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Islamic Legal Studies Program
Harvard Law School



TAKING STOCK OF A
QUARTER CENTURY OF THE
ISLAMIC REPUBLIC OF IRAN

by

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Occasional Publications 5
June 2005

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Printed in the United States of America

ISBN 0-88086-056-1

The **Islamic Legal Studies Program** is dedicated to achieving excellence in the study of Islamic law through objective and comparative methods. It seeks to foster an atmosphere of open inquiry which embraces many perspectives, both Muslim and non-Muslim, and to promote a deep appreciation of Islamic law as one of the world's major legal systems. The main focus of work at the Program is on Islamic law in the contemporary world. This focus accommodates the many interests and disciplines that contribute to the study of Islamic law, including the study of its writings and history.

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Preface

A fascinating convergence of individuals, ideas, and papers came about at a conference our Program organized in Beirut in January 2005 on “Imam Khomeini on Religion and State.” Scholars of Shi‘ism and its contemporary manifestations came from Lebanon, Iran, Iraq, and elsewhere. As one of our discussants, Dr. Wilfried Buchta of both the Deutsche Orient-Institut, Hamburg, and the Humboldt University, Berlin, contributed to the conference a great deal of learning but also much first-hand acquaintance of events in Iran, and proved very well placed to discuss Khomeini’s weighty legacy in constitutional and legal matters. Fortunately for us Dr. Buchta had recently completed a paper providing a useful introduction and summary of the first quarter century of the Islamic Republic of Iran, and agreed to allow us to publish it in our Occasional Publications series. It lays out some of the fascinating backdrop against which our conference occurred, and serves as a valuable memento of the event.

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Taking Stock of a Quarter Century of the Islamic Republic of Iran

Wilfried Buchta

In February 2004 the Islamic Republic of Iran held for the twenty-fifth time its annual ten-day celebration to mark the victory of the revolution and the triumphal return of the revolutionary leader Ayatollah Ruhollah Khomeini, who was enthusiastically greeted by two million Iranians on his arrival in Tehran on February 1, 1979. The Shah had already left the country on January 16. The armed forces, which had until then been loyal to the Shah, declared themselves neutral¹ on February 11, whereupon Shahpur Bakhtiar, the last of the prime ministers appointed by the Shah, saw that he could no longer hold on to power and went into hiding. Twenty-four hours later, Khomeini asked the devout liberal Islamist technocrat Mehdi Bazargan to put together a provisional revolutionary government, which was recognized by the USA and the USSR the following day. In a referendum held on March 30, 1979, 97% of voters expressed their support for an Islamic Republic. Khomeini thereupon proclaimed April 1 the first day of God's government on earth.

The annual revolutionary celebrations provide an occasion to look at how the Islamic Republic's political system, a theocratic-republican hybrid, has evolved since 1979. Immediately noteworthy is that it has been remarkably stable. It is by no means obvious that this should be so; after all, Iranian politics have for years struggled with ideological contradictions, the erosion of its Supreme Leader's legitimacy, competing strains of thought among its political elite, and a chronic economic crisis worsened by unilateral US trade embargos. Yet Iran's political system has thus far given the lie to the Iranian exile opposition movement that has been predicting its imminent demise since 1979.

An objective examination of the 25-year history of the Islamic Republic must acknowledge that in addition to certain ideological and political constants throughout this period, there have also been radical changes in direction and shifts in emphasis that allow us to divide the entire period into three distinct phases. Adopting a division put forward by Ebrahim Yazdi, Iran's first post-1979 foreign minister,² we can actually speak of three republics, namely, the decade of the revolutionary leader and founder of the Islamic Republic, Ayatollah Khomeini (1979–1989), the “Second Republic”

under the duumvirate of Supreme Leader Khamenei and President Rafsanjani (1989–1997), and, lastly, the “Third Republic” that was inaugurated with Khatami’s election in 1997 and is characterized by an Islamic reform movement. Each of these phases is characterized by certain specific tendencies and events, which we will briefly outline here in order to understand how the Islamic Republic became what it is today and in what direction it might evolve in future.

The “First Republic”: The Khomeini Decade

The first ten years of the new regime were dominated by the charismatic leadership of Ayatollah Khomeini, who from the fall of 1978 had become the undisputed leader and unifying figure within a broad alliance of diverse political forces. By means of largely peaceful opposition in the form of huge mass demonstrations and nationwide strikes, this alliance eventually succeeded in toppling the nationalist and pro-American regime of the Pahlavi monarchy. Between 1979 and 1982 the newly established revolutionary regime underwent a phase of intense inner turbulence and power struggles. The internal power struggles of these early years gave rise to a hybrid political system unlike any

other on the planet. Its constitution embraces both theocratic-authoritarian elements and those of a democratic republic, although the theocratic element clearly dominates.

That democratic elements, including directly elected executive and legislative branches, have survived at all until the present can be attributed to the efforts of the religious nationalists and liberal Islamist forces initially allied with the Khomeinists. They participated in the drafting of the December 1979 constitution, and continued at times to wield considerable influence on the state and government up until 1981. Among the symbolic figures within this group were Mehdi Bazargan (d. 1995)³ and Abolhasan Bani-Sadr. From 1979 onwards, at the request of Khomeini, Bazargan, the leader of the Islamic-Liberal Iranian Freedom Movement (NAI), headed up a provisional revolutionary government of moderate nationalists and national-religious technocrats. But Bazargan was not able to prevail in the struggle for power with the radical Islamists, who enjoyed Khomeini's support. With Khomeini's approval, the Islamists had created a broadly distributed network of revolutionary committees, revolutionary courts, and militias, which functioned as a shadow gov-

ernment and constantly undermined the authority of the Bazargan government. Bazargan protested in vain against the occupation of the US Embassy in Tehran on November 4, 1979, thereby revealing his lack of influence, and resigned a few days later together with his entire cabinet, thus again radicalizing the revolution. From that moment on, Khomeini supporters gradually either politically marginalized all their opponents or forced them into exile. This was a process that ended in June 1981 when liberal-Islamic president Abolhasan Bani-Sadr was deposed; from that time on, politicized Shiite clerics have held all the key positions in the system and thus have a monopoly on power.

