

Iran's Political System: Theoretical Base, Constituent Units and Democratic Nature^{*}

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Iran has a very unique political system, the theoretical foundation of which is Khomeini's doctrine of Velayat-e Faqih or Regency of the Jurisprudent and its important constituent units include such unelected ones as the Supreme Leader, commanders of the Armed Forces, the Guardian Council, the Head of Judiciary, the Expediency Council and the elected ones like the President, the Parliament, the Expert Assembly. The functions, ways of forming and correlation of the units manifest the system's dominant feature of God's rights above people's rights. Iran's political system contains, at least formally, some obvious democratic elements, but when it is measured in terms of the four basic principles and the three pillars of the western democracy, the democratic nature of the system is quite limited.

Keywords: Iran, political system, democracy, Velayat-e Faqih

Introduction

Iran's presidential election is so bustling and competitive that many people in Iran think that their country is the most democratic country in the Middle East (Leyne, 2009). As a matter of fact, it is the other way around, which may be explicitly shown to us by evaluating, based on the analysis of the theoretical base and constituent units of Iran's political system, the democratic nature of Iran's political system against the four basic principles and the three pillars of western democracy.

Theoretical Base of Iran's Political System

Iran's political system takes as its theoretical base the theory of Velayat-e Faqih (Wang, 2005, pp. 246-248; Usman, 2002; Aras, 2001) (the rule or governance by the learned Islamic jurist) which is the core of the religious political theory of the Iranian religious revolution leader Khomeini who thought that as the successor of the leadership handed down from the prophet Mohammed to the imam, Faqih provides the only legitimate guardianship to the republic. The conception of Velayat-e Faqih has solved one conundrum in the religious political thought of the Shia Islam, as it explains to the Muslims that in the absence of the 12th Imam (the occultation), Muslims need not passively wait for the reappearance of the Imam, but should follow the instruction and edification of his agent Faqih.

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As the precondition of the Velayat-e Faqih is the existence of an Islamic state, Khomeini focused on the necessity to establish such states. He stressed the responsibility of the mullas to propagandize Islam, get involved in politics and establish Islamic states without which the Islamic law can't be effectively implemented and the universality of the law and the timeless effectiveness of the Islam can't be fully shown. He argued that only if an Islamic state is founded can the unity be guaranteed of the Muslim ummah which was divided into many states by imperialists and tyrants and the occupied Islamic homeland be liberated. He also argued that imperialists imposed the unfair economic order on the Muslim world and divided the Muslim society into oppressors and the oppressed and that it is incumbent for the Islamic scholars and all the Muslims to save the oppressed, oppose the oppressors, overthrow the system of oppression, and set up an Islamic state.

As for the form of the Islamic government, Khomeini thought it should be a "constitutional" one with the state and the church unified, but the "constitutional" here doesn't mean making a constitution to limit governmental power and safeguard the civil rights as people commonly think, but refers to the rulers' obedience of the Koran and the hadith. In Khomeini's view, religious leaders cannot make new laws, and they can only be devoted to the work of searching, to preserve or find the Sharia (Islamic law) passed on to Mohammedan the prophet by Allah through oral instruction, and as a result the legislative power of the Islamic state exclusively belongs to Allah, and the Islamic state and all the people including the agents of Allah (the prophet and his successors) must obey the Islamic law forever.

Khomeini also held that the Islamic state should be under the guardianship of one leader or more and whether one leader or more to do it depends on whether the capacities for guardianship have come together to one man. The leader of the Islamic state must be fair, pious and has acute insight into social political issues. In the absence of the Imam, only Faqih is eligible for the leader who is the agent and legatary of the prophet and in control of judiciary and administrative power. Guard of Faqih over the people is the same as the guard of parents over juveniles.

