

Is Iran Democratizing?

REFORM AT AN IMPASSE

Ladan Boroumand and Roya Boroumand

Ladan Boroumand, a Visiting Fellow at the International Forum for Democratic Studies, is a historian from Iran with a doctorate from the Ecole des Hautes Etudes en Sciences Sociales in Paris. She is the author of La Guerre des principes (1999), an extensive study of the tensions throughout the French Revolution between the rights of man and the sovereignty of the nation. Her sister Roya Boroumand, a historian from Iran with a doctorate from the Sorbonne, is a specialist in Iran's contemporary history and has been a consultant for Human Rights Watch. They are working on a study of the Iranian Revolution.

In parliamentary elections on 18 February 2000, Iranians cast their ballots overwhelmingly in favor of candidates who supported the reforms advocated by President Mohammad Khatami. Named after the day of Khatami's 1997 election to the presidency, the Second of Khordad coalition, which brings together 18 reformist groups, captured 189 seats in the 290-member Majlis. Heading the list of winners with 60 seats was one of the coalition's principal members, the Islamic Iran Participation Front (IIPF), founded in 1999 and led by the president's brother, Mohammed Reza Khatami. The IIPF and most of the 17 other groups in the coalition belong to the left wing of the political and religious establishment that has ruled Iran for the past 20 years. The coalition also contains some "centrist" factions, notably the Executives of Construction, a grouping of technocrats close to former president Ali Akbar Hashemi Rafsanjani (1989–97).

Divided over the nature and extent of the reforms, the groups composing the reformist coalition failed to agree on a single list of parliamentary candidates; they formed five different ones. Regardless of their differences, however, all the coalition members concur in supporting the freedom of the press and the protection of people's rights strictly within the constitutional framework of the Islamic Republic of Iran. Reforming the press law, amending the electoral law, and adopting

legislation that clearly defines a political offense form the basis of their political program. The reformists are also committed to modifying the country's administrative and economic structures and easing the senseless constraints on people's everyday lives. The reformist coalition has a relatively more modern conception of both Islamic precepts and the state than its conservative rivals, who do not draw a clear dividing line between the public and private spheres.

In winning the 2000 legislative elections, the reformists consolidated their success in the 1999 municipal elections. The international media generally described the 2000 elections as free and democratic. One might thus assume that, with the reformists' takeover of the executive, legislative, and municipal branches of government, Iran is in the process of inventing a new form of Islamic democracy.

A close look at Iranian politics, however, reveals a more complex story. The electoral victories of Khatami's supporters do not seem to have facilitated the implementation of his program of restoring people's rights. In June 1998, nine months after coming to office and at the height of his popularity, Khatami suffered a political setback when his Interior Minister, Abdullah Nuri, who had begun to implement his policy of reform, was impeached. President Khatami called for a more active public role for women, but Mohsen Saïd Zadeh, a theologian and promoter of women's rights, was arrested and tried for his liberal interpretation of Koranic precepts; Saïd Zadeh was convicted, defrocked, and silenced for five years. About a year after Khatami's election, his policy of tolerance toward secular activists was challenged by the serial killing of five dissidents, Parvaneh and Dariush Forouhar, Mohammad Jafar Pouyandeh, Mohammad Mokhtari, and Pirouz Davani. Following the success of the reformists in the February 1999 municipal elections, Mohsen Kadivar, a cleric who called for the reform of the political and judicial systems, was arrested and sentenced to 18 months in prison on charges of subversion.

More than two months later, the newspaper *Salam* revealed ties between the killers of the dissidents and high-ranking officials. These revelations resulted in the newspaper's immediate closure, which, in turn, prompted peaceful student protests. Backed by the security forces, the regime's thugs retaliated with a ferocious attack on student dormitories. The ensuing street demonstrations led to a massive wave of arrests among students and leading dissidents, many of whom were not involved in the demonstrations. Trials were held behind close doors. Special "revolutionary" courts issued death sentences and extensive prison terms for several students and secular activists. In November 1999, Abdullah Nuri, who had led the reformist candidates to victory in the municipal elections, was tried before the Special Court for the Clergy and sentenced to a five-year prison term for allegedly maligning religion, insulting the founder of the Islamic Republic, and disseminating false rumors through

articles published in his newspaper. On 12 March 2000, less than a month after the reformists' spectacular victory in the parliamentary elections, Saïd Hajarian, a former intelligence director and one of the artisans of the reformist electoral victory, was seriously wounded in an attack allegedly carried out by members of the Revolutionary Guards. In May 2000, a massive crackdown on the press resulted in the arrest of leading reformist journalists. As the new parliament began its work, another wave of arrests targeted student leaders. Despite the president's assurances, justice has yet to be dispensed in the slayings of the secular dissidents.

