a modern democracy.¹⁴ Islam's call for consultation and consensus are employed to stress the importance of public opinion and majoritarian rule. In sharp contrast to traditionalist, Muslim reformers maintain that -'what is called freedom in Europe is exactly what is defined in our religion as justice (*adl*), right (*haqq*), consultation (*shura*) and equality (*musawat*). This is because the rule of freedom and democracy consists of imparting justice and right to the people and the nation's

¹² Fred Halliday, *Islam and the Myth of Confrontation Religion and Politics in the Middle East*, (London & New York: 1996), pp. 68-69.

¹³ Farhad Kazemi, "Civil Society and Iranian Politics" in A.R. Norton (ed.) *Civil Society in the Middle East*, vol. 2, (New York: 1995), p. 570-71.

¹⁴ Mahmood Monshipouri, *Islamism, Secularism and Human Rights in the Middle East*, (Boulder & London: 1998), p. 28.

participation in-determining its destiny.¹⁵ The Muslim approach to democracy, however, is different from that of the Western world and deserves equal respect and recognition.¹⁶

Besides searching for linkages of democracy into the Islamic history there are people like Abdol-Karim Soroush, Philosopher and social critic, who argues while Islam is based upon unchangeable principles, our interpretations of these principles can and must change from time to time. Therefore, no one can claim a monopoly over the "true" Islam.¹⁷ Almost same views was reflected by present President Mohammad Khatami in his book entitled 'Fear of the Wave' (1994) that the backwardness of religion lay in ascribing sanctity and eternity to the limited and incomplete interpretations by humans and giving priority to emotions over rationality and realistic appraisal. His view on a modern interpretation of Islam are evident in his speeches and writings: "If we ask a dogmatic believer – who may see himself as a thinker and intellectual - what he expects from the revolution, he claims he wants a return to Islamic civilization. We must alert such people that their wishes are anachronistic. The specific thoughts that underpinned Islamic civilization ended with the passing of that civilization. If it had maintained its dynamism, relevance and ability to provide answer to people's problems, that civilization would have

¹⁵ Nasser Momayezi, "Islam and the Democratic Movement in Iran", *International Studies* (New Delhi), vol. 38, no. 4, 2001, p. 343.

¹⁶ Monshipour, n.14, p. 28.

¹⁷ Milani, n.5, p. 91.

endured.¹⁸ For centuries Islam had not been engaged in the actual running of the state; it therefore lacked the essential experience for the challenge, he believed. While recommending selective borrowing from West, the birthplace of a new and powerful civilization, he was aware that this necessitated a reappraisal of Muslims' own sources, including the *Quran* and the *Sunna* - taking present needs into account when interpreting them.¹⁹

Declaring that many ordinances are based on conjecture is one approach to expanding the possibilities of revision. Another is to point out that *fatvas* have been influenced by the conditions of life affecting the jurists. According to Mehdi Nasiri, the editor-in-chief of *Kayhan*, 'the *fatvas* of an Arab display the characteristics of an Arab and the *fatvas* of a non-Arab those of a non-Arab. The Imam of the Shafei school of jurisprudence, Mohammad Shafei, changed ninety of his *fatvas* and legal view when he travelled from Baghdad to Egypt, which is proof how local conditions have an effect on *fatvas*.'²⁰

Abbas Abdi has examined in a series of articles entitled 'The Sociology of Iranian Law' numerous examples where jurists are clinging to ordinance which no longer have any relevance to their objects, which have been completely transformed under changing conditions of time, place and technology. The three month period (*eddeh*) a divorced wife must wait

¹⁸ Mohammad Khatami, *Hope and Challenges, the Iranian President Speaks*, (Binghamton University, 1997), p. 26; (quoted in Ramin Jehanbegloo, n.10) pp. 126-27.

¹⁹ Menashri, n.9, p. 81.

²⁰ Schirazi, n.11, p. 270.

before remaining in order to establish whether she is pregnant, is still adhered to although pregnancy can be established much sooner by means of modern medical techniques. The regulations concerning interest are still declared to be inviolable although every one now knows that in the current galloping inflation they favour debtors.²¹

In the view of Ayatollah Ebrahim Jannati it was not *fiqh* (Islamic law) which was deficient, but the jurists. *Hojjat-ul Islam* Hojjati Kermani objected to those ordinances of *fiqh* whose content was based on the superstition or which gave the false impression they had come about through consensus. To this category he relegated ordinances on conversing with women, the appearance of women before government authorities, their participation in elections, the questions of music and wearing a beard. Although jurists had now become rulers *fiqh* still suffered from the same deficiency.²² Leaving aside the quite abandonment of the rather embarrassing ordinances on slaves in the new *fiqh* books and considering Khomeini's ruling on music, chess, the rules of emergency and the interest of the state as a direct outcome of the pressures of government, there is scarcely an example of significance in which there have been signs of revision.²³

Another reformist approach has been echoed by *Hojjat-ul Islam* Mohammad Mojtahed Shabestari who see commands and prohibitions contained in the *Quran* and the *Sunna* as contingent phenomena which

²¹ Schirazi, n.11, pp. 262-63.

²² *ibid.*, p.269.

²³ *ibid.*

correspond to the political and social conditions of the time in which they were proclaimed. They cannot therefore be understood as absolute and timeless. Only the 'fundamental values' (*osul-e arzeshi*) laid down by God and the Prophet passes that character, and they must be applied in concrete terms by Muslim in every-day and age in accordance with the prevailing conditions of life. Shabestari also questions the assertion that God has a legislative function. God only establishes values, not laws, "The primary reason for sending the Prophets was to proclaim truths, and lay down eternal values, not to make laws'. This is confirmed by the fact that most Islamic laws borrowed from moral practices and habits, as well as the customary law, current amongst the Arabs at the time of Mohammad. Shabestari has also contested the interpretation that the jurists give to the proposition that Islam is perfect. 'Religion does not wish, to replace science and technology, and lay claim to the place of reason... God has only offered answers for some of the needs of human beings. As for other needs, he has left it to reason and human effort to supply the answer."²⁴

It is in field of birth control and family planning that we witness the most spectacular retreat of ideology in favour of pragmatic considerations. At first the Islamic Republic shunned the idea of family planning as a western conspiracy to limit the number of Muslims. It dismantled the family planning provisions and organisations of the previous regime. Other prenatal measures included lowering the legal age of marriage to fifteen for boys and thirteen for girls, thereby encouraging fertility. By the mid 1980's the effects of these policies in terms of high levels of population growth

²⁴ *ibid*, p. 279.

(3.9 in 1983), double the world average were noted by the country's more astute political leaders, who once again turned population policy by launching a family planning campaign. The example of birth control, abortion and family planning illustrates very well the pragmatic attitude of policy makers in the Islamic Republic and the flexibility of religious doctrine in following these pragmatic objectives. This subordination of doctrine to utility can only facilitate a secularized attitude to religion and society.²⁵

The step towards opening up of the political process is reflected in the ideas of intellectuals like Abdol Karim Soroush, who says that a true religious state is based on democracy. He insists that Islam cannot and should not become an ideology serving the interest of a governing elite.²⁶ Even once Ayatollah Khomeini, while addressing foreign delegate on March 1, 1981, echoed the pro-democratic view though in context of Iran-Iraq war, "If the people approve their governments then the latter are legitimate and if not, they are illegitimate."²⁷ Reformists like Ibrahim Yazdi argued that the Iranian constitution is abundantly clear about establishing a popular democratic government. The Constitution is Islamic in the sense that no law can be adopted that is contrary to Islamic principles and norms. This mandate, however, is different from a republic of clergy who claim they are representatives of God and only they can interpret the word of God. Reformists say no such Islamic base exists for

²⁵ Zubaida, n.1, p. 117.