Constituent Units of Iran's Political System

The theory of Velayat-e Faqih was reflected in the Iranian constitution and further implemented in the political system of Iran, which can be seen from the function and power, emerging ways, and overall relations, of the constituent units (Beeman, 2004; Johny, 2007) of the system which can roughly be classified into unelected organs like the Supreme Leader, the Armed Forces, the Head of Judiciary, the Expediency Council, the Guardian Council and elected organs such as the President, the Parliament, the Assembly of Experts.

The Supreme Leader is chosen by the Assembly of Experts, who is entitled to appoint the Head of Judiciary, the six high clergymen of the Guardian Council, commanders of all kinds of armed forces, Friday prayer leaders and head of the Bureau of Radio and Television. The Supreme Leader is the commander in chief of armed forces and has the right to declare war, make peace, conduct military mobilization. The Leader has his representatives in agencies at provincial or ministerial level, the military and security systems, revolutionary and religious organizations, and Iranian culture centers set up abroad, who are usually more powerful than the corresponding administrative officials. The Leader also has the right to order a referendum and is the final intercessor of the disputes between the administration, legislature, and judiciary if the conciliation of the Expediency Council fails. The Head of Judiciary who has a five-year tenure is responsible for making sure of the implementation of the Islamic law and defining legal policy. He is also entitled to nominate the six secular members of the Guardian Council, appoint president of the Supreme Judicial Court and the Attorney General,

and recommend the Minister of Justice. The Expediency Council is the advisory body of the Supreme Leader, and has the right to deal with disputes over legislation between the parliament and the Guardian Council. The members of the organ are appointed by the Supreme Leader, who are influential religious, social, and political leaders. The Guardian Council is the most influential political organ controlled by the conservative, six religious jurists of which members are nominated by the Leader. The Council has the substantial veto power to every candidate for president, parliamentarian, and member of the Assembly of Experts, and every law passed by the parliament must be examined and verified by it to ensure that they are in accordance with the constitution and the Islamic law. This organ has the right to interpret the constitution, and any interpretation of it will be equal in effectiveness to the constitution if only it is agreed to by three-fourths of the members.

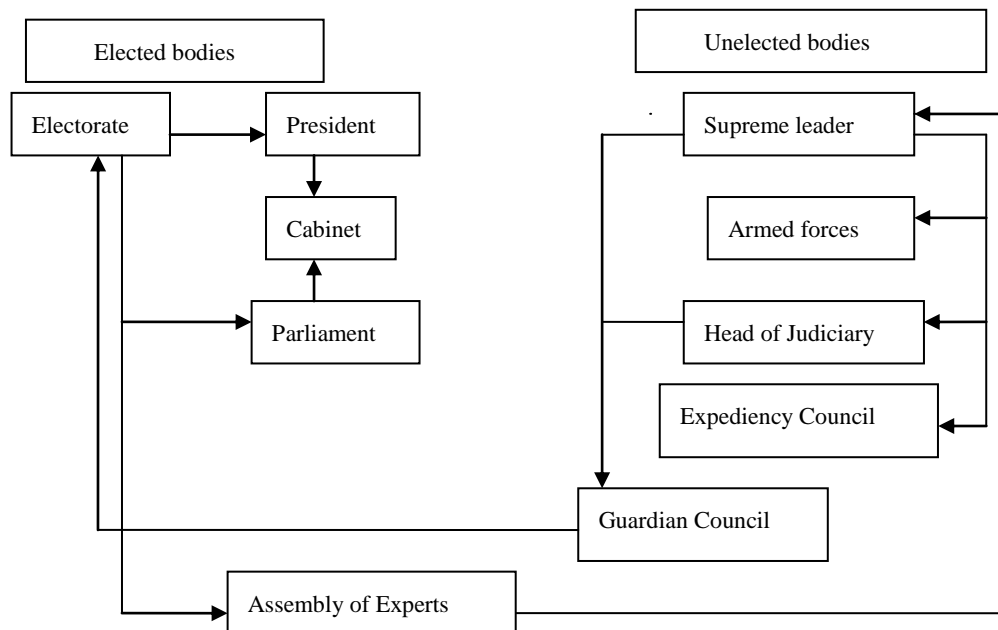


Figure 1. How the main constituent units of the Iranian political system are elected and related to one another.