The theoretical basis for this monopoly on power is the religio-political concept of the “guardianship of the Islamic jurist” (*velayat-e faqih*), which was developed by Khomeini while in Iraqi exile in Najaf (1965–1978). Khomeini succeeded in overcoming numerous sources of resistance to have this concept enshrined as the supreme principle of the state in the constitution of the Islamic Republic of Iran, which was adopted in November 1979.⁴ As a result, a theocracy was established in Iran, the manifest expression of which is the office of the “Ruling Jurist” (*vali-ye faqih*), which is derived

from the *velayat-e faqih*; the term is also synonymous with the title of Supreme Leader (*rahbar*). The Supreme Leader has the authority to counteract the decisions of the executive and the legislative branches. He can remove the president from office and appoints the head of the judiciary and of the regular and revolutionary armed forces, security forces, and police forces. The *velayat-e faqih* as practiced in Iran is a completely new political institution, without precedent in the doctrinal structure of the Shia, because it empowers the theologically and politically most experienced cleric to exercise sole political power. By breaking with the practice that high-ranking Shiite clergy would abstain from political matters, which had been observed up to this time, Khomeini revolutionized Shiite theology; the *velayat-e faqih* did away with the principle that until the return of the 12th hidden Imam of the Shia, namely, the Mahdi, any kind of political rule is fundamentally illegitimate. In this way Khomeini widened the scope of the jurists' authority so that it became identical with the all-comprehensive authority of the Prophet and the Imams.⁵

Based on their monopoly of power, Khomeini supporters set about reforming the state, the economy, and

society along lines that were deemed true to Islamic-revolutionary dogmas. The result was the Islamicization—between the years 1979 and 1982—of the justice system, schools, and universities, the nationalization of most of the economy, the establishment of a foreign policy that was hostile to the USA and was aimed at exporting the revolution, the enforcement of the Islamic dress code for women, the revocation of freedom of the press and of the freedom to form political parties, and much more. Starting as early as in 1979, but in particular in the years 1981 to 1982, violent excesses occurred in the way in which actual and assumed deviants and enemies were dealt with. The fact that radicalization peaked in 1981 was connected with the regime's fight for survival against the Iranian People's Mujahedeen (MKO). Following the victory over the Shah's regime, the Islamo-Marxist MKO, which had originally been allies of Khomeini, became dangerous rivals challenging the Khomeini government for power. After Khomeini had removed the moderate president Abolhasan Bani-Sadr from power in June 1981, the MKO took up arms and attempted to topple the regime by launching massive terror attacks on its most important representatives and officials. But the MKO's calculations failed and the regime did not come

crashing down. Instead, the terror exercised by the MKO radicalized and brutalized the political climate in Iran in a way that had never been seen before. The regime was goaded into launching a brutal anti-terror campaign and blindly instituting retaliatory measures, and by the end of 1982 it had killed several thousand captured supporters and underground fighters of the MKO and of other militant leftist groups.⁶ By the spring of 1982 Iran's security forces had conquered the MKO militarily, destroyed their underground cells, and killed their military leaders. The political leadership of the MKO under Mas'ud Rajavi had already fled into exile in July 1981, first to France, and after 1986 to Iraq, where Iraq's dictator, Saddam Hussein, granted the MKO massive political, military, and financial assistance and made use of them for his own purposes.

But from the end of 1982 onwards, after years of revolutionary furor, extremely violent internal political power struggles, and ethnic and social unrest, the regime, which had been fighting for its existence, was finally able to assert itself. The war against Iraq, from 1980–1988, caused many Iranians, who were critical of the regime but patriotic at heart, to recognize Khomeini's leadership for the sake of saving

the fatherland and preserving national unity, and it also contributed something towards permanently consolidating the system. Thus, from 1982 onwards, the rulers in Tehran were able to direct their attention towards stabilizing the internal political situation by consolidating the newly created institutions. This striving towards moderation was expressed in the special 8-point decree issued by Khomeini in December 1982, which was directed at the revolutionary courts, judicial apparatuses, revolutionary committees, and the revolutionary armed forces and security forces. The decree put an end to the worst revolutionary excesses in the form of arbitrary seizures of private property, arrests, and extra-legal executions of alleged counter-revolutionaries.

Since the establishment of the Islamic Republic, a minority group of the Shiite clergy, numerically small but large enough for the purpose of governing the state, has offered its services to the government. They have been seduced by the temptations of power and today form a national elite enjoying certain political privileges. Most of the Shiite clerics, however, continue to cling to the tradition of political abstinence; they therefore avoid public opposition, but

still silently reject the regime. On the other hand, the regime is anything but ideologically homogeneous. To this day, it has not been able to bring together in one united party all the Khomeinistic clerical factions, some of which are violently competing with one another. Although the Islamic Republic Party was established in 1979 with this aim in mind, in 1987 the government was forced to dissolve the party because of the bitter factional disputes between its right and left wings.

These struggles between the two wings of the party were mainly caused by disputes centered on economic policy. While Islamic-conservative Khomeini supporters, including the present Supreme Leader, Ali Khomeini, invoked the law of property legitimized in Islam, their leftist-Islamic opponents emphasized Islam's desire to create social justice. Because of the victories they have scored in the parliamentary elections, which have been held regularly every four years since 1980, the left-leaning Islamists, who include the current president of the country, Mohammad Khatami, have had the upper hand in the legislative branch. But, according to the constitution, all laws passed by parliament must be reviewed by the Council

of Guardians, a body that functions as an upper house and is dominated by conservative clerical jurists, in order to verify that they are consistent with Islam. In many cases the Council of Guardians, which has the right of veto, has rejected the laws. This has meant that it has not been possible to develop any logical policy in many important areas, such as agricultural reform.

This blockade of political institutions is a threat to the maintenance of the system, and in order to overcome it and to give the government some freedom to act, in January 1987 Khomeini declared the principle of the “Absolute Rule of the Jurist” (*velayet-e motlaqeh faqih*). According to this concept, the decisions taken in the interest of the Islamic state by the Supreme Leader have precedence over religious rules, even over such fundamental commandments as those of prayer, fasting, and the pilgrimage to Mecca. In the end, practical constraints forced Khomeini to allow reasons of state to take precedence over religion—this was a policy that he had criticized in the time of the Shah, and he had hoped to eliminate it by introducing a theocracy in which the highest political and religious authority would be combined in just one person.

While already many Iranians regarded Khomeini's directive of January 1987 as a flagrant deviation from the revolutionary dogma of the supremacy of religion over the state, Tehran's surprising adoption of UN Cease-Fire Resolution 598 must have appeared to them as another ideological sin.⁷ After all, this was a de facto admission that one of Tehran's most important ideological goals, namely, the exportation of the revolution (*sodur-e enqelab*) to other Islamic states in the name of pan-Islamism, had failed and the Islamic revolution would remain an experiment restricted to Iran only. By mid-1988 this step had become unavoidable. Widespread weariness of war among the population, alarming military defeats in various sectors of the front, bottlenecks in the supply of ammunition and war material, almost empty state treasuries, and an overall dramatic economic crisis were all factors that made even the most stubborn defenders of the war among the Iranian leadership change their minds. The view inexorably gained ground that Iran, which was internationally largely isolated, could no longer win the war against Iraq, which enjoyed military superiority thanks to the massive support provided by the West and the East, and that if the war were to be pursued, the system might even collapse. Therefore, on July 16,

1988 Khomeini was forced to admit, in an internal letter written to leading officials in the regime, that there was no way to avoid accepting UN Resolution 598. Khomeini described his decision to stop the war in the following words: “This decision was as bitter to me as drinking a cup of poison” (*in tasmim baraye man chon zahr koshandeh ast*), and he justified it by pointing out that the preservation of the Islamic Republic (*hefazat az jomhuri-ye eslami*) took precedence over all other goals.⁸ Khomeini’s reference to the absolute priority that should be given to maintaining the system revealed that Iran’s leadership had betrayed another, hitherto stubbornly defended revolutionary ideal, and again had given priority to reasons of state instead of to Islamic ideology.