What is disturbing and paradoxical in Iranian politics is the pattern of reformist electoral victories and political defeats. In electing a reformist-dominated parliament, Iranians seem to have lost the relative freedom of the press that had been their main gain since Khatami's accession to power. This paradox underscores the discrepancy between "reform" and real democratization in Iran. To understand this gap, one must first examine the unique character of Iran's constitutional regime.

Cooptation and Elections

The Islamic Republic of Iran is unique. Though its political structure incorporates elements borrowed from the modern nation-state, and some of its traits evoke the Soviet system, it cannot be identified with either model. It is a theocracy founded on the political privileges of a clerical oligarchy. Its institutions and procedures, including elections, must be analyzed within their own philosophical and constitutional context.

In the Islamic Republic of Iran, sovereignty is the exclusive prerogative of God, who delegates it to an Islamic Jurisprudent, the Supreme Leader. This is clearly spelled out in the Iranian Constitution:

The Islamic Republic is a system based on belief in: 1. The One God . . . His exclusive sovereignty and right to legislate, and the necessity of submission to His commands; 2. Divine revelation and its fundamental role in setting forth the laws; 3. The return to God in the Hereafter, and the constructive role of this belief in the course of man's ascent toward God; 4. The justice of God in creation and legislation; 5. Continuous leadership (*imamat*) and perpetual guidance, and its fundamental role in ensuring the uninterrupted process of the revolution of Islam (Article 2).

[T]he *wilayah* [guardianship] and leadership of the *Ummah* [community of the faithful] devolve upon the '*adil muttaqi faqih* [the just and pious Islamic Jurisprudent], who is fully aware of the circumstances of his age; courageous, resourceful, and possessed of administrative ability, [he] will assume the responsibilities of this office in accordance with Article 107 (Article 5).

The powers of government in the Islamic Republic are vested in the legislature, the judiciary, and the executive powers, functioning under the supervision of the absolute *wilayat al-'amr* [guardianship] and the leadership of the *Ummah* (Article 57).

The theocratic nature of the regime requires that all laws and political decisions be in conformity with Islamic precepts and canon law. For that purpose, two constitutional levers are provided: the absolute power of the Supreme Leader and the oversight of the Council of Guardians. The Supreme Leader, through his absolute power and guardianship of the rights of God in the body politic, is above the constitution. He is appointed by the Assembly of Experts, an elective assembly composed of theologians. The Council of Guardians is composed of six theologians designated by the Supreme Leader and six jurists elected by the parliament from a list presented by the head of the judiciary. The latter is also designated by the Supreme Leader.

The Council of Guardians enjoys veto power over all laws and an approbatory and supervisory function with regard to elections to the presidency, the parliament, and the Assembly of Experts. All candidates seeking elective office must first be approved by the Council of Guardians, which must then validate the results of completed elections. Thus the country's elected officials must, in effect, submit to two elections, first that of the Council of Guardians, and second, that of universal suffrage.

The Islamic Republic of Iran is a system that has been operated through cooptation from the outset. The founder of the Islamic Republic, Ayatollah Khomeini, never submitted his mandate to the people's vote. He was carried to power by popular fervor and by mass demonstrations, but he exercised his trusteeship prior to and irrespective of any popular vote. Before his death, Khomeini himself designated his successor, Ayatollah Khamenei, whose nomination was subsequently approved by the Assembly of Experts. Yet the system also incorporates an elective mechanism. It is the interaction between cooptation and elections that makes the Iranian regime unique.

In contrast with modern representative democracies, where elections form the basis of legitimacy and political sovereignty, the Iranian constitution reduces elections to the mere manifestation of public opinion: "In the Islamic Republic of Iran, the affairs of the country must be administered with the support of public opinion expressed by means of elections. . ." (Article 6). The Islamic Republic thus distinguishes itself from totalitarian states, where ideology subsumes public opinion and elections are a political ritual automatically consecrating the only party candidate. The constitutional function of public opinion is a specific feature of the Iranian theocracy.

The Parliamentary Elections of 2000

There is a logical connection between the function of elections in Iran and the paradoxes of political life, including the gap between reformism and democratization. To be registered on an electoral list as a

candidate, a person must first sign a form affirming allegiance to the Constitution and the absolute Guardianship of the Islamic Jurisprudent over the polity. Since democracy and absolute power are antithetical, all prospective candidates must, in effect, make a profession of faith against democracy. To grasp the significance of such a profession of faith, one must remember that even a majority of the Shi'ite clergy consider the setting up of the theologian as the people's political guardian—an innovation of Ayatollah Khomeini's—to be heterodox and reject it.¹ Thus eligibility becomes impossible not only for a democrat but also for an orthodox Shi'ite—unless either betrays his beliefs.