Source: Beeman, 2004, p. 57.

The above mentioned are unelected bodies and there are also some elected bodies, the important ones of which are the president, the parliament, the cabinet, and the Assembly of Experts. The elected Iranian president can be reelected only once. After the 1989 constitutional amendment, the post of prime minister was canceled and its power is transferred to the president who is both the chief executive and the head of the state but whose function and power are mainly over social, cultural, and economic affairs. The control of the armed forces, the decision making powers over such problems as those of security, national defense and important foreign policies are in the hands of the Supreme Leader instead of the president and the result of the presidential election must also be affirmed by the Leader. The president has the right to appoint the ministers as well as to remove them from offices, but his appointment or removal of ministers must be approved by the parliament. The president is entitled to reach an agreement with foreign governments and approves ambassadors to be stationed abroad. The Iranian parliament, the 290 members of which are elected through the general election held every four years, has the right to propose and pass a law, to ratify an international treaty or agreement, and to audit and ratify national annual budget. It even has the right to summon or impeach a minister or a president if two-thirds of its members are in favor. But all the bills passed by the parliament must be audited and ratified

by the Guardian Council. The president and the parliament member must make a pledge to defend the Islamic law, the achievements of the Islamic revolution and the groundwork of the Islamic state. The Assembly of Experts is authorized to nominate the supreme leader, supervise him, and remove him from his office when they regard him as unable to accomplish his commission. The Assembly of Experts holds two meetings every year and has 86 members who have a tenure of eight years. Only religious figures can become members of the Assembly and the candidates must be screened by the Guardian Council (see Figure 1).

Similar to modern democratic republics, the government of Iran has its own independent administrative, legislative, and judicial departments, but it also has a set of parallel organs under the control of the clergy that are more powerful than the republican institutions (see Table 1). See the chart below (Brumberg, 2013).

Table 1

The Republican Institutions and The Corresponding Islamic Ones of Iran's Political System

Republican Institutions	Islamic Institutions
President	Supreme Leader
290-member Parliament	12-member Guardian Council
Civil and Criminal Courts	Islamic Courts
Regular Military	Revolutionary Guards and Basij

The double particularities of the Iranian political system give good expression to the full name of the country—the Islamic republic of Iran.

From the description and analysis above, one may see that Iran is only seemingly a democracy but essentially a theocracy. It is in fact far from democratic judged with the four basic principles and the three pillars of democratic system, which are to be discussed below.

Democratic Nature of Iran's Political System

Generally speaking, the western democratic system has four basic principles centered on power, which are the principle of people's sovereignty (answering the question of the source of a state's or government's power), the principle of representative system (answering the question of how the people wield their power), the principle of power separation (answering the question of how to resolve the excessive centralization of power, avoid despotism and protect the people's freedom), and the principle of rule of law (answering the question of the mechanism for the working of democratic system) (Cao et al., 2005).

What are the three pillars of democratic system? Under the condition that direct democracy has been in technical difficulties, representative system is the inexorable outcome of the implementation of the principle of the people's sovereignty, the substance of which is that the people elected their representatives who will form the parliament which, as an organ of popular will, enjoys the national sovereignty and can relegates state power in its own way to other state organs for use, but legally the exercise of any power must ultimately be supervised and controlled by the parliament. The representative system has solved both the technical difficulties of direct democracy and the problem of regime legitimacy after the abrogation of kingship, and has become symbol of the democratic system. From the substance of representative system, we can see that a good representative system must be guaranteed by electoral system. Both systems are closely related and aimed at realization of the popular sovereignty. Electoral system, therefore, can be regarded as the cornerstone of western democratic system. The existence of representative and electoral systems has made the internal struggle of bourgeoisie largely focused on seeking votes in order to gain more seats in the parliament, and thus caused the political

party in the modern sense. The development of the political party has advanced political struggle to the new phase of political party struggles, and party politics and party system came into being. The ruling party leads a country by rigging elections, controlling legislature and administrative department. The party system has become the core of democracy. The representative, electoral, and party systems are called three pillars of democracy.