²⁶ *Selected Messages and Speeches of Imam Khomeini* (From October 1980 to January 1982), (Tehran: Ministry of Islamic Guidance, The Islamic Republic of Iran, March 1982), p.44.

²⁷ Schirazi, n.11, p. 270

such a claim. Arguably, Islamic laws can be observed in unreligious fashions; further, for *Sharia* laws to be implemented democratically, they must be legislated as civil laws by the Parliament. That is, laws may and can arise from religion, but they will ultimately have to evolve into civil law.²⁸

It has become working pattern of reformists that because of long history of assimilation of Islam and socio-cultural life first they affirm their faith in Islam and then search for democratic means in it while arguing for reinterpretation of Islam. As President Khatami did - "We wish to base our life on the tenets of Islam; we possess the will to create an Islamic civilization. The Islamic revolution was a momentous event in the history of the Iranian nation and the Islamic Community, and we can rightly say that because of our revolution, we have dispensed with borrowed values and the Western values that dominated our thinking. By realising our own authentic historical and cultural identity, we have laid a completely new groundwork for regulating our society". But first, he believes, revolution must solve its internal problem, which arises because of the "atheists who try to prevent the formation of an Islamic society, and the dogmatically religious who try to impose their backward ideas on the society". The solution is to reinterpret the Islam in a way that addresses the problems of the modern world.²⁹ He admits in his 'From the World of the City to the City of the World' that freedom is a 'vital necessity' and that historically human beings have always fought and sacrificed for freedom - and now

²⁸ Kazemi, n.13, p.133.

²⁹ Mohammad Khatami *Fear of the Wave*, Simayeh Javan Institution, 1994, p.23 (Quoted in Ramin Jehanbegloo, n.10, p.127.

there are systems in the West that invite people to live freely.³⁰ In an interview with an American television network in January 1998 he sent a message to the "great American People" and called for cultural exchange between the two nations. For the first time an Iranian President spoke highly of America, He said that, "the significance of American civilization is in the fact that liberty found religion as a cradle for its growth, and religion found the protection of liberty for its divine calling".³¹ This is what Khatami want in his country.

Human rights violation is another concern for reformist ideologues. Abdol Karim Soroush has argued that Islamism and secularism can be reconciled through both rational inquiry and ethical necessity, insisting that the nature of human rights discourse is generally more philosophical than theological. More important, Soroush added, the human, rights debate clearly exceeds the domain of religion. Human rights such as social justice and liberty, he argued, are compatible with both democracy and religion. To argue that human rights are solely the product of liberalism reveals ignorance not only of liberalism but also of religion, for such an argument gives liberalism a higher moral ground than it deserves and grants religion a lower place than it merit. Soroush has maintained that liberalism does not encompass all human rights and that religion is not unfamiliar with human rights. Regarding religion, he noted, its language and jurisprudence are essentially those of obligation, not of rights. But it also suggests that human rights and piety are not necessarily contradictory and that liberalism

³⁰ Jehanbegloo, n.10, p.127.

³¹ *ibid.*, p.131.

must not be equated with the full realisation of human rights. Religious regimes, Soroush explained, are democratic to the extent that God's commands and people's demands are respected concomitantly.³² In the Iranian Constitution protection of rights is similar to that in most constitutions. Each right is qualified, however, by a statement that the right can be exercised only within Islamic standards. It is the reason that Mohsen M. Milani suggests that the Islamic Constitution is based on limited popular sovereignty'.³³ For instance, Article 21 of the Iranian Constitution states, "The government shall guarantee the rights of women in all areas according to Islamic standards", Since the conventional Islamic standard toward women relegates them to a lower status than men, this policy runs counter to internationally recognised norms.³⁴ To provide more rights to women Iran has seen emergence of an Islamic feminism in the form of feminist readings of the *Sharia*. Though Neo-traditionalists like Ayatollah Yusuf Sanei and his disciples staunchly defend the immutability of the gender model manifested in Islamic law, they admit the need for change in practice and seek new interpretations within the bounds of *fiqh*. Ayatollah Sanei accepts women's participation in all spheres of social and political life on an equal footing with men. Like the traditionalists, he is a staunch supporter of segregation of the sexes in society. But the principle of segregation leads him to draw radical conclusions for women status in society. He believes that the principle according to which men and women are forbidden to look at or touch each other's bodies has the consequence of

³² Monshipouri, n.14, pp.196-97.

³³ Milani, n.5., p.91.

³⁴ Ann Elizabeth Mayer, *Islam and Human Rights: Traditions and Politics*, (Boulder, 1991), p.81.

requiring women to be present in all spheres of activity. He sees it as the task of the Islamic government to prepare the ground for equal participation and to adopt measures to promote and support women through positive discrimination when required. He believes that current laws relative to women are not fully in line with what they should be in an Islamic state, or with the current state of the society. He argues that since the subject (the women's situation) has changed, the framework of civil laws must change too, although he admits that the society is not yet ready to accept these changes.³⁵ It was all these feminist logic that the Islamic government relaxed enforcement of the rules on full Islamic dress, permitted the use of cosmetics, colored *Chadors* and expensive Western Clothes underneath. In a Friday Sermon, Ayatollah Khamenei argued that God liked beauty, that Imam Hasan had worn decorative clothes when praying and that Imam Ali had taken pride in the picturesque palm plantation he had cultivated outside Medina.³⁶

Though taking into account strong retaliation of fundamentalists, is this that a process of secularisation of religion is taking precedence. If compare to so-called secular countries of West Asia–Egypt and Turkey, public opinion of Iran is heading towards separation of religion and politics and positive aspect is this that not only democrats and liberals but also traditional clerics are arguing for this. If it happened, that is a success of democracy within Iran despite limitations and people see towards political leaders for redressal of their grievances because a political platform is

³⁵ Ziba Mir -Hosseini, *Islam and Gender: The Religious Debate in Contemporary Iran*, (London & New York: 2001),), pp.154-60.

³⁶ Ervand Abrahmain, *Khomeinism*, (London: 1993), p.140.

available to them unlike neighbouring countries where mosques are only available way to address against ruling elites. Even clerics are in favour of separation of religion and politics in Iran because they fear Islam, and ultimately they themselves may lose credibility by malicious impact of active politics of ruling clerics.

Chapter IV

Aspects of Political Reform in Iran

Throughout a decade of its formation Islamic Republic of Iran was running into the troubled waters. Not only it was on war with its neighbour, Iraq, but also suffering international isolation. More troublesome was this that everything on the domestic front was also not going smoothly. Within the ruling elite the factional fight was so high that it was threatening the very existence of Islamic Republic itself. The Constitution of Republic not only failed to cope with it but also contributed to galvanize it. Only anchor was presence of Imam Khomeini who was balancing between warring factions.

Realising his deteriorating health and to ensure smooth transfer of power Khomeini in his last year of life made or endorsed a number of proposals that would be of the most profound significance for the future development of the Islamic Republic of Iran:

1. Khomeini's heir designate Ayatollah Hosayn Ali Montazeri's fall from the grace.
2. On 25th April, 1989 Khomeini directed President Khamenei to undertake a review of the constitution¹
3. To avoid day-to-day obstruction from Guardian Council in a case of a disagreement with the *Majlis*, Ayatollah Khomeini in February 1988 suggested the formation of the Expediency Council.²

¹ Mohsen M. Milani, *The Making of Iran's Islamic Revolution*, (Boulder: 1994) p. 221.