The requirement of signing the candidacy form in order to gain access to any elective functions significantly limits citizens' participation in the political life of their country. The authorities reject the candidacies of those who modify the candidacy form. Once they sign it, candidates are screened to determine their "legitimacy." The most important aspects of this process are the reports of the Ministry of Information (the political police) and the Office of the Prosecutor General, both of which are under the control of the clerical oligarchy. It is worth noting that all independent political parties—democrat, liberal, nationalist, socialist, and religious-nationalist—were banned by Ayatollah Khomeini. Because his command is above the law and survives him, the Ministry of Information automatically vetoes the candidacy of anyone who has been a member, or a sympathizer, of any of these groups. This, in turn, results in the disqualification of the candidate by the Ministry of Interior. The authorities refer to these would-be candidates as "outsiders," in contrast with "insiders," the only people permitted to participate in the country's political life.²

Once a potential candidate is approved by the Ministry of Information and the Prosecutor General's office, the Council of Guardians subjects his opinions and behavior to a meticulous evaluation. In each province, the morality militia (Basij), the Revolutionary Guards, and the Friday Imams have to fill out questionnaires on specific candidates, responding to questions such as these: Do women in the candidate's family wear the *chador*? Does the candidate vote regularly in elections? Does he attend the Friday sermons and participate in demonstrations of support for the regime? Has he ever criticized the Islamic Republic or the absolute power of the Supreme Leader? Does he observe all his religious duties? Disqualified candidates have a right to appeal, but the Council of Guardian itself judges these appeals.

In 2000, the Council of Guardians disqualified more than 500 of the 6,000 candidates approved by the Ministry of Interior. Needless to say, candidates considered "outsiders" were systematically disqualified from the race. Also disqualified, however, were some prominent figures within the ruling oligarchy (that is, the "insiders"), including Abdullah Nuri, former minister of the interior; Abas Abdi, one of the founders of the

IIPF; and several reformist journalists. These candidates all had impeccable revolutionary credentials.

Due to the ideological constraints placed on candidates, the parliamentary campaign in 2000 was full of vague electoral promises. In fact, the most specific commitments came from disqualified candidates, who played an active role in the campaign, leading the most important rallies in the week preceding the elections. Of course, whether the election winners intend to implement the reforms demanded by their disqualified colleagues remains to be seen.

The prescreening of candidates is not the only constraint on the electoral process. The counting of the votes and their validation also fall within the purview of the Council of Guardians. Even though the Ministry of Interior is in charge of organizing the elections, the Council of Guardians appoints representatives to monitor the voting at each polling station. These representatives must sign off on election reports. In 2000, the proreform Ministry of Interior and the conservative-backed Council of Guardians arm-wrestled over the election results, the latter nullifying results in a number of constituencies, including four in Tehran. The Ministry of Interior protested against the nullifications, which worked to the detriment of the reformists, sparking off demonstrations in many parts of the country and leading to clashes with the security forces in which eight people died and several were wounded.

Although its actions did not alter the overall election result, the Council of Guardians prevented about 10 reformist deputies from taking their seats in parliament. The ensuing controversy between the reformist and conservative factions of the oligarchy over the counting of the votes offers crucial evidence for evaluating the reformists' prospects for democratizing the regime. While differing on the outcome of the election, the Ministry of Interior and the Council of Guardians both claimed to be defending the rights of the people and accused each other of electoral fraud. An analysis of the Tehran results, the focus of a serious confrontation between reformists and conservatives, reveals how a common appeal to the rights of the people can lead to conflicting interpretations of the electorate's will.

The candidacy of former president Hashemi Rafsanjani lay at the heart of the Tehran election controversy. A former student and close collaborator of Ayatollah Khomeini, Rafsanjani has held several of the state's highest offices in the past 20 years. Reformist journalists have accused him of complicity in the assassination of dissidents and have decried his administrative and economic policies for being at the root of the corruption plaguing all areas of government. Rafsanjani's name appeared on all the conservative electoral lists, as well as on some reformist lists.