However, the acceptance of the cease-fire also harbored some incalculable internal political risks. After all, this war, which had been fought in the name of revolutionary ideology, had demanded severe economic deprivation, massive material damage, and heavy loss of human life from the Iranian people, and all these sacrifices must now have seemed to them to have been in vain. The rulers were correct in fearing that the population would react with a

massive and long-lasting loss of trust in the regime. It was thanks only to the charismatic authority of Khomeini, who informed the people of the bitter truth in a TV address broadcast on July 20, that the anger and disappointment felt by many Iranians over their senseless sacrifices did not turn into violent protests that endangered the system.

But the regime also made use of this precarious transitional phase from war to peace to liquidate its most dangerous opponents, who were being detained in the country's prisons. The excuse for doing this was supplied by the MKO, which on July 21, 1988 had attempted to invade the country from their military bases in Iraq. They had crossed the border and occupied some small border towns in Iran in order to use them as jumping-off points for overthrowing the system in Tehran. The MKO offensive ended in a fiasco because the military-tactical and political planning had been amateurish. The Iranian armed forces, which were numerically far superior to their opponents, completely destroyed the MKO units in some brief and violent engagements. Most of the prisoners were killed on the battlefield, while the rest were taken to Tehran.

Just a few days after the MKO offensive, Iranian government authorities issued the secret order that the most important political prisons in the country should be isolated from the outside world. This order applied in particular to the prisons of Evin, Qezel Hesar, and Gohar Dasht in Tehran, which are especially infamous for their size and the harsh conditions under which prisoners are kept. Towards the end of July 1988 special commissions made up of lawyers, chairmen of revolutionary courts, and high-ranking officials from the VEVAK (the Ministry of Information and Security) visited the prisons and presented all the political prisoners from the leftist opposition with a list of cleverly devised and tricky questions, the answers to which would decide whether the person responding would live or die. The aim was to find out whether the persons interrogated could be regarded as Muslims or non-Muslims, and in the latter case whether they still professed their former anti-regime ideology. Prisoners who gave unsatisfactory answers were also among those separated out. All the people selected in this manner were quickly executed—in most cases hanged—in the prisons soon after their interrogation.⁹

In this way, between the end of July and December 1988, the Iranian government executed several thousand leftist prisoners along with an unknown number of MKO prisoners of war who had been captured in 1988. This was done in great secrecy and without proper trials. Supporters and leaders of the MKO paid the highest price in blood. To this day the exact number of victims is not known with certainty. Amnesty International has documented the names of more than 2,000 victims.¹⁰ According to data provided by Ayatollah Hosein Ali Montazeri (b. 1921), who was at that time Khomeini's designated successor, between 2,800 and 3,800 prisoners were executed in 1988.¹¹ In July and August 1988 Montazeri had written two letters to Khomeini himself and one to the executioners in which he spoke out sharply against the executions, which he condemned as un-Islamic and shameful. To this day, the government in Tehran officially denies the mass executions that took place in 1988. They are a taboo topic. It still remains uncertain which debates and decision-making processes among Iran's privileged class finally resulted in the almost total liquidation of all the leftist opposition prisoners detained by the regime, thus causing the regime to relapse, for a short while, but with serious consequences, into the worst

excesses of violence of the kind seen during the early phase of its existence. It is interesting to note that in the documents appended to his memoirs, which appeared in 2001, Montazeri includes an undated written command from revolutionary leader Khomeini himself, in which the latter orders the execution of the imprisoned members of the MKO. On the other hand, Montazeri stresses that he doubts the authenticity of this letter and hints that close confidants of the revolutionary leader in the Imam's Tehran office were the true instigators of this action.

Given the far-reaching political consequences of the mass executions, it is worthwhile to show the conflicting lines of arguments of the Imam and his heir-apparent for having the MKO prisoners be killed or spared as documented by the letters in Montazeri's memoirs. Khomeini's fatwa for the execution of the MKO prisoners, which in all probability was issued between July 22 and 25, 1988, reads as follows:¹²

In the name of God, the merciful, the compassionate. Because the treacherous hypocrites [MKO] do not believe in Islam and what they say is out of cunning and dissimulation, and because their leaders have become apostates, who wage war on God,

and because they have as collaborators and spies of Saddam Hussein and the Ba‘th-party of Iraq in the north, west, and south of the country started a conventional war against our Muslim nation, and because they have together with the World Arrogance [the United States] dealt us insidious blows from the beginning of the Islamic Republic up till today, it is decreed that those who are in prison throughout the country and who remain loyal to their hypocritical conviction, are waging war on God and are condemned to execution (*kasani-ke dar زندanha-ye sara-sar-e keshvar bar sar-e moze‘-e nafaq-e khod pa-feshari kardeh va mikonand mohareb va mahkum be e‘dam mibashand*). The passing of the sentence in Tehran is incumbent on the Shari‘a judge Hojjatoleslam [Ja‘far] Nayeri, the prosecutor [Mortaza] Eshraqi, and the representative of the VEVAK [Ministry of Intelligence and Security], after having agreed upon it by a majority of votes. According to this principle, the sentences must be carried out in all other prisons and provincial centers of the country by the competent judges, prosecutors, and representatives of the VEVAK on the basis of a majority of votes. It is naive to show mercy to those who wage war on God. The decisive way in which Islam treats the enemies of God is among the unquestionable tenets of the Islamic system. I hope that you will earn the satisfaction of the exalted God by the manner in which you will let the enemies of God feel the wrath and the

vengeance of the revolution. The men who are responsible for the passing of the sentences must not fall prey to hesitation or doubt and must be keen on showing the maximum degree of severity towards the unbelievers. To have doubts about the judicial system of the Islamic revolution is to ignore the pure and innocent blood of the [revolution's] martyrs. Peace be upon you. Ruhollah al-Musavi al-Khomeini.¹³

Montazeri's first letter of protest, which is dated July 31, 1988, reads as follows:

In the name of God, the merciful, the compassionate. To his Excellency Grand Ayatollah Imam Khomeini. With regard to your latest order for the execution of the hypocrites [MKO] in the prisons, do allow me to say that the nation and the people will accept the execution of those who have been captured [from the battlefield] in the recent event and this will surely not have a negative effect. However, allow me to say something with regard to the execution of those who were already in prison:

First, under the present conditions their execution would be ascribed to the [regime's] hatred and vindictiveness.

Second, the execution would infuriate and stigmatize many of the families who still have

preserved to some extent their religious convictions and their allegiance to the revolution to such a degree that they will break away from it.

Third, many of the prisoners are ready to renounce [the MKO] but because the people in charge treat them in such a harsh manner, they refuse to.

Fourth, since due to the pressure and recent attacks of Saddam Hussein and the hypocrites against us, we have at present the image of the victim and many journalists and politicians defend us, it is neither in the interest of the system nor in your interest that a propaganda campaign against us begins.

Fifth, the execution of persons, upon whom courts have passed before and according to normal regulations a sentence less than capital punishment and who have neither received any notice nor committed any new misdeeds means a disregard for all judicial principles (*bi-i'tina'i be hame-ye mavazin-e qaza'i*) and for previous sentences passed by judges, and will have fatal consequences.

