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SHIITE POLITICAL THOUGHT IN IRAN:

BETWEEN THE DEMOCRACY OF PEOPLE'S SOVEREIGNTY AND THE THEOCRACY OF VELAYAT-E FAQIH

Dr. Abdel-Qader Abdel-Ali

Professor of Comparative Politics, Dr. Moulay Tahar Universitéde Saida

Abstract

The question of democracy has gained extensive attention within Shiite political thought, especially after the Iranian revolution. The study argues that the value-centered underpinnings of the Twelver Shiite sect contradict with democracy. They reveal the situation and position of democracy in Iran at the expense of institutional parameters. The study attempts to discuss five main principles related to democracy and the position of Iranian Shiite political thought towards it, including: the principles of democratic systems (majority participation, competition, protestation); principles of sovereignty and nationalism (the people, the Sharia, the nation or the state). The study also reviews the nature of the system of government in Iran and the values that govern its political culture, which determine its position on democracy (pluralism, freedom, equality, justice).

Keywords: Democracy, Islamic democracy, Velayat-e Faqih, Sharia, popular representation, Iranian Shiite political thought.

Introduction

There is diversity within Iranian Shiite schools of thought. They cannot be unified into a single intellectual school of thought. It includes multiple ideological, cultural and ethnical sources. Shiite political thought is based on the main texts of the Twelver Shiite school of thought and the justifications of political activism brought forth by senior Shiite jurists, narrators (scholars of *Ilm-ul-Kalam*) recent and former historians, sectarian interpretations regarding the course of history and scholarly positions in relation to political circumstances. There is no doubt that the central focus of Shiite political thinking was on the theory of the imam and its critical tenets related to a just imam and ideal ruler. Hence, this Kalam-based and Mahdi-centered thought impacted Shiite jurisprudential and political thought about rulership and legitimacy.

Shiite jurisprudential opinions in relation to political thought vary when it comes to justification, withdrawal and rebellion. Maybe the constitutional movement which took place during the reign of the Qajar dynasty proved the existence of this intellectual political movement within Shiite political thought. It called for establishing a constitutional government which is restricted by the Sharia and paves the way for the Mahdi to reappear. This study discusses how traditional Shiite political thought adapted and was receptive to new political concepts such as the constitution and the republic and how it placed Velayat-e Faqih theory within a revolutionary context. However, this governance theory clashes with the tenets and principles of democracy because it limits the republican form of governance and contradicts with the requirements of democracy such as popular sovereignty

This topic is difficult to tackle because it has been discussed in many studies and publications which include arguments, criticisms and discussions of its main philosophical foundations. However, quite a few political and specialized law studies discussed this topic.[1]

Some of these publications are considered as authentic sources such as the book "Islamic Government" authored by Khomeini in which he laid out the pillars of Velayat-e Faqih. Furthermore, there are writings which defend the concept and cite the jurisprudential and doctrinal justifications of the theory within Shiite political thought. This is in addition to writings criticizing the theory from a jurisprudential and religious point of view too. That is because most of the writings deal with the theory as a political religious ideology. But there are a few studies which argue that this theory is influenced to a large extent by republican and democratic contemporary thought.

There were attempts to incorporate this sectarian and political theory within

the contemporary democratic-republican model, which provoked discussions about the democratic and religious nature of "the Islamic Republic" and how democracy and Velayat-e Faqih could be brought together to address issues related to legitimacy and authority.

This is in addition to the domestic and external pressures imposed on the Iranian political elite for decades to force it to pursue more openness and undertake more political reforms to promote democracy within the Iranian political landscape. The elite, supportive of the Iranian government, provided justifications and clarifications to highlight Velayat-e Faqih's democratic nature and how it does not contradict democracy.

One of the main arguments was by cleric Morteza Motahhari, a student and supporter of Khomeini who was assassinated at the beginning of the revolution. This is in addition to the countless studies released by the circles supportive of the Iranian government which emphasized multiple concepts such as religious popular sovereignty and religious democracy. On the other side, the studies criticizing and opposing Velayat-e Faqih reveal that the theory contradicts religious texts and at the same time contradicts the republican and democratic nature of a civil state, which cannot be religious and give precedence to a certain religious sect over others. This study attempts to examine a host of sub-questions which arise from one main question: how did the Iranian imamate Shiite theory reconcile with democracy?