The vote for Tehran's 30 parliamentary seats was counted several times. The proreform Ministry of Interior proceeded with an electronic

count of the vote, while the Council of Guardians ordered a manual count. Less than 48 hours after the polls closed, the Ministry of Interior declared that it had completed the electronic count; it did not, however, announce the results until the manual count had also been completed.³ After much suspense, Rafsanjani was declared elected, with the lowest number of votes of the 30 deputies elected from Tehran. The Council of Guardians ordered a second count of 1,000 ballot boxes, which confirmed the prevailing rumors of Rafsanjani's defeat. Thereupon, the Ministry of Interior and the Council of Guardians agreed to suspend the second count and to confirm Rafsanjani's election as the thirtieth deputy from Tehran. Both the conservatives and the candidate edged out by Rafsanjani alleged electoral fraud. In light of these allegations, the Council of Guardians cancelled parts of the elections and, after more than 50 days of bickering with the Ministry of Interior, decided to augment Rafsanjani's votes, making him the twentieth deputy elected from Tehran. Just as the Supreme Leader confirmed these results, Rafsanjani renounced his seat.

This episode reveals the relationship between the ballot and the people's will. According to anonymous official sources, the electronic counting of the votes signaled Rafsanjani's defeat, ranking him fiftieth on the list of candidates. The two rounds of manual counting, however, announced him first as the thirtieth and then as the twentieth highest vote-getter in Tehran. Let us remember these three figures—50, 30, and 20—for they represent perfectly the parameters of the Iranian political game. Never officially announced, the figure 50 was skillfully leaked by the reformist faction of the oligarchy in order to increase its bargaining power with the conservatives;⁴ the figure 30 was what the reformist authorities struggled to establish; and the figure 20 represented the Council of Guardians' interpretation of the people's will. The two factions of the oligarchy agreed to ignore the figure 50, while stressing that they were each defending the people's rights. Which of Rafsanjani's three scores expresses the people's will? The fact that the two sides could not come up with a mutually satisfactory answer reflects both the unusual role of elections in Iran and the ambiguity of the concept of "the people."

The Definition of "the People"

What constitutes "the people"? In modern representative democracies, the people is the sum of free and equal individuals who, through their representatives, exercise their natural right to participate in the making of the laws to which they submit. The essence of popular sovereignty is the capacity to legislate. But what becomes of popular sovereignty when God is the sole legislator in the body politic? Either the people are excluded from sovereignty or the concept of the people mutates. In other words, instead of comprising free and equal individuals, the concept of the people comes to refer to the mass of believers.

This is precisely what happened in Iran in 1979. A referendum on an undefined Islamic Republic (the people did not know what kind of regime they were voting for) consecrated the transformation of the “people as individuals” into the “people as the faithful.” From then on, there could be no contradiction between the rights of God and the rights of the people. The individual’s free will and autonomy ceased to be an element of the people. Faith constituted the people and established the sovereignty of God, whose commands were known only by the ayatollahs. Responding to those protesting against the new constitution, Khomeini defined the sovereignty of the “people as the faithful” in the following terms: “Where there is no Guardianship of the Islamic Jurisprudent, there is idolatry. . . . Idols disappear only if God designates authorities.”⁵ He added: “People want Islam, people want the *Velayat-e-Faqih* (Guardianship of the Islamic Jurisprudent), which is God’s command. . . . If you submit to a referendum the principle of the Guardianship of the Islamic Jurisprudent . . . people would vote for it.”⁶

From its inception, the very principle of the *Velayat-e-Faqih* has been opposed to universal suffrage and the sovereignty of the people:

There are societies and social regimes which are founded on . . . people’s suffrage. . . . But there are other societies that are ideological and doctrinal. This means that the people in these societies opt . . . for a doctrine, and by doing so they declare that from then on all must be in accord with this particular doctrine. . . . The Islamic Republic is a doctrinal republic. . . . It is different from a democratic republic. We cannot allow the popular suffrage to be in command without any restrictions, as this is incompatible with the constitution and with an ideological regime.⁷

We owe this definition to Mohammad Beheshti, vice president of the first Assembly of Experts, which formulated the Islamic Republic’s constitution in 1979. It was with this definition in mind that the authorities declared that a 99.5 percent majority had ratified the draft of the constitution, put forth in a second referendum (held in December 1979). Little did it matter that 50 percent of the electorate had boycotted the referendum. The 99.5 percent reflected an abstract entity defined by Khomeini as the embodiment of the faithful.

Far from being institutional anomalies or abuses of power on the part of the conservatives, the “insider-outsider” dichotomy that divides the Iranian population into first-class and second-class citizens, the numerous candidate-screening procedures, and the veto power of the Council of Guardians are the ideological and institutional instruments essential to the survival of the “people as the faithful.” In the words of Hojatolislam Masoudpour, the Council of Guardians’ elections director: “If those who do not care about Iran, about the values, the beliefs, and the faith of the people, enter the parliament and betray people’s ideals, then the blame would be on the Council of Guardians.”⁸ It is thus in the name of people’s

rights that the Council of Guardians disqualifies a large number of candidates.