² David Menashri, *Post-Revolutionary Politics in Iran: Religion, Society and Power* (London & Portland, OR. 2001) pp. 14-15.

These developments, followed by Khomeini's death of June 3, 1989 paved the way for the Iranian second Republic. Soon the Second Republic witnessed the many facets of political reform in Iranian society.

Constitutional Reforms

When he ordered the formation of the Assembly for revision of the constitution Imam Khomeini identified the exact areas in which the new Assembly was to revise the constitution. Without offering any specifics, he ordered that power in the executive branch be centralized and that the *Marjaiyat* clause be removed. These constitutional amendments were an aspect of political reforms, which was described as power struggle among political elites.

The proposed constitutional changes after Ayatollah Khomeini's death finally undermined the position of *velayat-e-faqih* as the most powerful single authority in the land and institutionalized the mechanisms of power and its formal distribution in the second Republic. The most significant constitutional development was the abolition of the office of the Prime Minister. Article 60 of the new constitution stated that 'the executive power shall be exercised by the President of the Republic and the Ministers, except in cases for which the *velayat-e-faqih* had been made directly responsible by this law'. Article 60 of the 1979 constitution had proclaimed: 'The executive power shall be exercised by the President of the Republic, the Prime Minister and the Ministers.'

According to Article 113 of the 1989 amendments: 'After the office of Leader, the President is the highest official in the country. His is the responsibility for implementing the constitution and acting as the head of the executive, except in matters directly concerned with (the office of) the leader'. In the new constitution President was chosen as the real power holder over Ministers instead of Prime Minister of the 1979 constitution. Article 87 of the new constitution says: 'The President must obtain, for the Council of Ministers after being formed and before all other business, a vote of confidence from the Assembly.' On the other hand Article 87 of the 1979 constitution provided that: 'The Council of Ministers must obtain a vote of confidence.' Article 126 of the amended constitution put the President directly in charge of budgeting and planning as well as the administrative and employment affairs of the country. Article 133, 134 and 136 give the power to appoint Cabinet Ministers to the President and to dismiss them, and appoints him as the head of the Cabinet.³ In this way President of the Republic became the second highest authority after *Faqih*. Earlier it was very easy for the President, Prime Minister and *Majlis* to come into conflict. Even under the best of circumstances, the Prime Minister, appointed by the President be confirmed by the *Majlis*, was in the awkward position of trying to serve two masters. This review at least abandoned this kind of conflicts.

Among the numerous Articles the committee either added or revised the most important applied to the office of *velayat-e faqih* itself. New provisions, in place of religious qualifications gave preference to candidate

³ Anoushiravan Ehteshami, *After Khomeini: The Iranian Second Republic*, (London & New York, 1995) pp. 37-38.

obtaining "public support" or knowledge of "social and political issues" as well as Islamic Jurisprudence for the selection of the *faqih*. New constitution also scrapped the provision that if no one person found fit for the post of *vilayat-e faqih* "a leadership Council" of three to five qualified candidates could exercise this authority. The revised constitution stipulated that there should be a single *faqih* only. At the same time the powers of the office of the *faqih* were spelled out more precisely. It has been argued that defining the *faqih's* prerogatives was tantamount to limiting them. Though it is true that the powers now assigned to the *faqih* were not as far-reaching as those exercised by Ayatollah Khomeini, they still made him the true head of state with effective control over all the ultimate levers of power and coercion. He is still in control of appointing and executing power in security forces, the state sponsored radio and television, call for referendum and appointments in the Guardian Council and the judiciary. He also works with the Expediency Council to get general policies and arbitrate differences between different branches of government.

But many prominent religious scholars and intellectuals are not satisfied with these changes regarding *velayat-e faqih*. Ayatollah Hossein Ali Montazeri, degraded heir-designate of Ayatollah Khomeini and Chairman of the Constitutional Draft Committee of the original Constitution of 1979 is a prominent among them. He argues that according to Article 107 of the constitution, 'the Leader is equal to any other person before the law'. The term '*motlaqeh*' (absolute) was not part of article 57 of the original constitution and was added to it in this revision. Only for this very reason many did not vote for it, because should it imply that *Faqih*

was above the law it would be in clear contradiction with the intent of the constitution.⁴

The Iranian Islamic Revolution was based on the conjunction of two legitimacies, religious and political, through the concept of *Velayat-e faqih*; It meant that the highest authority of the Islamic Revolution, the Guide or Leader (Rahbar), should be both one of the highest religious authorities (*marja-e taqlid* or "source of imitation", plural *maraji*) and the political leader, who "understands his time" ("*agah be zaman*"). But Khomeini's death in 1989 meant the end of this double legitimacy. Problem of succession aggravated because Khomeini forced his heir designate Ayatollah Montazeri to step down as his successor in March 1989. After the death of Ayatollah Khomeini Assembly of Experts appointed President Ali Khamanei as *rahbar* (leader) in place of Khomeini. Khamanei only held the rank of *hojjat-ul islam* and, was not an Ayatollah, let alone a *marja-e taqlid*. Strictly speaking this appointment was unconstitutional since the constitution of 1979 stipulated that the leader had to be a *marja-e taqlid*. Only to legitimise his appointment, *marja* clause was deleted in the revised Constitution of 1989. By this, office of *valayat-e faqih* lost religious legitimacy, i.e., the sovereignty of God. It was the reason that supporters of Khamanei tried to put mantle of *marja* upon him after the death of Ayatollah Gulpayegani in 1993 and Ayatollah Araki in 1994. But

⁴ Geneive Abdo, "Re-thinking the Islamic Republic: A 'Conversation' with Ayatollah Hossein Ali Montazeri", *Middle East Journal* (Washington), Winter 2001, P. 16.

all these attempts failed because of lower religious credentials of Khamanei.⁵

But the Presidential elections of 1997 proved another blow as Syed Mohmmad Khatami defeated official candidate supported by *Faqih*, *Majlis* speaker Nateq Noori. It was widely seen as the loss of political legitimacy for *Rahbar* Aytollah Ali Khamanei. This striked a moral victory for supporters of reform. Khatami's victory for second consecutive term in 2001 reaffirmed people's belief in reform process. Iranians wanted change after years of empty government promises, mismanagement, political monopoly of conservative faction and the denial of freedoms guaranteed by the constitution. The victory of Khatami in essence represents people's desire to change the status quo through democratic means. Efforts to change the system through elections, however, are countered by officials and state organizations with competing agendas and by a constitution that is vaguely written in key places. The Guardians Council, with the constitutional duty of supervising elections, is the most powerful body in blocking truly competitive elections. The Guardian Council's rejection of many potential candidates in the parliamentary election of February 2000 caused some unhappiness in Iran. What caused real disquiet was the Council's action after the first and second rounds of the election. Specifically, the Council used the law to disallow reformist victories by annulling or otherwise changing election results.⁶ Article 99 of the

⁵ Saskia Gieling, "The Marja'iyah in Iran and the Nomination of Khamanei in December 1994", *Middle Eastern Studies* (London), Vol. 33, No. 4, October, 1997, pp 777-787.