Does it view democracy as a priority? How can the imamate theory and democracy be reconciled? Will the dominating nature of one undermine the other? How was the position in regard to democracy shaped in contemporary Iranian Shiite political thought?

Could this view towards democracy be a result of negative experiences regarding Western imperialism and its intervention in Iran and the position of Iran's elite? Or is it related to the atmosphere and circumstances in which Shiism arose? Or is it related to the requirements and circumstances of the Iranian revolution and the charisma of Khomeini? Or was it related to the post-revolution era; the political pragmatism and selectiveness based on based on *taqiya* (a Shiite doctrine which means dissimulation, concealment of one's belief in case of danger) or the history of Twelver Shiites who have long suffered from repression and have demonstrated political opposition?

How can we reconcile between the Twelver Shiite nature of the state and a government based on *Sharia* (Islamic law) and ruling on behalf of the Imam in the age of occultation and the principles of democracy based on freedom and popular representation? Can a special Iranian democratic model be made? Or will constitutional manipulation result in crises related to legitimacy and identity once again?

This study will attempt to analyze these questions through an analytical

study of a host of ideas, texts and documents. This is in addition to investigating the historical circumstances as well as reference texts to arrive at a conclusion concerning Iranian Shiite political thought's position on democracy and its relationship to democracy. This will be done by dividing the study into three main axes.

The first topic discusses the ideological tenets of Shiite political thought in Iran and how the theory of Velayat-e Faqih and the concept of a religious government arose within it. The second topic deals with contemporary Twelver Shiite thought's position towards democracy and how the religious and intellectual elites differentiated between religious guardianship and grassroots-based democracy.

The third topic reviews freedom in the context of Sharia and Iranian society. The fourth topic discusses the future of Shiite political thought towards democracy as well as the future of Shiite political thought, which varies between interpretation and justification.

1. Shiite Political Thought and Its Ideological Tenets

A theocratic government is one that derives legitimacy from religion and rules in its name. Theocracy is a Greek term meaning the rule of God. Democracy has many aspects, but briefly it means the rule of the people, by the people, for the people. Democracy requires peaceful and open competition, a viable rotation of power and political equality between all citizens.

Although the two definitions (theocracy and democracy) appear straightforward, there are complexities in regard to their practical implementation. We find theocracy, which is premised on the divinity of God and combines religious and political aspects, enshrined in the greatest democracies. Queen Elizabeth and Japan's emperor consider themselves to be appointed by God. [2]

Many other countries also justify legislation and political symbols by invoking religion. Combining theocracy with democracy provides the opportunity to create a theo-democratic system. Theocracy does not necessarily invoke a negative connotation, but it is rather a concept that explains how a regime functions by integrating religious and political aspects.

Democracy has become a global system, with most countries today claiming to implement this system. However, there are some political governance models which are an exception based on certain historical and cultural factors. The case of the Islamic Republic of Iran and its governance system is a case in point. The system is based on a sectarian dimension related to the Twelver Shiite school of thought, the political and ideological dimensions of which gradually evolved in Iran and Iraq. This occurred through different schools but relatively geographically close (Qom, Baghdad and Basra). In terms of *Kalām* also known as *ʿIlm al-Kalām* (speculative theology), it was

heavily influenced by the opinions of *Mutazilites*[3]* and their disputes with Sunni political schools of thought and Shiite factions which broke from it or competed with it at one time. It was also influenced by political events and the relationship of the school of thought's jurists with the ruling government, which either promoted the school of thought or resisted it.