The Supreme Leader has reminded Iran's new generation of the ideological foundations of the Council of Guardians' veto power:

When, at the beginning of the revolution, the terms "democracy" and "democratic" were common currency, and the phrase "the Islamic democratic republic" was sometimes used, the late Ahmad Agha [Khomeini's son] communicated a message on behalf of the Imam forbidding us from pronouncing the word "democratic." . . . The importance of the Imam's gesture lay in the fact that he was affirming the principle of the reign of Islam, which does not translate into the rule of the Muslims. If it were meant as the rule of Muslims, this would mean, at most, that a Muslim would be named as head of state and that he would deter, at least on the outside, debauchery, immodesty, and the perversion of mores. But the country's regime and its administration would not be based on Islam. . . . [D]emocracy and liberalism, both of which are inspired by Western culture, must not become encrusted in the foundations of Islamic regimes.⁹

The above sheds light on how the Council of Guardians screened reformist candidates. It is not so much their past as revolutionaries that was questioned, but rather their interpretation of the people's rights under the constitution. Most (though not all) of the elected reformers, in stressing the rights of the people, defined the people as those who conformed to the faith. This is the view expressed by President Khatami himself. For Khatami, the revolution and the Islamic Republic, based on God's sovereignty and the Guardianship of the Islamic Jurisprudent, offer the best path to salvation.¹⁰ "Today, the Islamic Revolution is challenged by a decaying Western civilization," he asserts. "What makes things difficult," he continues, "is that this civilization is founded on freedom. In the face of salvation, which is Islam's ideal, the West brandishes freedom." In introducing Western freedom to his Iranian readers as it is defined by the social-contract thinkers and formulated in legal and political terms in the Universal Declaration of Human Rights, Khatami recognizes the seriousness of the challenge: "Freedom, as professed in the West, is natural to man, whereas we found our regime on virtue. What we require of our citizens is virtue. Virtue is not natural to man, and must be acquired through effort, deprivation, and abnegation. We ask the citizen to sacrifice his natural passions."¹¹

To address this situation, Khatami proposes cultural openness, since in a world dominated by communications, it is impossible to prevent the intrusion of Western values. Cultural openness aims at immunizing Iranian believers against Western freedom. "Just as a body receives the attenuated form of a microbe through vaccination, so too must society be exposed to the thinking of dissidents. Revolutionaries must be able to respond to dissident ideas with the strength of their thoughts and valid arguments."¹²

"The people as the faithful" is a key postulate of Khatami's concept

of democracy; faith, and not individual freedom, is the substance of the people. The distinction between Western democracy and Islamic democracy, founded on a “new kind of popular sovereignty,”¹³ has been a recurrent theme of his political speeches since 1997: “If we put aside religion and this new experience [that of the Islamic revolution], what would we replace them with? That would be a great mistake. Is the West our model? The West itself needs reforms. . . . The experience of popular sovereignty based on religion is the greatest achievement of the Islamic revolution.”¹⁴

It is for this reason that, in spite of all of his moderation and good will, Khatami cannot acknowledge the political rights of dissidents. Tolerating them as long as they do not propagate their ideas is the most he can do. What he seeks to reform are the abuses that derive from what is, in his view, the legitimate oligarchic nature of the regime. Thus he asked for forgiveness from those who had been unjustly disqualified from the 2000 parliamentary elections, but at the same time he praised the Council of Guardians, thereby implicitly approving its role: “Such a large-scale task [that of qualifying several thousand candidates] necessarily involves difficulties, shortcomings, and discontent. . . . But in any case and overall, one must praise the positive aspect of this episode.”¹⁵ This explains why Khatami enjoys the support of the Supreme Leader, whom he has never hesitated to back in times of crisis. The president strongly condemned the student uprising of July 1999 and endorsed the Supreme Leader’s decision to ban most of the reformist newspapers in April 2000. Yet Khatami strives for a more efficient and rational theocracy and strongly supports a more modern interpretation of Islamic precepts. It is his opposition to the archaic views of his conservative colleagues that wins him popularity.