Sixth, our responsible judges and prosecutors and VEVAK-representatives are not on the level of [the Sufi] saint Ardebili, which makes them subject to numerous errors or agitation [against the MKO]. Therefore the latest order of your Excellency will probably result in the execution of people who are innocent or have only committed minor sins.

Seventh, until now we have not achieved anything by murders and acts of violence (*ma ta hal az koshteha va khoshunatha natijej nagereftim*) except that we have increased both the [enemies'] propaganda against us and the attraction of the hypocrites and the counter-revolutionaries. Therefore the time has come for us to offer them for a while more mercy and compassion so that we can win over many of them to our cause.

Eighth, if you should stick to your decision then you should at least order that the criterion [for capital punishment] should be unanimity of opinion among the relevant judges, prosecutors, and VEVAK-representatives and not the majority of votes. In addition, [you should order] that women should be spared, above all pregnant women.

Finally, the execution of several thousand prisoners within several days has fatal consequences, as it implies that errors will occur and that some pious judges will get very angry. It is appropriate to heed the saying of the Prophet (*hadith-e sharif*), which says: God's Prophet said 'Avoid corporal punishments (*hudud*) for the Muslims and if there is no other way left, let them go unpunished, for it is better if the Islamic leader (*imam*) pardons somebody by mistake than that he punishes him by mistake (*fa inna al-imam an yukhti'a fi l-'afw khayr min an yukhti'a fi l-'uquba*).'¹⁴



The supremacy of the interests of the state over the original religious and ideological doctrines of the revolution was made particularly clear by the way in which the matter of Khomeini's successor was settled. His closest confidants instituted a rule that delivered a heavy blow to the legitimacy of the concept of *velayat-e faqih*, a blow from which it has still not recovered. Given the importance of the *vali-ye faqih*, it was vitally important for the regime to guarantee a smooth transfer of power in the case of Khomeini's death. According to the Shiite tradition enshrined in the constitution of 1979, Khomeini's successor was required to be the most scholarly and honest Shiite legal expert, and a "source of emulation" (*marja'-e taqlid*), i.e., a Grand Ayatollah. However, it soon became apparent that the sum of these criteria applied solely to Khomeini. With the exception of Montazeri, none of the other Grand Ayatollahs fit Khomeini's concept of *velayat-e faqih*. In addition, none of Khomeini's other clerical confidants and co-workers enjoyed a theological reputation that was comparable to his, not to mention his personal charisma and political authority. Put another way: Because they were quietists, the most prominent theolo-

gians were politically unsuitable to succeed Khomeini, while at the same time the politically active clerics, most of whom belonged to the lower or middle ranks of the hierarchy of theologians, lacked the necessary theological qualifications. The only one of Khomeini's loyal followers who had managed to attain the rank of Grand Ayatollah by continuing his theological studies up until the mid-80s was Montazeri. He was a former close student and companion of Khomeini in Qom, who had spent 8 years in the Shah's prisons from 1965 to 1978 because of his activity on the side of the opposition. From 1980 onwards, he had been quietly built up by Khomeini and those closest to him to be Khomeini's unofficial successor.

At first sight, the succession seemed to have been settled when, in November 1985, the Council of Experts, which had been given the task of choosing the successor, officially announced that Montazeri had been designated Khomeini's successor as the *vali-ye faqih*. But by that time Montazeri's power had already peaked and was on the way down. The turning point came in the fall of 1986 with the Iran-Contra affair, the secret weapons-for-hostages deal that had been struck between Tehran and Washington and that had

been made public by Mehdi Hashemi, a close follower of Montazeri. As a result of this, the system's ideological credibility suffered negative consequences. With Khomeini's approval, Mehdi Hashemi, who until then had been in charge of a special unit sponsored by Montazeri for the purpose of exporting the revolution, was arrested in October 1986 by the secret service ministry (VEVAK). This dealt a severe blow to Montazeri's position of power in Iran's privileged class. In September 1987, Mehdi Hashemi was executed on the orders of a special court of the clergy, created for this very purpose, which accused him of various counter-revolutionary offences.¹⁵ The affair involving Mehdi Hashemi, whose execution Montazeri tried in vain to stop at the last minute, inflicted immense damage on his reputation and seems to have been one of the reasons why he fell out of favor with Khomeini in 1989.

The final, irrevocable break with Khomeini came in February 1989, when Montazeri again stepped up his harsh public criticism of internal faults in the system. In a mysterious letter, dated March 26, 1986, officially ascribed to Khomeini, Montazeri was called upon to resign from the office of successor.¹⁶ In a letter of reply, Montazeri gave up his post and, on Khomeini's

advice, from that time on restricted himself chiefly to theological activities in Qom. Montazeri's loss of power, the true reasons for which are shrouded in secrecy and have so far not been explained, created an acute crisis of succession within the system, which in April 1989 forced Khomeini, who was already sick and dying, to assemble a council to revise the constitution. The members of this body decided on a number of constitutional changes that officially sanctioned the separation of the highest religious authority (*marja'iyat*) from the highest political power (*velayat*). The stipulation that a *vali-ye faqih* had to be acknowledged and accepted as a *marja'-e taqlid* by the majority of the people was deleted. At the same time, the new constitution stressed that candidates for the position of the *vali-ye faqih* who were able to demonstrate that they were highly familiar with political and social questions were to be given preference. Thus, while the level of religious expertise was lowered, more weight was placed on political experience. This was a further step along the road to abandoning the original religious dogma of the revolution, and the way was opened up for younger clerics of lower theological rank to succeed Khomeini.

When Khomeini died on June 3, 1989 the Council of Experts quickly convened in order to prevent a power vacuum. Its choice fell on the president of the country, Ali Khomeini, who, however, merely held the lower rank of a Hojjatoleslam. A little later, Khomeini was given a higher theological ranking in an act of acclamation orchestrated purely politically by the government media, and from that time on he was known as an Ayatollah. Nevertheless, this theological promotion of Khomeini to the higher rank of an Ayatollah, which is still not recognized by the majority of the orthodox Shiite clerics, could not disguise the fact that when he took office, the de facto highest religious and political authority was no longer combined in one person, as it had been previously under Khomeini. The smooth transfer of power to Khomeini had again demonstrated the stability of the system, but his assumption of office confronted the regime with a new dilemma: How can a state founded on the fusion of religion and politics prove its legitimacy if its highest representative, unlike Khomeini, cannot call upon the general allegiance of the people, and, in addition, the leading Shiite religious authorities deny him the recognition of the rank of Grand Ayatollah? All attempts made by Khomeini to acquire the highest religious authority

and to be given the title of Grand Ayatollah have so far failed. His last attempt was made in November 1994 when the only Grand Ayatollah who was close to the Iranian government, namely, Muhammad Ali Araki, died at the age of 103 in Qom. Shortly after his death, Khomeini claimed the now vacant office of a source of emulation. But numerous leading Shiite clerics both inside and outside Iran put up such massive resistance to this claim that he rapidly abandoned it.¹⁷ To this day, Iran's revolutionary leader is not recognized by the large majority of Shiites inside and outside Iran as a Grand Ayatollah. Because of this, he has a theological Achilles heel which is gradually undermining not only the legitimacy of his office but also that of the entire system.