1.1 Twelver Shiite Political Thought and the Imamate Theory

After the demise of Imam Ja'far al-Sadiq, a central figure in the Imamate-inspired Twelver Shiite and Ismaili political thought, the essential opinions of Shiite thought began to take shape. They transitioned from political-historical wrangling into well-established ideological tenets such as the succession of imams through the offspring of Imam Ali and then the offspring of Imam Hussein after Imam Hasan ibn Ali who ceded the caliphate to Muawiya I.[4]* This is a critical point in Islamic history, because the imamate was separated from the caliphate; the separation between the spiritual leadership and the temporal leadership in the history of Islam. A full-fledged imamate theory in which the imams are infallible like the prophets and where they hold a luminous position like the prophets was outlined.[5]

The imams have the authority to interpret revelation and their words are infallible and sacred. Hence, the Shiite hadith records which appeared thereafter saw the concept of hadith and narration acquiring new aspects incomprehensible to the Sunnis whose records are confined to the prophet's statements, actions and confirmations. These aspects include the statements, actions and confirmations of the Infallible Imams as well as what was reported about them. The Twelver Shiites add the statements of the Infallible Imams to the sources of Sharia.

The imamate theory is made up of eleven Twelver Shiite imams and is concluded with the twelfth imam who is said to have disappeared during the late period of the Abbasid dynasty. He remained in contact with the four deputies of Twelver Shiism, according to the Shiite narrative. When the fourth deputy died, Shiite political thought officially entered the age of major occultation, with Twelver Shiism transitioning into a school of thought (sect) based on the idea of waiting (the reappearance of the Infallible Imam). This resulted in a host of edicts to suspend the religious and legal functions of the state such as collecting taxes, the execution of Sharia-prescribed punishments, jihad, and establishing Friday prayer until the reappearance of the Infallible Imam who has the genuine legitimate authority.[6] The school of thought turned isolationist and opposed existing governments. Its jurists believed in the age of occultation so they would only allow themselves to organize Shiite communal affairs. Any flag other than that of Imam Mahdi (Master of the Age) according to this school of thought is a flag of disbelieving despots.[7] The

tenets to avoid interactions with the ruling government evolved, including stripping the ruling government of religious legitimacy even if it was a Shiite government, and dealing with it from the perspective of waiting and taqiya to protect the Shiite community from persecution until the reappearance of the Mahdi who will establish the state of right and justice.

1.2 *The Imamate Thought and the Theory of the Jurists' Guardianship*

There were those who believed that Iran's political thought had its historic and cultural sources dating back to the ancient Persian traditions of the Sasanian Empire.[8] It is a cultural heritage which reproduced the sultanic ruling system and justified it within both Sunni and Shiite jurisprudence, despite pursuing different methods. But the scholars of Shiite jurisprudence considered the rules of coexisting, i.e., dealing and living with the political system, especially scholars such as Shaykh al-Mufid, al-Mortaza and Muḥammad Ibn Ḥasan Tūsī known as the chief Shaykh of the school of thought as well as those who followed them. They believed it is necessary to deal with the ruler whoever he is during the age of occultation, while backing the just sultan who is defined as the one who is loyal to the sect and works to enforce jurisprudential rulings like the imams.[9] The reign of the Buyid dynasty marked the golden age regarding the evolution of Shiite political thought, shaping the theory of imamate and the position of Twelver Shiite theory in relation to the sultan-ruled political systems.

The priority was to preserve the structure of the Shiite community during the age of occultation and to handle the absence of the imam, and to think over how the Absent Imam's representative would manage Shiite community affairs. In addition, dealing with a just or despotic ruler had to be addressed.

The theocratic political theory evolved, but in a guardianship framework rather than Shura. It gradually shifted from the Kalam-focused ideological theory into a practical and jurisprudential theory adopted by senior jurists in the Buyid dynasty and those that followed. This led to the emergence of *hisbah*-focused Velayat-e Faqih, which was supported by proofs including Shiite jurisprudential heritage, hadiths, narrations of imams, and the narratives of the four deputies during the age of minor occultation which ended officially in 328 AH following the death of Ali ibn Muhammad al-Samarri, the last deputy.

Velayat-e Faqih theory and the general guardianship of the jurist theory underwent a palpable evolution and gained more under the religious establishment when the Safavid dynasty arose. The latter adopted Shiism and imposed it as an official religion in Iran and the regions under its rule.