Within the ranks of Khatami’s supporters, however, there are some reformists who do not share his definition of the people. It is precisely these “insiders” whose candidacies were rejected, or who have run into problems with the legal system during the last three years. They hold that the rights of the people, understood as the entirety of the electorate, take precedence over the rights and prerogatives of the clerical oligarchy. These reformists base their claim on Article 56 of the Constitution, which states that a human being is the “master of his social destiny.” But by opting for a democratic interpretation of Article 56, they put themselves at odds with the spirit and letter of the constitution. It is easy for their opponents to remind them that “social destiny” does not extend to the religious and political realms, as attested by all the articles concerning the rights of the people.¹⁶ It is therefore neither surprising nor paradoxical that this group of reformers, having converted to democracy, should pay the price of their allies’ electoral victory.

For the conservatives, the authorized reforms must be founded on the concept of the “people as the faithful” and not the “people as individuals.” This is why repression goes hand-in-hand with the reformists’ victories.

By disqualifying 10 percent of the proreform candidates, the Council of Guardians did nothing more than carry out its constitutional duties: “The real electoral fraud consists in letting uncommitted people enter the parliament.”¹⁷ The screening of candidates and electoral fraud are not accidental occurrences; they are an ideological necessity. From the first Assembly of Experts election in 1979 through the parliamentary elections of 2000, electoral fraud has afflicted the popular vote in Iran.

The Role of Public Opinion

This is not to suggest that elections in Iran are a mere masquerade. Since 1997, changes in the rate of electoral participation point to an interesting interplay between the electorate and the oligarchy. To capture the nature of this relationship, we must first distinguish between two periods in the history of the Islamic Republic. In the first decade following the revolution, elections were little more than an ideological and religious ritual. Presidents Rajaï (1981), Khomeini (1981 and 1985), and Rafsanjani (for his first-term election in 1989) were each elected with more than 85 percent of the vote. Indeed, as the embodiment both of the people and of the faithful, Khomeini would choose the victor before the elections actually took place.

Khomeini and his friends had found themselves governing a modern society based on a developing economy. Canon law, whose prescriptions are based on tribal societies living in a barter economy, proved inadequate to run the country. In order to survive, Khomeini forged alliances with Muslims who were strongly influenced by Marxism-Leninism. The Soviet model proved better-suited to the needs of the Islamic Republic than was liberalism. The Soviet concept of the people could be seen to coincide with the Islamic concept of the *Ummah*, or community of believers. Throughout the first decade of the Islamic Republic, the official rhetoric conflated the masses of the deprived (*Mostaz’afin*) with the working masses, heavily stressing antiliberal and anticapitalist themes. Consequently, Iran shifted its international alliances, establishing political and commercial ties with the Soviet Union and its satellites.

On the domestic front, religious socialists took control of the administration. For 10 years, the regime pursued a policy of nationalization and expropriation in an atmosphere of terror and repression. At the same time, to avoid being engulfed by communism, Khomeini made a point of nominating conservative *ulemas* to the Council of Guardians. He also protected the right wing of the clerical oligarchy against the totalitarian tendencies of the left.

Two major events changed the course of electoral history in Iran: Khomeini’s death in 1989 and the fall of the Soviet Union. Khomeini’s death revealed the differences between communist revolutions and the Islamic revolution. While communist ideology is rooted in history and

provides for a specific model of social and economic organization, the ideological foundations of the Iranian revolution are metaphysical and metahistorical. In fact, though canon law (*fiqh*) is a compilation of juridical prescriptions that organize the daily life of believers, like the Koran it does not prescribe any specific form of political organization. By the same token, apart from the fact that private property is considered a right, religious law does not seem to favor a particular economic system. It can accommodate an economy based on slavery as well as a socialist economy. This indeterminacy gives rise to pluralism within the clerical oligarchy, engenders political tension, and creates the conditions for genuine political rivalry. Such pluralism has been present within the oligarchy ever since the advent of the Islamic regime.

Barely two years after Khomeini's death, the Soviet Union collapsed, depriving the Iranian regime of its communist allies abroad. Ideologically destabilized by the failure of the Soviet socialist model, the leftist members of the ruling elite were easily ousted by their conservative adversaries. The old left-right tension resurfaced in the shape of a conflict between modernist technocrats and hard-line conservatives. To avoid factional violence, and in accordance with the constitution, the clerical oligarchy decided to use elections as a means of resolving its internal conflicts.

In this way elections emerged as a vehicle of public opinion. Though barred from voting for its true representatives and still lacking sovereignty, the Iranian electorate has become an important player in the country's political life. The vote may not be fully protected and the oligarchy may commit electoral fraud with impunity, but it is nonetheless well-advised to take into account public opinion in order to settle the differences among its various factions. For instance, when the hard-line conservatives tried to defeat their leftist opponents in the 1992 parliamentary elections, they relied on public opinion. The middle classes, which until then had not voted, went to the polls in order to rid themselves of the left, whose political and economic performance had been catastrophic. In 1997, President Rafsanjani ordered the organizers of the presidential elections to prevent electoral fraud. As a result, Khatami was elected president by a sweeping majority.