Viewed overall, one can state that the Khomeini decade of the first Islamic Republic is identified by two characteristics. Firstly, there is the lasting consolidation of the revolutionary structures and institutions which made the system so stable that even the death of Khomeini and the succession crisis could not harm it. Secondly, since 1982, and even more so since 1988, there has been a recognizable tendency to de-radicalize the domestic and foreign policies of the system; this has gone hand

in hand with the fact that, in cases of doubt, priority is always given to the preservation of the system and to pragmatic national interests over ideological dogmatism. Regardless of brief lapses into radical patterns of behavior, such as the case of the mass executions in 1988 and Khomeini's fatwa on Salman Rushdie in February 1989, this trend grew steadily stronger up to the time of Khomeini's death and beyond in the "Second Republic."

The "Second Republic": The Era of the Duumvirate of Rafsanjani/Khameini

After Khomeini's death, power was shared by the revolutionary leader Khameini and the ex-speaker of the parliament, Rafsanjani, who is regarded as a pragmatist. In July 1989 Rafsanjani had been elected to the office of president, which was now provided with greater powers following a constitutional amendment that included the abolition of the office of prime minister, which had been a powerful position up until that date. Since 1982, this go-getter speaker of parliament, who was pragmatic to the point that the true positions which he held were no longer recognizable, had gradually advanced to becoming the strongest man in

the regime after Khomeini himself. Rafsanjani, around whom a small but influential group of moderate-Islamic technocrats among Iran's leadership elite—the so-called right-wing modernists—had gathered, was regarded as the architect of constitutional reform. When he took office, Rafsanjani found a population that was exhausted by war and the turmoil of the revolution, and he was also faced with a wartime economy that had collapsed. In addition, as a result of a foreign policy that had been driven for almost ten years by radical ideological dogmas, Iran was largely isolated on the international stage.

During his two periods in office as president (1989–1997), Rafsanjani supported a process of partial de-ideologization of Iran's domestic, foreign, and economic policy. For example, in the sphere of foreign policy he steered a moderate course aimed at integrating Iran into the international community, achieving careful rapprochement with the West, and normalizing relations with neighboring countries in the region, his goal being to put an end to Iran's costly isolation which was injurious to the country's development. At the same time, he supported the liberalization of economic policies in order to rebuild the technical-industrial

infrastructure of the country, which had been severely damaged during the war. He also permitted a certain amount of cautious and limited liberalization of society, although this was only of secondary importance. But during Rafsanjani's term of office, no significant progress was achieved either in economic policy nor in securing and expanding social freedoms and rights. There are a number of reasons why this is so and they will be briefly discussed in the following.

In order to achieve his goals, Rafsanjani made an effort to centralize economic and political power in his own hands. But in order to do this it was necessary to strip power from the powerful elite of the left-wing Islamists who, thanks to the support they had received from Khomeini up until 1989, were setting the tone in the executive and legislative branches as well as in large sectors of the country's economic bureaucracy. They were a thorn in Rafsanjani's side because they were steering a radical-revolutionary course in the field of foreign policy and were pursuing an economic policy oriented towards socialist state control. During Khomeini's lifetime there was serious, never-ending conflict between the socio-political conservatives and the left-wing Islamists that led to partial paralysis of

the government and often rendered its policies inconsistent and contradictory. Khomeini was always being called upon to arbitrate between the two groups, but he never permanently sided with either of the elite factions; instead he tried repeatedly, sometimes through clever maneuvering, sometimes by energetically exercising his authority, to balance the opposing tendencies, at least for a while.

The alliance between Rafsanjani and Khomeini was founded in the common desire to strip the left-wing Islamists of power. Between 1989 and 1990 Rafsanjani did in fact manage to drive the left-wing Islamists not only out of the government but also—with the exception of Parliament—out of most of the other important government institutions, and to replace them with efficient non-ideological technocrats. The cooperation between pragmatists and conservatives in the elections for the Council of Experts held in October 1990 resulted in the majority of left-wing Islamic candidates being disqualified. Since, according to the constitution, the Council of Experts has the authority to depose a revolutionary leader whom it regards as unfit to hold office, any potential threat to Khomeini was thus permanently eliminated.

Prior to the parliamentary elections of May 1992, renewed cooperation between the government and the conservative-dominated Council of Guardians, whose function is also to verify the various candidates' loyalty to the regime, resulted in the disqualification of most of the leftist Islamists who wished to stand for election. As a result, in the 1992 elections the majority of the 270 seats went to the Conservatives, while the leftist-Islamist faction shrank to only a small minority in parliament. They were forced to the periphery of the apparatus of power and, despite occasionally using their newspapers to direct some hard criticism at the government's policies, they withdrew from everyday politics and hoped for better days to come.

Once the leftist Islamists had been weakened, the stage was cleared for proceeding smoothly with implementing the reconstruction strategy, but the costs caused by the war, which Rafsanjani put at US\$1,000 billion in August 1994, were right from the start a considerable burden to bear. At the same time, Rafsanjani was faced with the enormous material expectations of the population. While the war was in progress, the regime had been able to use the excuse that the lack of economic and social progress was due to the war

with Iraq. But, once the war was over, this excuse was no longer valid. During the reconstruction process the government gave top priority to restoring the oil and petrochemical industry, which is a rich source of foreign currency earnings, and particularly because oil has always traditionally been Iran's main source of revenue.

The economic liberalism of the technocrats and conservatives constituted a clear break with the economic policy of rigid state control pursued by the leftist Islamists. The technocrats were in favor of privatizing inefficient state-owned plants, abolishing the system of subsidies, unifying the anarchical system of multiple exchange rates, supporting the return of emigré Iranian experts, and borrowing money from abroad. In general, during his first three years, Khamenei supported this course, which Rafsanjani had incorporated as a program for reconstruction in the first five-year plan (1990–1995). In addition, in 1990, Rafsanjani went ahead with borrowing money abroad, a policy which up until then had been frowned upon for ideological reasons and in order to maintain the country's independence from the West. Once it was free of all restrictions, the government—which had

exercised strict discipline over consumption during the war—started to import consumer goods almost totally without restraint. By 1993, this process had assumed such gigantic proportions that Tehran was almost insolvent. Iran had emerged from the Iran-Iraq war practically debt-free, but by the end of 1993 its debts stood at about \$28 billion. Although at that point Tehran instituted countermeasures, and by 1994 had greatly cut back its annual imports, also negotiating debt restructuring agreements with its creditor countries in the West, it had a hard time carrying the burden of its previous consumption binge. Because, starting in the spring of 1992, the rate of inflation increased so much that the middle and lower income brackets were more and more seriously affected. In the spring of 1992 irritation and dissatisfaction started to spread and finally erupted into social unrest and violent protests, which were harshly suppressed in a number of Iranian cities such as Mashhad, Shiraz, and Tabriz. In 1994 in Qazvin and in 1995 in Islamshahr, a satellite city of Tehran, economic and social distress again gave rise to locally limited but unusually violent social unrest. Because the regular Army refused to take any action against the people, the only choice the regime had was to resort to special revolutionary military

units to quell the disturbances. In the sixth round of presidential elections held in May 1993, Rafsanjani scored only a lackluster victory and lost an enormous number of the votes he had received during the 1989 elections. His poor performance at the ballot box told Rafsanjani that the popularity of his policies, but also the trust placed in him as someone who could lift Iran out of its economic crisis, had taken a dramatic turn for the worse.