⁶ A. William Samii, "Iran's Guardian Council as an Obstacle to Democracy", *Middle East Journal* (Washington), vol.55, no.4, Autumn 2001, pp. 643-44.

constitution states: 'The Guardian Council has the responsibility of supervising the elections of the Assembly of Experts for Leadership, the President of the Republic, the Islamic Consultative Assembly, and the direct recourse to popular opinion and referendum'.⁷

In the original Persian version of the Constitution the word '*nizarat-e estsvabi*' has been used for supervisory power of the Guardian Council. Conservatives take the meaning of this word as "approbatory supervision" which means sure that only candidates who meet its standards actually serve in public office. But the term also has been translated as 'advisory supervision'. Approbatory, however, means that something is legally binding, with the opportunity for an appeal, whereas advisory suggests that a choice is involved.⁸ First President of the Assembly of Experts, who drafted the constitution, Ayatollah Montazeri, says, "the aim (in passing this article) was clearly to guarantee the health of the elections and prevent inappropriate intervention of the authorities in the elections, and not to give permission to authorities to disqualify candidates and turn the one-tier election into a two-tier system. In the early days after the victory of the Revolution, there was no talk of *nezarat-e estsvabi*, and the elections were truly free. But after a few years... in 1995-1996, the *Majlis* passed the law of *nezarat-e estsvabi* in clear violation of the intent and the spirit of the Constitution. Although, according to article 98 of the Constitution, the authority to interpret (*tafsir*) the law is conferred upon the Guardian Council, yet the term 'interpret' would mean revealing or discovering

⁷ *The Constitution of Islamic Republic of Iran*, The Ministry of Islamic Guidance, The Islamic Republic of Iran (Tehran: 1990), pp. 64-65.

⁸ Samii, n.6, p. 644.

something veiled or hidden; whereas in article 99 there is nothing hidden to be uncovered, because the law is explicit on the fact that the supervisory role of the Guardian Council pertains to "supervision over the elections" and not "supervision over the candidates."⁹

As far as the composition of the Guardian Council is concerned twelve member Council consists of six clerics, appointed by the *Faqih*, and six jurists, chosen by the *Majlis* from a list submitted by the chief of the judiciary. They all serve for six years, with half of them being retired every third year.

The Council's main tasks are to supervise polls and to vet all legislation to ensure that it is compatible with (a) Islamic norms and (b) the constitution. Whereas all Council members are entitled to vote on the constitution, only the six clerics are allowed to vote on Islamic norms.¹⁰

In July 2001, Khamenei appointed three new clerics to the Councils, all of them conservatives, and Ayatollah Shahroudi, head of the conservative dominated judiciary, submitted the names of six jurists to the *Majlis* for it to choose three. All the proposed candidates were more or less conservative Right-wingers. Reformist-dominated *Majlis* found the judiciary's nominees not only too right wing for its taste but also too young and inexperienced. First hoping for a new list Chief Justice of the Supreme Court but at last on 4 August, 2001 after long delay *Majlis* voted just one – Ibrahim Azizi - leaving two seats unfilled.

⁹ Abdo, n.4, pp. 20-21.

¹⁰ *The Constitution of the Islamic Republic of Iran*, n.7, pp. 62-64.

Facing the impasse between the *Majlis* and the Chief Justice of the Supreme Court, on 4 August, 2001 *Velayat-e faqih* Ayatollah Khamenei ruled that there could be no inauguration of the presidency for second term due to the vacant seats on the Council of Guardian, which is required to witness the swearing in, and put the ceremony on hold. Khamenei then ordered the state Expediency Council, chaired by the former President, Ali Akbar Hashemi Rafsanjani, to settle the dispute, on 6 August 2001. A compromise was quickly found and rules were amended in a way that instead of requiring support from a majority in the *Majlis* to be elected to the Council, Rafsanjani proposed that the two of the remaining five candidates on the judiciary's list of nominees who gained the most votes should fill the vacant slots. The proposal was agreed and Khatami's inauguration quickly rescheduled for 8 August 2001.

Though crisis was resolved in favour of conservatives but reformist had shown their way of getting even with the conservative Council of Guardians, which has been blocking reformist legislation. The latest example is the bill on political crimes passed by the *Majlis*. It requires that political offenders' cases be heard by juries in public courts, not by revolutionary courts or military tribunals behind closed doors, as has been the norm so far. The bill limits the period of political dissidents' detention without charge to 15 days, and entitles those convicted in cases heard behind closed doors without jury to a retrial.

The Council of Guardians found the legislation unconstitutional and contrary to Islam, and advised the legislature to amend it. The legislation is

still in doldrums.¹¹ UN High Commissioner for Human Rights rightly said: "without calling for the disbandment of the Council as it operates at present the Special Representative believes it to be a major obstacle to the further development of democracy in the Islamic Republic of Iran."¹²

It was farsightedness of Imam Khomeini that he suggested the formation of the Expediency Council to avoid day-to-day obstruction from the Guardian Council way back in February 1988. In the case of a disagreement between the *Majlis* and the Guardian Council, Khomeini suggested the Expediency Council consisted of six theologians and six state officials (the President, the Prime Minister, the Speaker of the *Majlis*, the President of the Supreme Court, the Prosecutor General and a representative of Imam Khomeini) and the concerned Minister with the proposed law will resolve the matter.¹³ In the revised constitution of 1989, provision of the Expediency Council was stipulated, but very ambiguously. Article 112 stipulated that 'upon the order of the Leader, the Nations Exigency Council shall meet at any time if the Guardian Council judges a proposed bill of the Islamic Consultative Assembly (*Majlis*) to be against the principles of *Sharia* or the Constitution, and the *Majlis* is unable to meet the expectations of the Guardian Council. Also, the Council shall meet for consideration on any issue forwarded to it by the Leader and shall carry out any other responsibility as mentioned in this constitution. The permanent and changeable member of the Council shall be appointed by the Leader. The rules for the Council shall be formulated and approved by

¹¹ *Middle East International* (London), 10 August 2001, P. 19.

¹² Samii, n.6, p. 662.

¹³ Menashri, n.2, pp. 14-15.

the Council members subject to the confirmation by the Leader.¹⁴ After the Constitutional review as a temporary measure President Rafsanjani was also conferred with the power of the Chairman of the Expediency Council instead of appointing a separate chairman, so the Council worked as a department of government during his presidency. Expediency Council took shape only in 1997 when outgoing President Ali Akbar Hashemi Rafsanjani was exclusively nominated as the chairman of the Council instead of again conferring the power upon incumbent President. At a time when there is a danger that wrestling between conservative and reformists could turn into a havoc for the entire system and political stability of the Islamic Republic, presence of pragmatic Rafsanjani as the Chairman of the Expediency Council ensure balance.' The Council for Ascertaining the Interest of the Regime' has been expended to behave as the final arbiter between the various factions. But the grim point is this that again an unelected body is deciding crucial matters of the country that is contrary to democratic norms.

Judicial Reforms

The main target of the reformists, and the *Majlis* deputies in particular, has been the performance of the judiciary as an impartial adjudicator. A hundred and ninety five MPs last year signed a petition against the partiality of the judiciary and there has been strong criticism of the trial and conviction of intelligence officers - accused of murdering dissidents - many consider it a whitewash. Judiciary officials have been forced to publicly defend themselves. A decision by the hard-line judge

¹⁴ *The Constitution of the Islamic Republic of Iran*, n.7, pp. 73-74.