For this purpose, the rulers of the Safavid dynasty brought home clerics from Jabal Amel to form a radical Safavid Shiite school of thought. This was evident during the reign of Shiite jurist Ali Alkaraki (870-940 AH) who advocated the

legitimacy of the Safavid dynasty. Jurists transitioned from a phase of taqiya to exercising power as they were appointed in state apparatuses by Safavid sultans.[10]

In the beginning, the Safavid sultans claimed to have a "divine mandate" as they consider themselves protectors of the imams' school of thought similar to the powers granted to the Russian Tsar who considered himself to be the Church's representative. Later, they changed how they bestowed themselves with religiosity by granting Shiite jurists the title of Shaykh al-Islam.

In turn, the jurists presented themselves as guardians of the sect. This was an opportunity for some jurists to expand the concept of Velayat-e Faqih. This included the fatwa issued by Sheikh Abu Abdullah Muhammad Jamal Ad-Deen al-Makki al-Amili al-Jizzeeni, better known as ash-Shahid al-Awwal, about hisbah. A well-known quote of his is known among the supporters of the expanded version of Velayat-e Faqih. "Prescribed and discretionary punishments are enforced by the imam and his representative in general. In case of absence, the jurist specified in the judiciary should enforce them when he can do this. The public should strengthen him and prevent the one seeking to overpower him when possible. Taqlid shall not be sufficient for rule or issuing fatwas."[11]

Although the Safavid rulers sought help from Shiite jurists imported from Jabal Amel to cement their rule, they were cautious about the growing clout of the jurists. They worked to contain them within an institutional mold, which Tahmasp I had done with Alkarki who was granted the title of the imam's deputy and Shaykh al-Islam.[12]

The same thing occurred under Abbas the Great. In his court senior Shiite clerics emerged such as Baha' al-din al-'Amili. However the emergence and overwhelming presence of the Akhbari school during this late period of the Safavid reign at the expense of the fundamental rational school, the most prominent clerics of which were Muhammad Amin al-Astarabadi and Mohammad-Baqer Majlesi, the author of "Bihar al-Anwar" which is the biggest Shiite hadith compilation book and one of the major dignitaries of the Akhbari school,[13] resulted in the absolute and limited versions of the guardianship theory declining, and juristic involvement in politics decreased further at the beginning of the Qajar era. The government then encouraged Sufi Shiism and triggered competition between the Usulis and Akhbaris. The Akhbaris opposed the absolute version of Velayat-e Faqih adopted by the fundamentalists and considered it a deviation from the sect and the necessities of the occultation.

The Akhbaris cited hadiths narrated by Ja'far al-Sadiq such as: "Every single flag that is raised before the reappearance of the Mahdi (PBUH) is a flag of despotism" and a hadith reported by Abu Abdullah (Ja'far al-Sadiq) that

"whoever claims our position – the imamate – is an unbeliever."[(14)]

But the subsequent victory of the Usuli school in the middle of the reign of the Qajar dynasty (1795-1920), due to internal weaknesses and increasing dependency on the religious seminary, revived the theory of limited guardianship but to encompass wider issues beyond endowments, looking after the affairs of orphans, marriage, divorce and gradual involvement in politics. They cited the hadith "The Ulema (scholars) are indeed the heirs of the prophets "[(15)] to justify their expanded role as well as jurisprudential evidence to prove the need for jurisprudential guardianship over issues such as the assets of orphans and minors.

The issue which both parties agreed upon whether those advocating absolute or limited guardianship of the jurist was on the impermissibility of waging jihad as this is exclusively the right of the Imam. But they differed about the powers of the jurists who met the conditions needed to assume judicial positions and enforce Sharia-prescribed punishments — if they enjoy a social power and immunity granted from the sultan. Mulla Muhammad Mahdi Naraqi, in his writings about the fundamentals of Shiite jurisprudence,[(16)] adopted previously accepted opinions. He reiterated the general and absolute guardianship of the jurist, a concept which was later developed by Khomeini, instead of remaining limited to the general hisbah-centered guardianship.