The Rafsanjani saga in 2000 further illustrates the role that elections play in Iran's theocracy. Recall the three results: 50, 30, and 20. The vote count and the unofficial announcement of Rafsanjani's real total facilitated negotiations between the oligarchy's two factions. While the reformists accepted Rafsanjani's election, provided that he be last on the Tehran list, the conservatives would not accept such a humiliation for so historic a figure of the revolution; they accorded him twentieth place. The reformers officially lost this tug of war. Yet (and this is where the number 50 gains importance), by leaking Rafsanjani's real placement and inciting public anger, the reformers ultimately won their case. The sovereign people of the Islamic Republic officially elected Rafsanjani,

but he decided to resign from parliament because of the “smear campaign” launched against him and his deteriorating image in the public eye.

Given that not a single outsider was allowed into the electoral race, the parliamentary elections enabled the left wing of the oligarchy (which after 1991 had begun to adopt a more liberal discourse) to reconquer much of the political power that it had lost in the early 1990s. Leaning on public opinion, the victors negotiated their comeback with their rivals.

In their current form, the elections will not lead to the regime’s democratization. By signing the candidacy form, the newly elected deputies reiterated their submission to the absolute power of the Supreme Leader, undermining from the outset their own ability to democratize the regime. The new parliament’s inability to reform the press law is a case in point: The reformist faction had presented a draft that sought to eliminate a few of the numerous constraints on freedom of the press in Iran. In a letter read to the parliament on 6 August 2000, however, the Supreme Leader ordered the deputies to withdraw the draft, claiming that it was detrimental to Islam and harmful to the regime. Deputies who protested against the Supreme Leader’s infringement of the legislative power were reminded by the reformist speaker of the parliament of their required obedience to the constitutionally sanctioned absolute power of the Supreme Leader, and the draft was ultimately withdrawn.

In the short term, the regime can benefit from holding elections insofar as they help allay internal tensions and improve Iran’s international image. Over the long term, however, a price will be attached to this recourse to public opinion. The regime has introduced a subversive element within a closed ideological system; in going to the polls, the electorate seeks to achieve its own objectives.

Indeed, since 1997 the electorate has used each election not to choose its own representatives but to reject the theocracy. According to Saïd Hajarian, adviser to President Khatami:

The phenomenon of the Second of Khordad [the election of Khatami in 1997] is a structural phenomenon, caused by the accumulation of the masses’ unsatisfied demands. . . . Until right before 1997, the rate of participation in the elections was 40 percent; the electoral campaign and the conservatives’ attack against Khatami turned the attention of the population—the discontented silent majority—toward Khatami. Part of the remaining 60 percent entered the electoral arena in order to peacefully declare its opposition and to give an ultimatum to those holding power.¹⁸

Many voters confirmed this analysis, often asserting that they cast their vote not *for* particular candidates but *against* those representing the regime’s orthodoxy. A leading figure of Iranian literature explained: “I will not miss the opportunity to vote against those I do not like. . . . Of course, we would have liked to have the freedom to vote for the candidate of our own choice, those in whom we believe, but unfortunately, our

choices are limited.”¹⁹ Figures from civil society stressed that their participation in the elections did not constitute approval of the electoral process. “Unfortunately,” said a lawyer and human rights activist, “as long as the approval and the veto power of the Council of Guardians exist, our vote does not indicate a participation in political decision making.”²⁰ “A republican regime,” said a disqualified candidate, “is by definition a popular and democratic regime where the people freely chooses its representatives. If a number of people are excluded for any reason . . . a great number of individuals who trust these people are deprived of the chance to elect them; thus their rights as citizens are violated.”²¹

Despite these shortcomings, the Iranian people have used elections to gain a minimum of political visibility and to exert pressure on the ruling oligarchy. By making a number of promises, reformists encouraged people to vote. Saïd Hajarian insisted that no authority should prevail over that of the parliament elected by the people. Akbar Ganji stated: “If we want freedom, democracy, human rights, and security, we must all be present at the polling stations. . . . If 30 million Iranian citizens go to the ballot boxes and send democratic reformists to the parliament, it will be possible to reform all the laws contrary to human rights, civil rights, and the constitution.”²²