Mortazavi to prevent prison visits to the numerous journalists and political activists now incarcerated in the 'University of Evin', was overturned by the head of the Tehran Justice department Hojjat-ul Islam Alizadeh. A highly publicized visit followed as deputies spent a day discussing conditions with dissident journalists and the reformist activist and former vice President Abdollah Nuri. Following this, new legislation was drafted to curtail solitary confinement.¹⁵

But still the Judiciary seems to continue on its way. Although an appeals court (at that level, judicial reform does seem to have had some impact) had in May reduced to mere six months the ten-year sentence meted out to campaigning journalist Akbar Ganji, he was not released despite the fact that he had already been detained for well over a year. Other pending charges against Ganji was promptly revived at the press court, where Judge Saeed Mortazavi refused bail and ordered his continued detention.¹⁶

After reformer's victory in *Majlis* election, 2000 the legislature has set up various human rights committees that had some success in giving prisoners access and in putting pressure on the right-wing judiciary and on security agencies. But on the other hand numerous MPs have been summarized or prosecuted by judiciary despite constitutional enshrinement of their right to speak with immunity.¹⁷ The crisis took another twist when a MP Hossein Loqmanian was sentenced for 13 months this year in

¹⁵ Ali. M. Ansari, "Iran's Reform Movement: Victims of their Success", *The World Today* (London), March 2001, p.12.

¹⁶ *Middle East International* (London), 29 June 2001, p.19

¹⁷ Ansari, n.15, p.12.

connection with his speech delivered in the *Majlis*¹⁸ in which he criticised judiciary. Taking strong notice of it *Majlis* speaker Mehdi Karubi along with other MPs decided not to enter parliament till the acquittal of the concerned MP. Later on the instruction of Ayatollah Khamenei Expediency Council chief, Hashemi Rafsanjani suggested, to acquit the M.P. and the crisis was resolved for the time being. But as *Faqih* Ayatollah Khamenei has latter cleared it should not be considered as MP's right, and naturally this statement put any future possibility of similar confrontation alive.

The Judiciary has not only taken upon itself the right to stifle freedom of expression at home, but has extended that right beyond Iranian territory. 18 prominent politician, intellectuals and journalists who participated in a conference in Berlin on the future of Iran's reform movement in November 2000, faced trial and convicted. As one of the convicted prominent journalist Akbar Ganji later said that future events might act as the detonator of possible social explosion unless the conservatives eased the pressure on President Khatami and the reform movement.¹⁹

Demand of judicial reforms has been partially solicited. Revival of Public prosecutor's office and penal courts are the beginning of the road. As the head of judiciary Ayatollah Shahrudi has said, the next step will be division of courts into civil and penal.

¹⁸ *Middle East International* (London), 29 June 2001, p.19

¹⁹ Adam Tarock, "The Muzzling of the Liberal Press in Iran", *Third World Quarterly* (Washington), vo.l.22, no.4, 2001, p.594.

The reform movement did not intend to play an active role in judicial matters, but it has certainly propagated the idea of respect for law. The fact that today everybody tries to find a legal basis for his work is already a great achievement. In this way, the rule of law is a great gift of the reform movement to the extent that whoever does something he tries to find a law for it even if that law is irrelevant.²⁰

Political Parties & Elections

On political reforms the second Republic has been much more cautious about advocating change and even slower to implement it. The Islamic Republic has yet to devise a formal and institutional system of political participation. Though article 26 of the Iranian constitution and 'Political Parties and Groups Activities Act' 1981 allows formation of political parties, but it was only in 1989 when applications were invited for granting permission to political parties.²¹ Now some one hundred and thirty registered and licensed political organization exist, ninety-five of them started after Syed Mohammad Khatami's election to presidency in 1997. But with little access to finance they have been unable to play a proper role. In 2001, *Majlis* has passed a new legislation for central funding to political parties, with a budget allocation next year (i.e., 2002).²² The inability of the major political groups of clergymen, '*Jame'eh-ye Rowhaniyat - e Mobarez* (JRM), (Tehran's Militant Clergy Association)

²⁰ Mohammad Pour Rezaie "Iran's Judicial System and the Reform Movement" (an interview with Prominent Jurist Bahman Keshavraz), *Daily Tose'eh* (Tehran), July 31, 2001.

²¹ Stephen C. Fairbanks, "Theocracy Vs Democracy: Iran Consider Political Parties", *Middle East Journal* (Washington), Winter 1998, pp.20-22.

²² Ansari, n.15 p. 12.

and '*Majma-e Rowhaniyun-e Mobarez*' (MRM) [the Militant Clerics Society] to form political parties that could include non-clerical membership from amongst the population at large points to the most likely reason why the Iranian regime has been so reluctant to allow party formation. Parties open to public membership represent an alternative path to power that threaten the clerics' grip over power.²³ and their worst dream is taking shape as 2nd of *Khordad* front which supported President Khatami in elections is heading towards becoming a real political party.

To overcome obstructions from conservatives Khatami used a largely ignored provision of the constitution to organise elections for local Council. This provision is enshrined into article 100 of the constitution: 'the administration of each village, division, city, municipality, and province will be supervised by a Council to be named after the village, Division, City, Municipality, or Provincial Council. Members of each of these Council will be elected by the people of the locality in question.'²⁴ Elections for local Councils were held on 26 February 1998. In that case there were 300,000 candidates for some 200,000 positions, it was impossible for the Guardians Council to do much to control who could run or otherwise manipulate the elections.²⁵ By using a neglected provision of the constitution Khatami has paved the path for democracy up to the grass-root level and it may force the establishment for more political reforms.

²³ Fairbanks, n.21, p. 28.

²⁴ *The Constitution of the Islamic Republic of Iran*, n.7, p.66.

²⁵ Elton L. Daniel, *The History of Iran*, (Connecticut & London: 2001), p.241.

Press Reform

The election of President Khatami politicised Iranian politics to an unprecedented degree. The people felt they had reappropriated their political voice, which had been stifled by a minority but vocal and activist clerical class. It was therefore not surprising that one of the first measures of the new administration was to make it easier for the Ministry of Culture and Islamic Guidance to grant press licenses to applicants. As a consequence, within a year of his election the Ministry issued more than 779 new press licenses, bringing the total to 930. The new publications had several distinctive characteristics. A good number of them were published and distributed outside the major cities, which meant that the pro-reform newspapers were reaching the bulk of the population, thus raising peoples political consciousness. Besides spreading this political consciousness the liberal press published stories about the existence of widespread corruption in some of the state institution, Ministry of Intelligence is one of them. This naturally makes hard-liners furious.

As reforms are getting pace, Rightists are retaliating more and more. Today the struggle between the two sides overshadows everything else and change comes in fits and starts. Newspapers proliferate, exploring the limits of the allowable and then are shut down. Khatami's administration is also giving new licenses to publish new newspapers in response.²⁶ The first serious move the hardliners made against the liberal press was in July 1999, when a press law, which called for more restrictions on the freedom

²⁶ Fen Montaigne, "Iran: Testing the Waters of Reform", *National Geographic* (Washington), July 1996, P. 10.

of expression, was passed in the Parliament. Of the 270 *Majlis* deputies, 55 were absent, apparently to show their disapproval, and 125 (less than half) votes for the new law. It placed the press under the jurisdiction not of the press court but of the revolutionary courts, which try political and criminal offenders. Under the new law journalists and publishers were required to reveal their sources, and responsibility for published matter went beyond the publisher to include photographers, editors and journalists.

The first casualty of this draconian law was *Salam*, a daily liberal newspaper edited by Ayatollah Mousavi Khoeiniha. The revolutionary court banned the newspaper for five years and prevented its editor from engaging in media activity for three years.