2. The Imamate Thought and the Position Regarding Political Modernity

Iranian Shiite political thought and its clash with Western modernity began with the Constitutional Movement in 1905, which the jurists provoked. New Twelver Shiite political heritage began to emerge, with the absolute guardianship of the jurist taking shape and this new heritage emphasized that jurists should not obey the ruler absolutely but the latter should comply with the Sharia.

1.2 Twelver Shiite Political Thought in Iran and the Constitutional Movement

Earlier in the 20th century, Iran witnessed a host of political protests, with jurists playing a prominent role in leading them. In Iranian history, these protests became known as the Constitutional Revolution. The movement was connected to the theory of Velayat-e Faqih returning. Muhammad Hossein Naini reiterated a hisbah-centered guardianship of the jurist in the age of occultation, but under civilian rule, where rulers are protectors of society and can be held accountable for their actions.

Naini's view of Velayet-e Faqih was a constitutional project in which guardianship was based on hisbah. The guardianship of the jurist identifies those who should take over power, but he does not exercise power or assume power. He compared the role of jurists in the age of occultation in standing up against the usurpers of absolute guardianship to those who stand up against

the usurpers of endowments. The role of jurists shall be confined to exercising oversight and giving the religious permission to act.[17]

This jurisprudential issue was jurisprudentially framed by Khomeini in a way that went against Naini's initiative, reaffirming the general and absolute guardianship of jurists leading to the necessity of one of the jurists to take over as vicegerent of the Infallible Imam to put an end to the waiting-centered Mahdi thought and give a practical alternative to it so as to solve the problem of the government's religious legitimacy and its new tasks. This occurred within a conservative jurisprudential framework. Although he attempted to use modern terms such as the state and the republic, he plainly opposed the concept of democracy, like all the other traditionalist clerics of the religious seminary. Many Shiite jurists plainly expressed their hostility towards the West and democracy alike. Khomeini and many other religious seminary figures considered democracy to be some sort of Western thinking which runs counter to the teachings of the Sharia and the instructions of the Infallible Imams.[18] They also believed that the masses do not have guardianship over themselves, and popular sovereignty is ineffective against the ruling of the imam or his vicegerent, since the masses must follow jurists because the latter are "the hujja (proof of God) for the people as the Prophet (PBUH) was the hujja against them. The imams deemed due – for the jurists succeeding them – all the actions of the Prophet (PBUH)."[19]

This is a joint vision supported by the backers of Velayat-e Faqih and the supporters of the traditionalist hisbah-centered guardianship. But there are some progressive thinkers within the Twelver Shiite sect who attempted to come up with an innovative formula to reconcile democracy with the guardianship of the jurist concept adopted by Khomeini, arguing that democracy within the Islamic state is the democracy of Muslims and when Khomeini criticized democracy, he was referring to Western democracy.[20]

This reconciliation is similar to the view of Abul A'la Maududi, who reconciled Islam and democracy, resulting in a theo-democratic system.[21] In part, it is inspired by the canons of the divine Sharia with the ruler performing his duties in accordance with public approval. The matters not specified by religious texts should be left to the democratic process.

2.2 The Intellectual Positions Towards the West and Democracy

Similar to the case of intellectuals and clerics managing Western modernity in Islamic countries, contemporary Iranian political thought is divided into four approaches regarding democracy and the West.

- "The traditional and conservative approach."
- "The reformist secular approach."
- "The Islamic revolutionary reformist approach."

■ "The new post-revolutionary reformist approach."

The first approach, "the traditional and conservative approach", is marked by adopting an oppositional position. Those who adopt this approach view the constitutional rulings of democracy as being against the Sharia (Islamic law).[22] According to them, the alternative is to stick to the Sharia. Proponents of this "conservative approach" did not hesitate to adopt "a reformist program" which calls for the ruler limiting himself to the constitutional framework as determined by the Sharia and that there should be a constitution to regulate the ruler's actions.