The theory of Velayat-e Faqih which is the theoretical foundation of Iran's political system, ascribes the sovereignty of an Islamic state to Allah who is thought to exclusively have the legislative power, and as Faqih, the religious leader administers the Islamic state on behalf of Allah. This determines in theoretical logic the essential differences between Iran's political system and democratic system. The theory fully mixes magisterium with political power and places religious authority above the people's right, and is thus inconsistent with the democratic system's primary principle of popular sovereignty. The sovereignty belonging to Allah but not the people makes the representative body consisting of those who are elected by the people not be able to exclude the interference of "Allah" and really represent the will of the people, and not only have no supreme power virtually but also no supremacy juridically. This obviously doesn't conform to the democratic system's principle of representative system. The fact that the guardianship belongs largely to the supreme religious leader makes the Iranian political system with only ostensible separation of power but without virtual separation of it. The most prominent feature of the principle of separation of power in the democratic system is judicial independence (Heywood, 2008). But the Velayat-e Faqih makes it impossible for the judiciary to be independent of the religious leader's power. For example, the head of judiciary is appointed by the supreme leader and has a five-year term of office, whereas the supreme leader can be in office all life long if there are no special circumstances. Being diametrically opposed to rule of man, rule of law puts stress on everyone's freedom, independence and equality, and is against superstition and personality cult. It also emphasizes that collective intelligence and morality are above a personage, and is against such views as there being in society so noble and able a person that his wisdom and morality are uncomparable. It is clear that the Velayat-e Faqih deviates from the principle of rule of law of the democracy system. As the theoretical base of the Iranian political system is inconsistent with the basic principles of democratic system, it is logically determined that the democratic nature of the Iranian political system is quite limited.

From the above analysis of the constituent units of the Iranian political system, it can be seen that the supreme leader holds the supreme power of Iran. Although he is chosen by the Assembly of Experts, the candidates for members of the Assembly of Experts must be screened by the Guardian Council which is controlled by the supreme leader. Besides this, candidates for members of the parliament or the presidency must also be screened by the Guardian Council. This makes the electoral system of Iran quite inconsistent with the basic principles of electoral system. Although Iran's electoral system basically accords with democratic electoral system's principle of equality (one person, one vote; an equal value to each vote) and also with the principle of transparency, but doesn't conform to the electoral system's principles of authority, universality, and freedom. The principle of authority is the basic principle of electoral system, specifically meaning whether the representative organ is really elected by popular election, whether it is the highest lawmaking organ of power, whether it has actual influence in state politics (Cao et al., 2005). But both candidates for Iranian parliament member and the act by the Iranian parliament must be screened by the unelected body—the Guardian Council, and so the Iranian parliament has relatively limited influence in the political life of Iran, which is against the principle of authority.

In Iran severe restrictions are imposed on candidates for the presidential election, parliamentary election, election for membership of the Assembly of Experts and this not only violates the principle of universality of the electoral system but also discords with the principle of freedom of the electoral system because electorates can only vote among candidates that are in agreement with demands of a small group of people.

The western party system emerged and developed, together with the representative system and the electoral system, and they supplement one another. As Iran doesn't have western representative and electoral systems, there does not exist a party system similar to the one that is the core of democratic system. In February 1979, the Islamic Republic of Iran was founded and along with the obvious tendency toward stability of the regime, the Iranian government gradually outlawed most of the political parties and organizations. In 1985, Iran announced implementation of a single-party system, with the Islamic Republic party being the ruling party. To avoid political disputes, in June 1987, the Islamic Republic party also announced an end to all its activities.¹ In December 12, 1988, Iran really implemented the Parties Law passed in 1981, announcing permission to party activities but the party must act on three basic principles: the Islamic constitution, religious majesty, and the system of the Islamic Republic (Samii, 2005).² In 1998, Iran issued a new party law, and a variety of parties have emerged but most of them lack a strict organizational form or regulations or the related guiding principles. Political participation in the Islamic republic of Iran, is not through political parties but through religious institutions. The mosque has become the single most important popular political institution.³