The closure of *Salam*, at the time regarded as the most effective voice of the reform movement angered students.²⁷ On 8 July 1999 students at the University of Tehran demonstrated and the same night members of the *Ansar-e Hezbollah*, with at least the tacit support of the Revolutionary Guards and police, attacked a dormitory, beating up students and setting fire to their rooms. Thousands of students and protesters then took to the streets of Tehran, and there were frequent clashes between groups of demonstrators and vigilantes from the *Ansar-e Hezbollah* and *Basij*. Over the next six days, the demonstrations turned into increasingly violent riots and spread to at least eight cities. Later, the uprising was crushed by force²⁸

²⁷ Tarock, n.19, pp.589-90.

²⁸ Daniel, n.25, p.246.

but the entire episode is sign of tiring patience of people against the attacks against press and civil liberties by Right -wingers.

In the dual system that is characteristic of the Islamic republic, newspaper licenses are issued by the Press Supervisory Board attached to the Ministry of Culture and Islamic Guidance, but the Ministry of Justice insists that publishers must also get its permission as well. The Ministry of Justice also reserves for itself the right to determine whether or not a publication has violated the law, i.e. if it has published articles deemed 'insulting' to religious sensitivity, or undermining the Constitution of the office of the *Velayat-e faqih*. It was the application of these charges which sealed the fate of another liberal newspaper, *Neshat* in September, 1999 with an estimated circulation of 200,000.²⁹

Majlis deputies have continued to introduce new legislation protecting the rights of journalists and the press. Many of these are minor amendments intended to close loopholes being exploited by conservatives in the judiciary.³⁰ In the absence of established political parties the liberal newspapers had become the flag bearers of the reform movement which had gradually been unshackled a couple of years before the election of President Muhammad Khatami in May 1997 and raised higher after that. At no time since the early 1940s had there been so many newspapers, so varied in cultural, social and political orientation and, more importantly, so free of state control. What was interesting, and not insignificant in terms of a clear division of opinions within the religious circles, was that a number

²⁹ Tarock, n.19, p.591.

³⁰ Ansari, n.15, p.11.

of the editors and writers of the liberal publications belonged to clerical class, however the middle ranking clerics.³¹

Press has become the symbol of resistance for the Iranians. It was this reason that thirty-four journalists were elected to the *Majlis* in the last parliamentary election held in February 2000.³² May be this victory proved fatal for the fortunes of the short-lived liberal press in Iran. The catalyst for the sudden change was a speech that Ayatollah Ali Khamenei, the *Velayat-e faqih*, who is widely seen as the patron of the conservatives, made in April 2000. In the speech he castigated the liberal press, describing it as bases of the enemies (presumably the USA and Israel) of the Islamic Republic. Shortly after that the conservative dominated judiciary began closing down some forty liberal newspapers and weeklies and jailing a dozen of the editors, journalists, and writers. In some cases the journalists have been barred from political and media activities for as much as five years. Besides this Khamenei personally ordered the Parliament to stop debating a new press law, aimed at reversing the restrictive press laws that had been passed in the last days of the old Parliament proposed by reformist deputies in August, 2000, which would have given the press greater freedom.³³ The *Majlis* is planning to launch its own paper, to complement the few that remain. Not that the means of dissemination have been successfully restricted. Students have now organised a separate Iranian student News Association (ISNA), which posts news on the *Internet*. The use of the *World Wide Web* has not been restricted to

³¹ Tarock, n.19, pp. 585-86.

³² Ansari, n.15, p.12.

³³ Tarock, n.19, p. 586.

journalists and students. Ayatollah Montazeri, the former heir apparent to Khomeini, recently successfully posted his controversial memoirs on the web. The site, Montazeri.com was quickly closed by the conservative establishment and replaced with another - montazery.com- to redirect the intrigued, but not before the memoirs were downloaded world wide.³⁴ Closure of the newspapers and suppression of expression has much wider political implications. It poses the question as to whether the establishment of civil society and the 'Islamic democracy', two major planks of the reform movement, can be realised, or remain like a dream in the collective consciousness of the people.

Civil Liberties

People's civil rights have been badly violated by conservatives – particularly Judiciary, Intelligence Ministry and para-police organizations. After the victory of Khatami, conservatives are doing over-time to prove that they are the real decision – makers and seat of power. During his election campaign Khatami introduced a new vocabulary into the political debate: establishment of *jameh madani*, meaning civil society. He invited all the groups to increase their degree of tolerance.³⁵ During his first tenure, Khatami defended himself with only principle of tolerance and his insistence on the rule of law. His patience has cost him two of his strongest allies the powerful Mayor of Tehran, Gholam Hussein Karabaschi and his reformist Interior Minister Abdollah Noori. Karabaschi was charged with corruption and with misuse of public funds to help Khatami in his election campaign. On 4th April 1998, he received a two-year prison term, a hefty

³⁴ Ansari, n.15., p.12.

³⁵ Ramin Jehanbegloo, "A Quest for Change : Khatami and Democracy Within Islam", *World Affairs* (New Delhi), vol. 5. no. 2. April- June 2001, p. 128.

fine, and a ten-year ban on holding any executive office. In July 1998, Noori was dismissed by *majlis* on the charges of creating disorder and insecurity in the country.³⁶ Actually these were political moves to undermine Khatami's main supporters. Around 40 other liberal opposition figure arrested in recent months and charged with "plotting to overthrow the regime" mean while continued to languish in solitary confinement with little or no access to lawyers or family. Aytollah Montazeri is already in house arrest. On June 24, 2001 his son-in-law, Hadi Hashemi, was also arrested along with several other reform-minded clerics, on orders of the Special Clerical Court.³⁷

In 2001, there have been numerous public hangings, and for the first time in years, two women were stoned to death (but behind prison walls, not in public). Some thrashings were over the petty morality violations like dancing in a party and mingling of some unmarried people. Morality police closed down a number of trendy cafes, ordered others to take tables and chairs off the pavements and told shopkeepers to remove mannequins from their display windows. Rumors circulated that women caught in "bad *hejab*" (lax Islamic garb) had their feet pointed or put in bags full of cockroaches. But plenty of bad *hejab* was still to be seen in many places. Another target were the thousands of youngsters who make their way up the Albroz mountain gorges, just north of Tehran, every weekly holiday in search of freedom and fresh air. Every access point was blocked on their holiday by *basij* and Revolutionary Guards, and sometimes arrested

³⁶ *ibid*, p. 129, 130.

³⁷ *Middle East International* (London), 29 June 2001, p.14.

unmarried couples and groups of girls not chaperoned by close male relatives. Even there were clear dispute between these ideologically motivated forces and the regular police, many times.

As far as public thrashings are concerned, at last a tripartite committee is supposed to be formed involving the presidency, the judiciary and parliament to take control over the whole issue. Similarly, under the heavy pressure judiciary announced that only police would administer such punishments, not ideological police, and only in cases where the offence had itself been committed in public.³⁸

Repeated encroachment by the judiciary, the Guardian Council and morality police (*basij*) in the realm of civil liberties and reform oriented constitutional bodies has encouraged a major rethinking of strategy. Not only resistance must be against judiciary and Guardian Council, but as President Khatami pointed out the constitution needs to be amended so that the presidency has the powers to defend it.

It is this underground current for change which is even forcing to Supreme leader Ayatollah Khamenei to take some liberal stand sometimes. For example, he declared recently, in a case of charges of financial irregularities in the state broadcasting monopoly (IRIB), that all institutions under his patronage were open to investigation by the *Majlis*.³⁹ But still Ayatollah Khamenei has allowed the right wing acting in his name to do

³⁸ *Middle East International* (London), 14 September 2001, p.18.