Until mid-1992 Khomeini, who lacked theological qualifications and political charisma, was largely overshadowed by the dominant Rafsanjani, but with the parliamentary victory gained by the conservatives, the balance shifted in favor of the revolutionary leader. The alliance between the two men had been characterized right from the start by concealed rivalry, but it had functioned well as long as Rafsanjani enjoyed great popularity as the link between the governing clerics and the ordinary people governed by them, who very much wanted to see an improvement in their economic status. When, however, economic success failed to materialize, the initially euphoric mood of the people swung in the opposite direction. As Rafsanjani's popularity plummeted, Khomeini

and the conservatives were the beneficiaries of this situation. Khomeini increasingly became a magnet for all the groups in the regime who saw their interests put at risk by the reforms. Because he was concerned that continued economic liberalization measures might foment social unrest and thus endanger the legitimacy and existence of the regime, starting in late 1992 Khomeini, together with the conservatives, changed the course of his economic and social policies and adopted positions held by the left-wing Islamists. This often went so far as to openly undermine Rafsanjani's political strategy, as happened, for example, in the case of the decision taken by Rafsanjani's government to eliminate the massive state subsidies for gasoline and oil products, to which the Fourth Parliament refused to give its approval in the spring of 1994.¹⁸

In addition, following the presidential elections of 1993, Khomeini took it upon himself to exercise his political prerogatives in an even more uninhibited fashion than before and to secure important political posts for his close friends. In this way, he prevented Rafsanjani from rationalizing and reducing the size of the administrative apparatus and also from removing inefficient civil

servants, managers, and mayors from their positions. Furthermore, Khomeini made sure that his right-wing traditionalist protégés remained in important government offices, and saw to it also that some of them became new ministers in Rafsanjani's second cabinet. At the same time, they extended their influence to important positions of power in the spheres of domestic and cultural policy in order to ward off the "cultural invasion of the West" (*tahajom-e farhangi-ye gharb*), which is anathema to them. One of their first victims was Mohammad Khatami, the Minister of Culture and Islamic Guidance (*ershad*), who was responsible for censorship of books, news media, and films, because they considered him to be too "liberal." Khatami was generally regarded as a moderate and open-minded left-wing Islamist who, despite the defeat suffered by the left-wing Islamists, had been re-appointed to his office by Rafsanjani. Following violent attacks from the ranks of the new parliament, he was forced to resign in August 1992. Confronted with this "swing to the left" by Khomeini, Rafsanjani had only two choices, viz. to capitulate or to allow his opponents to extract compromises from him that would dilute his economic and foreign policies to the point where they were unrecognizable.

The great majority of the population waited in vain for Rafsanjani to keep the promise that he had made in 1989, namely, to reward them with a peace dividend after years of revolution, war, and deprivation. Instead, the opposite happened. During the “First Republic” under Khomeini the average per-capita income had dropped by 50% between 1979 and 1989.¹⁹ Although under the new regime considerable progress was made in terms of basic medical and social services, infrastructure, and literacy, the distribution of income had grown dramatically worse compared with the period of the revolution. According to UNDP estimates, in 1996 about 53% of all Iranians were living below the poverty line. As if that wasn’t enough, under Rafsanjani, corruption in the country and in the government increased to a level never seen before—but the few cases of national banking scandals and of civil servants enriching themselves and their families in connection with the privatization of the economy, which became public after 1995, were only the tip of the iceberg. Given these negative phenomena, many Iranians were sceptical and cynical about the statements made by government politicians who, in their eyes, had strayed infinitely far from the ideal of “Social

Justice” (*‘edalat-e ejtema‘i*), a slogan expressed at the start of the revolution.

In the last three years of his presidency, Rafsanjani had become so powerless that he was no longer able to overcome the resistance mounted by the conservative establishment to the constitutional amendment proposed by his political friends, an amendment which was supposed to have guaranteed him a third term in office.²⁰

The “Third Republic”: Khatami and the Process of Reform

The liberal Shiite cleric Mohammad Khatami emerged as the victor from the presidential elections of May 1997.²¹ After he was sworn in, in August 1997, he initiated a policy of cautious reform of state and society which, however, remained within the framework of the constitution of the Islamic Republic of Iran dating from 1979. But, right from the start, the reform process launched by Khatami was exposed to increasing obstruction on the part of the dominant conservative wing of the Iranian power elite, and ultimately this has led to the stagnation of the reform process since Khatami was re-elected in June 2001.

The main impediment to the process of democratic change remains the dualism between theocracy and republicanism that is laid down in the constitution in the form of an Islamically-legitimized Supreme Leader on the one hand, and a legislative branch as well as an executive leader both directly elected by the people, on the other hand. The reforms are made difficult by the unequal balance of power, anchored in the constitution, that exists between the Supreme Leader and the president, and by the complexity and large number of different centers of power, most of which are conservative. By far the most important center of power is that of the Supreme Leader, who possesses the general power to establish political guidelines. As mentioned above, he appoints the leaders of the judiciary, of state TV and radio, of the regular Army, the army of Revolutionary Guards, the revolutionary police, and of the revolutionary foundations. In addition, Supreme Leader Khomeini, who belongs to the conservative camp, selects the members of the Council of Guardians and of the Expediency Council, two important bodies in the legislative process.²² All these conservative-dominated institutions constitute veto powers and political enclaves that work against the executive and legislative

branches, which since the parliamentary elections of the year 2000 are in the hands of reformers. Due to its lack of power the government's room to maneuver on the domestic political front was very limited right from the start, and the government itself was relatively defenseless against the counterattacks by the conservatives. In the minds of many observers this gave the impression that the government was actually the party in opposition.

Khatami's electoral victory opened up a new phase in the history of post-revolutionary Iran. For the first time since 1979, the following question was publicly raised in Iran: To which of the two fundamental principles of the system, theocracy or republicanism, should priority be given? In order to increase his organizational scope Khatami endeavored to expand the freedom of speech and of the press and to defend the guarantee of constitutional civil rights, so as to turn public opinion into a political force controlling the various powers. Encouraged by the government, the number of licensed, mostly reformist newspapers and journals increased to more than 600 by early 2000. The reformist publications with the largest circulations formed powerful fora for a

dissenting public to mercilessly criticize the political bastions of the conservatives, for example in the judicial sector, in the security services or in the army of the Revolutionary Guards.²³

Thanks to the channels of public dissent, a critical public discourse was generated centering mainly around the re-evaluation of the relationship between Islamic tradition in the dominantly theocratic form in which it has existed in Iran since 1979, on the one hand, and western modernism with all its concepts of democracy, rule of law, and human rights, on the other hand. But from mid-2000 onwards, the dynamism of the reform movement was brought almost to a standstill by the hard counterattacks of the conservative opponents of reform. President Khatami was and is largely powerless in the face of this activity.