There is one thing in Iran's party system that is similar to western party system, which is the separation of the military from political parties, that is, the army remains neutral to all the political parties including the ruling party. In the west, the separation of military from political parties is a result of nationalization of the military which means the military is responsible for the nation instead of the political parties and is directly controlled and commanded by the nation rather than political parties. But as has been mentioned the Iranian military is controlled by the supreme religious leader and has not been nationalized.

To sum up, the Iranian political system is virtually very discrepant with the democratic system of the west, although it seemingly has some democratic nature. In Iran's political system, there always exists a contradiction between religious right and civil right and the religious right is above the civil right, which determines that Iran's political system is only illusorily democratic.

Conclusion

There are quite a few contradictions in Iran's political system, the most important being the one between religious authority and civil right. Here religious authority is above civil right, and therefore in terms of the organizational form of political power, Iran is a country ruled by a religious leader not a president chosen by the common people. The institutionalized contradiction between divine right and civil right is, in the long run, disadvantageous to the theocracy whose legitimacy is mainly based on people's religious enthusiasm and reverence for Khomeini both of which are decreasing. With the political legitimacy declining, the religious rulers of Iran will have to depend more on force for their rule. But it is no secret that the democratic elements in Iran's political system provides not only import channels for the people to express their interest demands but

¹ Iran's Party Organizations. Retrieved from http://news.xinhuanet.com/ziliao/2004-02/20/content_1323884.htm

² Retrieved from <http://country.huanqiu.com/iran/politics>

³ The Nature of the Party System. Retrieved from http://www.sssup.it/UploadDocs/13476_6_R_the_nature_of_party_system_in_Iran_13.pdf

also elasticity for theocracy, and thus is helpful to the stability of the theocracy. The unique political system of Iran is the important capital for Iran to give full play to its regional and even international influence.

References

- Aras, B. (2001). Transformation of the Iranian political system: Towards a new model? *Middle East Review of International Affairs*, 5(3), 16-17.
- Beeman, W. O. (2004). Elections and governmental structure in Iran: Reform lurks under the flaws. *The Brown Journal of World Affairs*, 11(1), 55-67.
- Brumberg, D. (2013). *Iran and Democracy*. Retrieved from <http://iranprimer.usip.org/sites/iranprimer.usip.org/files/Iran%20and%20Democracy.pdf>
- Heywood, A. (2008). *Key concepts in politics*. (W. Yong, Trans.). Tianjin: People's Publishing House of Tianjin.
- Johny, S. (2007). Iranian political system and the IRGC. *Air Power Journal*, 2(3), 112-118.
- Leyne, J. (2009). Big test for Iranian democracy. *BBC News*, Tehran, 5 June. Retrieved from http://news.bbc.co.uk/2/hi/middle_east/8083867.stm
- Cao, P. L. et al. (2005). *Comparative political system*. Publisher: Higher Education Press.
- Samii, A. W. (2005). The changing landscape of party politics in Iran—A Case Study. *The Journal of the European Society for Iranian Studies*. Retrieved from http://www.sssup.it/UploadDocs/4525_6_The_Changing_Landscape_of_Party_Politics_in_Iran_A_Case_Study_The_Journal_of_the_European_Society_for_Iranian_Studies_02.pdf
- Usman, J. (2002). The evolution of Iranian Islamism from the revolution through the contemporary reformers. *Vanderbilt Journal of Transnational Law*, 35, 1686-1692.
- Wang, T. (Ed.). (2005). *The political systems of the contemporary Middle East Countries*. Publisher: China Social Sciences Press.