³⁹ *Middle East International*, 29 June 2001, p. 19.

pretty much. Some in Tehran see Khamenei as having become the representative of a minority faction.

Sensing people's mood in Iran President Khatami vowed in his first major post-election speech in 2001 that he would not retreat an inch from the route he believed was Iranians only real option, the road to democracy within the Iranian constitution and the ethos of Islam. Khatami warned, "if they (public) are frustrated they will express themselves outside the system."⁴⁰ The message behind Khatami's warning raise a implicit question 'Is a political reform a strategy to ensure the survival of Islamic Republic of Iran?

Women Reform

In the post-Khomeini period women have also been making small but significant symbolic strides in the political and judicial realm, particularly after Khatami's election. The protection and promotion of women's rights entered a new phase in 1989, when Zahra Mostafavi founded the Association of Muslim Women to fight for greater access to higher education. An increasing number of women, including Zahra Rahnavard and Tahereh Saffarzadeh, have questioned patriarchal interpretations of the Quran.

In 1992 President Rafsanjani created the Bureau of Women's Affairs and appointed Shahla Habibi as his advisor on Women's affairs. In 1996 - for the first time since the revolution - woman, Zahra Sasdrizam Nuri was

⁴⁰ *ibid.*, p. 18.

named mayor of one of Tehran's twenty districts.⁴¹ After election of Khatami this process of women empowerment has got pace. Aside from the appointment of the first female vice-president (Masumeh Ebtekar) Khatami has also selected a women to be the deputy minister for legal and parliamentary affairs and a female advisor on women's affairs (Zahra Shojaie), who sits in on Cabinet meetings.⁴² In the Majlis women representation has slowly but gradually increased. In the elections of 1992, 9 of the 270 deputies elected were women. After the March 1995 parliamentary election, the number of female deputies increased to 10.⁴³ In 1996, 200 women ran for the 270-seat parliament and fourteen won. And in 1999 5000 women ran in local elections, and 300 won.⁴⁴ Over 350 women are holding senior managerial and directorial posts in the government.⁴⁵

In the judiciary, in 1992 women were allowed to sit on the bench as assistant judges in Iran's Islamic courts during cases related to divorce. In April 1994 the *Majlis* ratified a bill on the selection of judges that allowed qualified women to serve as assessor in administrative tribunals and in other low-level judicial position.⁴⁶ These progressive steps follow in the wake of the appointment of Iran's first female prosecutor (1996), the

⁴¹ Mahmood Monshipouri, *Islamism, Secularism and Human Rights in the Middle East*, (Boulder & London: 1998), pp. 190-92.

⁴² *Middle East International*, 29th June, 2001, p. 19.

⁴³ Monshipouri, n.41, p. 191.

⁴⁴ Nasser Momayezi, "Islam and the Democratic Movement in Iran", *International Studies* (New Delhi), vol.38, no.4, 2001, p. 353.

⁴⁵ Munis D. Faruqui, "Iran: Renegotiating a 'Revolutionary' Identity", *Economic and Political Weekly* (New Delhi), August 1, 1998, p. 2076.

⁴⁶ Monshipouri, n.41, pp. 190-91.

training of the first batch of 20 women as investigative judges and the recent addition of women to the benches of the family courts.⁴⁷

In this way Iran has undoubtedly taken the first tentative steps towards accommodating women in the larger political process. but this process suffered a jolt as Guardian Council rejected a bill, passed by *Majlis*, allowing government grants to overseas study for a single woman.⁴⁸ It seems that reforms in Iran are evolving out of the needs of the political system to sustain.

It also seems that a decisive time has come where ultimate winner will be decided. Two-third majority of youth in case of a adverse process of reform will be too difficult to be handled by the conservatives. In this sense this is the real time to test the maturity of Iranian political establishment to resolve the crisis.

⁴⁷ Faruqui, n.45, p.2076.

⁴⁸ Ansari, n.15, p. 12.

Chapter V

Conclusion

Iranian revolution was a path-breaking event in the world history. It was widely seen as the triumph of fundamentalism by Western observers. Even now, after more than two decades, Iran is still considered as a country of veiled women and turbaned mullahs. But, interestingly, both statements are far from true. Iranian revolution was a mix of contradictory forces – liberals, leftists, intellectuals, clerics, students, women, *bazaaris* and urban poor. All those who were against the repressive regime of Shah Mohammad Reza Pahlavi, participated in the mass protests against Shah government. At the same time it is also true that it was the strong network of mosques and Islamic seminaries which provided platform for any kind of resistance. Autocratic regime of Shah was always ready to crush any kind of democratic opposition and C.I.A. organised overthrowing of progressive – nationalist regime of Prime Minister Mohammad Mosadeq in 1953 ensured failure of all secular democratic attempts in this direction. So, it was natural that Islam remained only viable alternative to lead any kind of resistance against Shah. Charismatic leadership of Ayatollah Khomeini was an asset for them, who used different languages at different time to attract all.

As Lord Acton once remarked: 'Power corrupts and absolute power corrupts absolutely.' Soon after taking over seat of power, clerics started crackdown over all their liberal and leftist allies. Religious and political power was used free-handedly to sideline secular liberals and influential *ulema* – who were opposed to concept of *velayat-e faqih*.

Factional fight among ruling elites soon dominated all other political aspects of Iranian polity. A kind of political pluralism was product of this factionalism, which placed first stone in the direction of a competitive democracy, although with limitations. Secondly, while facing question of practical application of Islamic rules into governance Khomeini pronounced precedence to government, over religious matters and rituals. This factor started a process of secularisation of polity and religion, simultaneously. It was another step towards political reforms. Thirdly, realising his deteriorating health and to ensure smooth transfer of power, Khomeini ordered a constitutional review, while drawing outlines for this review. This review ensured precedence to political abilities compared to religious credentials. Review also demarcated exact sphere of power of *velayat-e faqih* besides interjoining powers of erstwhile post of Prime Minister into the President. It consolidated position of President as second top leader of the country. But President derives his actual power from his direct election process which ensures mass support from him and far better political legitimacy in comparison to *faqih*.

Delinking post of *velayat-e faqih* with religious designation of *marja-e taqlid* (source of immolation) ensured loss of religious sovereignty and legitimacy for Khomeini's heir Ali Khamenei. His lower religious credentials weakened his position among religious scholars and masses. Unprecedented defeat of his candidate Nateq Noori in the hands of Syed Mohammad Khatami also deprived him of political sovereignty and legitimacy. These changes marked a decisive political reform, while strengthening democratic institutions like presidency and parliament

(*majlis*). This desire for political reform was again reflected in landslide victory of reformists in *majlis* elections of February 2000 and re-election of Khatami in 2001 for second consecutive term.

Another important factor which is leading Iran towards political reforms is change in demographic composition of Iran after Islamic revolution. Disbandment of Shah's population control policy cost a lot to ruling elites. It was not only proved unwise in short-term, but also fatal in long-term for clerics itself. A population boom within 5 years of revolution pressurized scarce economic resources of the country, which contributed into inflation, price-hike and poor management of civic facilities. In long-run it also culminated into long queue of unemployed. Eight year long war with Iraq, corruption slump-down in oil prices and mismanagement aggravated the situation. Economic misery of the people negated religious zeal, which resulted into loss of credibility for the clerics' regime. Long-term impact of population policy was emergence of a generation who had no memories of Shah rule and their agony was related to suppression of civil liberties, job scarcity and lack of sufficient political freedom during last two decades. These youths constituted two-third of Iranian population. It was their desire for reform which came out of ballot boxes in the 1997 presidential election and thereafter. It was the reason that conservatives raised the voting age from 15 to 16 before parliamentary election, 2000 on the assumption that the youth favoured reform.¹ But victory of reformists proved, it was too late.