Even under Khatami, Iran's economy was unable to find a way out of its chronic crisis, the causes of which can be traced back to, among other things, the Islamic-socialist and state-controlling economic policy pursued by the regime since 1979. For example, in 1979–1980, most of Iran's industry was nationalized or became the property of revolutionary founda-

tions²⁴ in which mismanagement and corruption are daily events. Industrial recovery is additionally hampered by Iran's one-sided dependence on oil, which was already a well-established factor under the monarchy of the Shah. Tehran obtains about 80% of its foreign currency earnings from the sale of oil, but this makes the country very susceptible to fluctuations in the world price for crude oil. Repeated attempts to diversify the sources of foreign export earnings have largely failed. Oil export revenues still at present account for about 50% of the national budget. In addition, Iran's economy is also suffering from other structural problems, such as a lack of any general legal conditions for foreign investments. Under Khatami as well, periodically recurring spikes in the economic crisis led repeatedly to minor outbursts of social unrest and demonstrations in various towns and cities in Iran, but these were for the most part locally limited.²⁵ The desolate economic situation and the lack of political prospects for many Iranians constitute one of the main reasons for the rapid increase in negative social phenomena, in particular prostitution and drug addiction, to name just two factors. According to UN data, about two million Iranians are addicted to drugs.

Against the background of a rapidly increasing and extremely young population—more than 50% of the people entitled to vote are under 30 years old—Tehran’s government is faced with major problems. Iran’s population has almost doubled from 1979 (36 million inhabitants) to 2003 (approx. 72 million). The demographic factor is one of the chief driving forces in the reform process, because the people who vote for and support Khatami are to be found mainly among the youth and the female population of Iran. The generation of Iranians born in the 70s and 80s, who do not harbor any deep resentment for the Shah’s reign, which was barely, or not at all, consciously experienced by them, and who did not participate actively in the revolution, is disappointed by the Islamic regime. The principal reason for this is that the revolution has not fulfilled the promises of social justice and material prosperity that were made in 1979. The young people are pressing for political and economic liberalization. They are calling for reforms that will create jobs, slow down inflation, and improve the standard of living. In addition, they want an easing of the rigid social and cultural restrictions that determine the lives of most Iranians, especially in areas such as the Islamic dress code for women, the relationships between the two sexes, and the possibilities of accessing

western culture and western media.²⁶ Furthermore, a majority of Iranians wants to see an end to Iran's isolation in terms of foreign policy, which is mainly rooted in the hostility of the regime towards the USA. It has so far not proved possible to overcome this hostility, which is based partly on the negative historical experiences of Iran with the imperialist policies of the USA during the Shah's regime, and partly on the ideological dogmas of the 1979 revolution.²⁷

Nevertheless, the fact that a large section of the population is disappointed with the Islamic regime should not lead to the false assessment that the stability of the system in Iran is seriously jeopardized. So far, despite the widespread dissatisfaction, no fundamental opposition that is both capable of forming a majority and is well enough organized, as well as able and willing to—possibly violently—topple the entire system, has formed within the population. Nor have the forces of the exile-Iranian opposition posed a real threat since the mid-80s; they are disunited and have no mass basis of domestic support. The growing pressure for change being exerted by the population is instead directed at reforming the system within existing constitutional boundaries. This was evident in the election results recorded for Khatami

in the presidential elections of 1997 and 2001, in which he obtained 69% and 77% of the votes.

If we take stock of Khatami's policies and achievements since 1997, we are struck by the discrepancy between the successes scored in foreign and domestic policy. While there is no doubt that Khatami was able to make considerable progress in improving Iran's relationships with its Islamic neighbors, especially the Arabic states, and was able by and large to normalize the relationship with the EU, he was not very successful in the sphere of domestic politics. Since 1997 Khatami has publicly supported views aimed at promoting tolerance towards persons of different opinion, seeking a balance of interests through internal social dialogue, and ensuring compliance with constitutional and legal standards. The intellectual Khatami, who before and after he took office as president in 1997 stressed that he was a convinced supporter of the *velayat-e faqih* and wanted to work his reforms solely within the framework of the existing constitutional and legal system, is not a revolutionary plotting the downfall of the system. Khatami clearly believes that he can humanize Islamic theocracy without touching its core. Typically, to this day Khatami has not himself called

for any limit to be placed on the absolute authority of the Supreme Leader by amending the constitution, nor has he lent his support to any initiatives taken in that direction by some radical reformers. Instead of using the overwhelming outcome of the election to confront his opponents and wrest concessions from them, which would be easy for him to do by mobilizing his supporters to engage in street demonstrations and thus exert pressure that way, Khatami prefers to seek consensus solutions in his conflicts with the conservatives. This has watered down the principles of reform, weakened the reform movement as a whole, and embittered many of his loyal supporters. A large number of them, especially youths and students, have in the meantime turned away from the reform process, disappointed and discouraged.

It is at present still too early to declare that the reform movement has fizzled out. Nevertheless, there are many signs that its future is uncertain; one sign is the massive defeat of the reformers in the municipal elections of spring 2003, when many voters did not even bother to vote because of their disappointment in the Khatami government's unfulfilled promises to institute reforms.

Concluding remarks

When we try to take stock of the successes and failures that have occurred during the 25-year existence of the Islamic Republic, it is necessary to ask what criteria should be applied. If we apply the criterion of “stability of the system,” it cannot be denied that the new regime has been able to secure and perpetuate its control by establishing numerous institutions that should be able to guarantee the existence of the regime for a long time to come. If, however, we judge the Republic by the promises, such as social justice, that were made by the ideology of the revolution and by its leaders to the majority of the Iranian people, who wanted the downfall of the Shah and believed in the revolutionary leadership, then the balance sheet looks different.

Many Iranians sought their salvation in Islam as a counter to the Shah’s rapid modernization and the far-reaching processes of social and economic change with which they were burdened. This was especially the case since the “imported” western philosophies and concepts of nationalism, socialism, and constitutionalism had failed them. Ayatollah Khomeini’s proposal to return to the fundamental principles of Islam as the cure for the current malaise in a Muslim society seemed

to many therefore to be the most authentic, familiar, and simple solution. The return to Islam did not end with the fall of the Shah and the establishment of the Islamic Republic, however; the Islamic revolution had also to demonstrate that its religio-ideological dogmas were suitable for overcoming the social crisis. In this it has clearly failed. The question of what conclusions can be drawn from this failure will probably become increasingly relevant in future years.