These are the hopes that have led the Iranian people to the ballot box in recent years. In return, they expect results. Yet three years have already passed without significant improvements since 83 percent of voters took to the polls to elect a president who recognized the existence and dignity of civil society. The 2000 parliamentary elections attracted 69 percent of the electorate, a fall in turnout of 14 percent, reflecting a loss of popularity on the part of the reformists. The political repression following the recent elections has left Iran’s public with the growing sense that it has once again been fooled by its rulers. Yet the clerical oligarchy cannot manipulate public opinion indefinitely. Sooner or later, the regime will have to make a choice. It can return to the pre-1992 system and limit elections to a form of ritual with a high rate of abstention, thereby exacerbating its tensions with civil society. Or, in return for electoral participation, it can grant the freedoms that voters demand. In that case, however, the “people as the faithful” is bound to succumb to the “people as individuals”—and there is reason to doubt whether the Islamic Republic of Iran can survive the sovereignty of the “people as individuals.”

NOTES

1. See S. Amir Arjomand, *The Shadow of God and the Hidden Imam* (Chicago: University of Chicago Press, 1984), 268–70; and S. Amir Arjomand, *The Turban for the Crown: The Islamic Revolution in Iran* (New York: Oxford University Press, 1988), 156.

2. Here is how the regime’s dignitaries justify this dichotomy: “The debate on insiders and outsiders has its roots in Islam. . . . The enemy wishes to suppress the barrier between the insiders and the outsiders. The enemy wants to come in under the guise of the insiders . . . and make our surprised youth say that there is no barrier. No my brother, it is not so.”

(M. Rayshahri, Friday sermon at Tehran University, 4 February 2000, quoted in the daily *Fatth* [Tehran], 5 February 2000.) To ordinary citizens, the distinction between insiders and outsiders looks rather different: “Insiders enjoy all constitutional and civil rights and benefit from the privileges of *citizenship*. . . . Outsiders must pass an ideological and moral test before they can be employed or continue with their studies. . . . Outsiders are not authorized to publish newspapers or books. They do not have the right to produce films or organize themselves into political parties. They are never promoted to high managerial positions. . . . They cannot be candidates in presidential or legislative elections. They cannot even organize funerals for their dead. . . . Outsiders have the right only to participate in the elections of insiders.” M. Mohammadi, “The Foundation of the Two Concepts of Insiders and Outsiders,” in *Iran Farda* (Tehran) 43 (May–June 1998): 10–12.

3. See *Iran Mania Election News*, www.iranmania.com, 22 February 2000.
4. See B. Moqaddam’s editorial in the daily *Resalat* (Tehran), 3 April 2000.
5. Khomeini, *Sahife-ye-Noor* (Tehran), 4 October 1979, vol. 6, 34.
6. Khomeini, *Sahife-ye-Noor* (Tehran), 23 October 1979, vol. 6, 118.
7. *Minutes of the Debates of the Assembly of Experts*, 1 September 1979, vol. 1, 376.
8. *Kayhan* (Tehran), 11 January 2000.
9. *Kayhan* (Tehran), 26 January 2000, 1, 14.
10. M. Khatami, *Bim-e-Moj* (Fear of the wave), Tehran: Simaye Javan, 1997, 147. First published in 1993, *Bim-e-Moj* is Khatami’s political manifesto. It was reprinted twice in 1997 after Khatami’s election to the presidency and again in 1998 and 1999.
11. *Ibid.*, 154–55.
12. *Ibid.*, 152–53.
13. Interview with Khatami in the daily *Hayate-No* (Tehran), 23 August 2000, 2.
14. In *Asr Azadegan* (Tehran), 23 April 2000, 2. On the paradoxes of Khatami’s political thinking, see our “Illusion and Reality of Civil Society in Iran: An Ideological Debate,” *Social Research* 67 (Summer 2000): 303–44.
15. The daily *Mosharekat* (Tehran), 9 February 2000, 2.
16. Article 24 of the Constitution, for instance, provides for freedom of expression “except when it is detrimental to the principles of Islam.” In Article 26, the Constitution guarantees citizens the freedom of association unless such associations violate “the criteria of Islam, or the basis of the Islamic Republic.”
17. H. Shariat-Madari, *Kayhan* (Tehran), 17 February 2000, 3.
18. E. Baqi, interview with S. Hajarian, *Fatth* (Tehran), 3 April 2000.
19. *Arya* (Tehran), 17 February 2000, 3.
20. *Fatth* (Tehran), 29 January 2000, 3.
21. “Bazi-e naqes-e democracy” (The deficient game of democracy), *Asr Azadegan* (Tehran), 19 January 2000, 5.
22. Akbar Ganji, *Asr Azadegan* (Tehran), 15 February 2000.