¹ Jim Muri, "Iran's Unique Election", BBC News, Online, 28 February 2000, p.3.

Women were another pillar of Khatami's victory and reform process. Iranian women got voting rights in 1960's during Shah regime. Though clergy was in opposition to women enfranchisement, but their active participation in the mass protest rallies against Shah regime ensured continuation of their voting rights in Islamic Republic. But as far as dress code and other personal rights are concerned women were on the losing front. At the same time Islamic republic ensured better chances of education and jobs for them. Once women came out of kitchen it was next to impossible to send them back. As much their personal liberty was encroached, they started using their voting rights more strategically. In this way youths and women proved catalyst for reform and ensured victory of President Khatami and reformists.

Practical constraints of governance forced ruling elites to interpret *Quran, Sharia, Hadith* and other Islamic rules according to necessity of time. As was the case with population policy first ruling clerics declared it against Islam. But after realising its negative impact clergy declared: 'One literate soldier is precious than ten illiterate soldiers'.² And opted for population control policy.

These interpretations gave clue to the reformist intellectuals and clergy to interpret Islam in favour of reform while conservative elites and clergy clinged to conservative interpretations. Many learned and esteemed member of clergy who either felt marginalised or feared that corrupt practices of ruling elites in the name of Islam will isolate Islam from people, and in long term prove fatal to Islam itself are supporter of this

² Ervand Abrahamian, *Khomeinism*, (Berkeley: 1993), p.140.

line. Progressive and reformist interpretation of Islamic rules is the dominant feature of non-ruling clergy of Iran these days. Recent resignation of a popular cleric Ayatollah Jalaeddin Taheri as a Friday prayer preacher, to protest the increasing influence of hard-liners in the Islamic establishment is a reflection of this trend which want to avoid scorn of their fellow Iranians. Ayatollah Taheri alleged that hard-liners were 'paralysing' civil and elected institutions in the name of religion.³

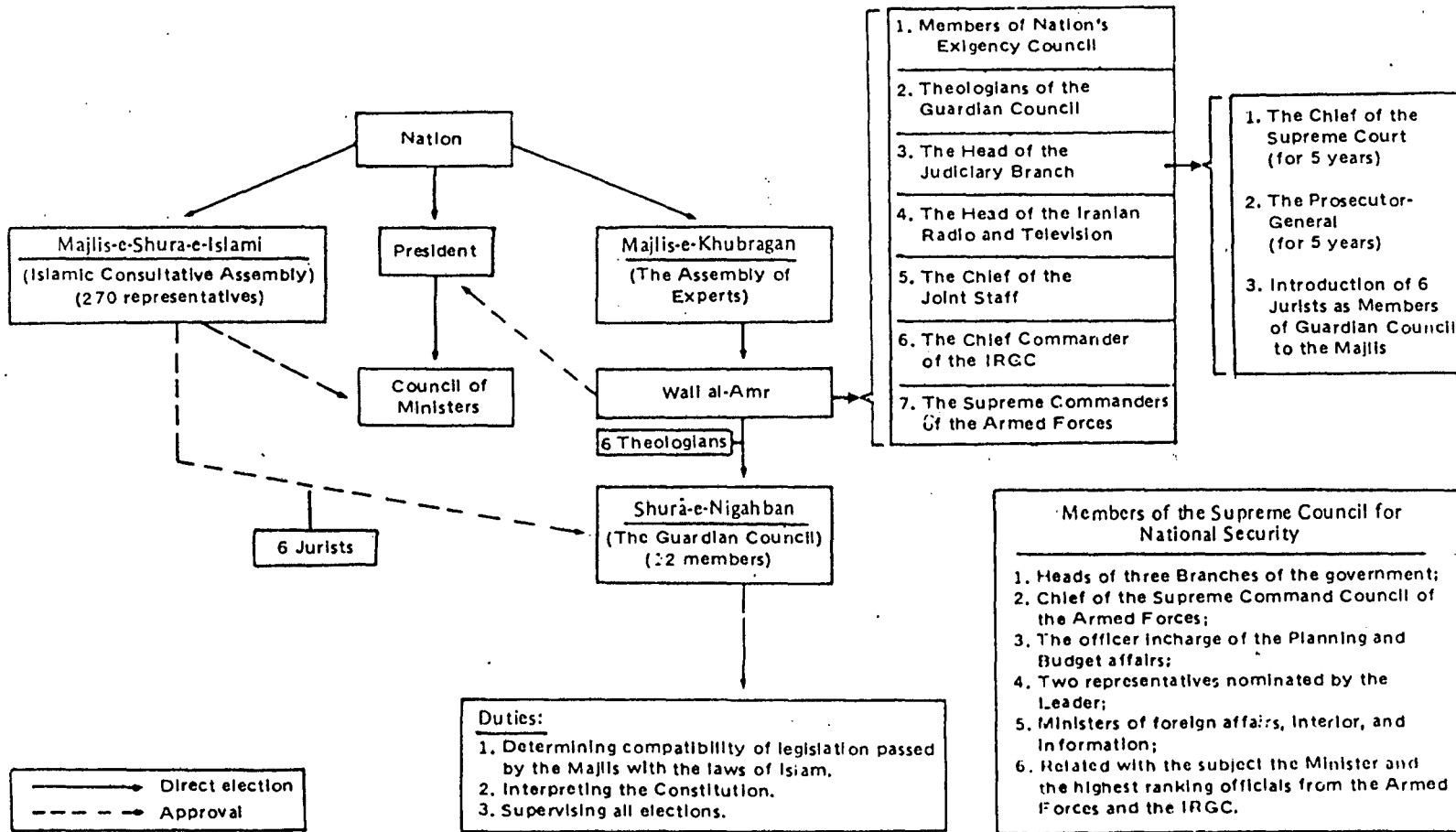
While conservative Guardian Council and judiciary is on the one hand obstructing progressive legislation atleast with tacit support of *faqih* Ayatollah Khamenei, on the other judiciary is banning newspapers, convicting reformist journalists, intellectuals and even MPs. At the same time para-police organisations *Ansar - e Hezbollah* and *Basij* under direct control of Supreme leader Khamenei, cracking down over every one in favour of civil liberties and reform. This phenomenon is very much visible after reformers' victory in 1997 Presidential election, and particularly after *majlis* election of February 2000.

These crackdowns are widely seen as the growing frustration among conservative ruling elites after losing one election after another. Some observers see it as 'Chinese syndrome', experience of communist neighbour Soviet Union was widely seen as a lesson for China, that political liberalization could lead to same fate for China. And 'Thiananmun square' massacre of agitating students was repeated in Iran at a lesser scale during September 1999 'Tehran University dormitory case'. Ruling elites not only see reform process as a threat for their political survival but also

³ *The Hindu* (New Delhi), July 11, 2002,

for life. Demands for inquiry of their corruption, killings of opposition leaders and encroachment on the realm of civil liberty during last two decades may end in their conviction. In such a circumstances retaliation of conservatives is very much natural. At the same time leaders like Khatami want to save crumbling of state structure in case of a sudden uprising or revolution. In this sense reform is seen as the 'safety valve' for the survival of Islamic Republic of Iran.

State Structure of the Islamic Republic of Iran



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