One man who will contribute to the answer to this question is the lay-theologian philosopher Abdolkarim Soroush, who is regarded as one of the theoretical pioneers, if not *the* theoretical pioneer, of the reform process. Appointed by Khomeini in 1980 to the Cultural Revolution Council, Soroush became in the early 1990s one of the most influential dissidents against the Iran regime, whose numerous writings have greatly influenced many of the most prominent activists of the reform movement under Khatami. In his writings Soroush has formulated a new hermeneutics the main concept of which is the de-ideologization of Islam. By distinguishing between religion and religious knowledge, Soroush argues that there is no justification for a privileged access to the essence of Islam and therefore

no reason to accept a privileged religious establishment. Soroush's continued critique of the ideological society that has been set up by the Islamic Republic brought down upon him the ire of the conservative powers-that-be, so that he was eventually compelled to leave Iran in the late 1990s, residing since then either at different universities in the USA, among which Harvard, or in Europe as a visiting scholar.²⁸

Endnotes

- ¹ Ervand Abrahamian, *Iran Between Two Revolutions*, Princeton 1982, p. 529.
- ² Yazdi calls the phase that started with Mohammad Khatami's presidency the Third Republic. For details of Ebrahim Yazdi's definitions, see *Se Jomhuriye* [Three Republics], Tehran 2001, pp. 341-352.
- ³ See the short biography by Wilfried Buchta, "Mehdi Bazar-gan," in *Orient* 36 (1995), pp. 585-590.
- ⁴ Mohsen M. Milani, *The Making of Iran's Islamic Revolution. From Monarch to Islamic Republic*, Boulder, Colorado 1994, pp. 84-89, 154-160.
- ⁵ See Hamid Mavani, "Analysis of Khomeini's Proofs al-Wilaya al-Mutlaqa (Comprehensive Authority of the Jurist)," in Linda S. Walbridge (ed.), *The Most Learned of the Shi'a. The Institution of the Marja' Taqlid*, New York: Oxford University Press, 2001, p. 183f.
- ⁶ Shaul Bakhash, *The Reign of the Ayatollahs*, New York 1984, pp. 217-230.
- ⁷ Saskia Gieling, *Religion and War in Revolutionary Iran*, London: I.B. Tauris, 1999, p. 32.
- ⁸ For the text see *Bakhshi az khaterat-e faqih va marja'-e 'ali qadr hazrat-e Ayatollah Montazeri* (A Part of the Memoirs of the Jurisprudent and Source of Distinguished Ability Ayatollah Montazeri), neshani-ye internet (www.montazeri.com), 2000, pp. 1123-1124. (Page numbers are taken from the printed book, still forbidden in Iran, which was given to the author by Ayatollah Montazeri himself on May 1, 2004.)
- ⁹ See, for details, Reza Afshari, *Human Rights in Iran. The Abuse of Cultural Relativism*, Philadelphia 2001, Chapter 8, pp. 104-118.
- ¹⁰ Amnesty International, *Iran: Human Rights Violations*, 1987-1990, p. 6.
- ¹¹ *Bakhshi az khaterat-e faqih va marja'-e 'ali qadr hazrat-e Ayatollah Montazeri* (A Part of the Memoirs of the Jurisprudent and Source of Distinguished Ability Ayatollah Montazeri), p. 620.
- ¹² Idem, p. 624.

- ¹³ Ibid.
- ¹⁴ Idem, p. 629.
- ¹⁵ Wilfried Buchta, "Die Inquisition der Islamischen Republik Iran: Einige Anmerkungen zum Sondergerichtshof der Geistlichkeit" [The Inquisition of the Islamic Republic of Iran: Some Comments on the Special Court of the Clergy], in Rainer Brunner (ed.), *Islamstudien ohne Ende. Festschrift für Werner Ende zum 65. Geburtstag* [Open-ended Studies on Islam. A Festschrift for Werner Ende on his 65th Birthday], Würzburg 2002, pp. 69-78.
- ¹⁶ In his memoirs, Montazeri doubts the authenticity of this letter and believes that it was written by the Imam's son Ahmad Khomeini, who by means of intrigue wanted to strip him, along with other unnamed leading members of the regime, of his power. See *Bakhshi az khaterat-e faqih va marja'-e 'ali qadr hazrat-e Ayatollah Montazeri* (A Part of the Memoirs of the Jurisprudent and Source of Distinguished Ability Ayatollah Montazeri), p. 642.
- ¹⁷ For more details, see Wilfried Buchta, "Die Islamische Republik Iran und die religiös-politische Kontroverse um die marja'iyat" [The Islamic Republic of Iran and the Religio-Political Controversy Surrounding the marja'iyat], in *Oriente* 36 (1995), pp. 449-474.
- ¹⁸ Ahmed Hashim, *The Crisis of the Iranian State*, London 1995, p. 2.
- ¹⁹ Patrick Clawson, *Iran's Challenge to the West: How, When, and Why?*, Washington, DC 1993, p. 26.
- ²⁰ See Wilfried Buchta, "Rafsandschanis Ohnmacht" [Rafsanjani's Impotence], in *Frankfurter Allgemeine Zeitung*, 15 October 1996, p. 10.
- ²¹ Wilfried Buchta, "Liberale Epochenwende im Tehraner Gottesstaat? Die iranischen Präsidentschaftswahlen vom 23. Mai 1997 und die neue Regierung" [An Epochal Change Towards Liberalism in the Theocracy in Tehran? The Iranian Presidential Elections of 23 May 1997 and the New Government], in *KAS-Auslandsinformationen* (St. Augustin) 9/1997, pp. 28-74.

- ²² For the duties and powers of the president and Supreme Leader, and also of the Council of Guardians and the Expediency Council, see Wilfried Buchta, *Who Rules Iran? The Structure of Power in the Islamic Republic*, Washington, DC 2000, pp. 22-64.
- ²³ However, in the period from 2000 to early 2003 the judiciary ordered the closure of more than 90 reformist newspapers and also gave orders for the arrest of a large number of critical journalists, student leaders, clerics, writers, intellectuals, lawyers, and even high-ranking officials in the executive branch and the state administration who are close to President Khatami—these people were then sentenced on flimsy political charges. Several trials are still in process against leading members of liberal-Islamic and national-religious opposition groups who are loyal to the constitution and who reject the monopoly on power held by the politicized Shiite clergy. See Abbas William Samii, “Sisyphus’ Newsstand: The Iranian Press under Khatami,” in *MERIA* 5/3 (2001), pp. 1-14.
- ²⁴ See Jahangir Amuzegar, *Iran’s Economy under the Islamic Republic System*, London 1992, pp. 13-40.
- ²⁵ On this topic, see for details the International Crisis Group Middle East Report No. 5, *Iran. The Struggle for the Revolution’s Soul*, August 5, 2002, pp. 24ff.
- ²⁶ See Mark Gasiorowski, “The Power Struggle in Iran,” in *Middle East Policy* 7/4 (2000), p. 23.
- ²⁷ Wilfried Buchta, “Iran,” in Siegfried Faath (ed.), *Antiamerikanismus in Nordafrika, Nah- und Mittelost* [Anti-Americanism in North Africa, the Middle, and Far East], Hamburg 2003, *Mitteilungen* vol. 68, pp. 241-260.
- ²⁸ See Behrooz Ghamari-Tabrizi, “Contentious Public Religion: Two Concepts of Islam in Revolutionary Iran: Ali Shari’ati and Abdolkarim Soroush,” in *International Sociology* 19/4 (2004), p. 514f.