There is a revolutionary and new approach which took shape within the traditionalist religious establishment. It believes that the absolute guardianship of jurists and amassing power in the hands of the guardian jurist are important to pave the way for establishing an Islamic government which implements the teachings of Islam and hastens the reappearance of the Imam.

This approach was adopted by Khomeini and his supporters and adopted by the official apparatuses of the Islamic Republic since its establishment in 1979. The second approach is the modernist position embraced by the second generation of Iranian intellectuals[23]* who believe that Islamic political thought should shed political doctrines that impede a movement towards a more democratic political theory. We find that Ahmad Kasravi who was assassinated because he was accused of apostasy called for renewing Islamic doctrines and the imamate doctrine as well as the practices of the religious marjaya that contradicted the prerequisites of establishing a modern and secular state.[24]* Jalal Al-e-Ahmad wrote about "Westoxification" and utilized Shiite narratives to back up his Marxist revolutionary vision.[25]

The same applies to Ali Shariati. He criticized the religious establishment and how it justified the practices of the ruling class. He argued that the religious elite had created a new religion which went against the original revolutionary religion.[26] However, he criticized Western democracy and proposed a type of democracy established on the principles of Islam, a democracy that is committed and principled, the foremost aim of which is not gaining a majority and deceiving the public but rather showing keenness to implement a reformist program and encourage a diversity of opinions across society .[27] It is a viewpoint which both the intellectuals and the clerics of the Islamic Republic — who support Velayat-e Faqih— will adopt in Iran despite their opposition to his criticism of the religious establishment.

The third approach, "the reformist movement", emerged after the revolution. It embodied two perspectives: the first adopted reform from within and the other adopted radical reform and was much more liberal. For example, Khatami is one of the proponents of the "reformists" from

within the government. He defends the foundations of Velayat-e Faqih and describes it as a republican democratic system established on the will of the people through elections and referendum. He added that the government has elected institutions and to some extent ensures the rotation of power. Since its establishment in 1979, the Islamic Republic has had seven president who were elected successively and two supreme leaders.

But the "radical reformists" or "modernists" who represent the fourth approach, such as Abdolkarim Soroush, Mostafa Malekian, Yousefi-Eshkevari, Mohsen Kadivar, Mohammad Mojtahed Shabestari and others reject jurist involvement in politics[28] and believe that Velayat e-Faqih cannot be democratic as the core logic of the religious guardianship runs counter to that of democracy, which is based on citizenship and protesting authoritarian decisions. This is in addition to the host of prerequisites required by democratic institutions and democratic societies expressing civilian and public liberties, religious freedom, and total equality among citizens regardless of their religious affiliations. Abdolkarim Soroush, who is a former Khomeini supporter, believes that the attempt to reconcile democracy with Islam according to Twelver Shiite interpretations is doomed to failure because Shiite inherited jurisprudence teachings are obligation-centered, which focus more on obligations than rights though they still permit the rule of law.[29]

3. The Iranian Constitution Between Twelver Shiite Principles and Republican Principles

The Iranian Constitution embraces the theory of Velayat-e Faqih and combines it with constitutional and republican principles. This resulted in a unique institutional structure which combines the presidential and parliamentary systems, with the supreme leader exercising full and absolute control over the three branches of power and a constitutional body which checks to what extent legislation complies with the teachings of Sharia and the Twelver Shiite interpretations or the Jafari school of thought. The Iranian Constitution declares unequivocally that Iran embraces the Twelver Shiite Jafari school of thought.

1.3 Principles of the Iranian Constitution and Shiite Political Thought

The Iranian Constitution contains a somewhat long preamble and 177 articles, up from 175 articles and 12 chapters. The Constitution also contains several Quranic verses to provide religious legitimacy and highlight the Islamic and religious nature of the republic and government institutions. According to the Comparative Constitutions Project (CCP), the Iranian Constitution's quality is mediocre. The number of rights enshrined in the Constitution amount to 45 human rights. It has also placed considerable limitations on the executive authority and has expanded the powers of the legislative and

judicial authorities. According to the CCP, the executive authority represented in the president of the republic got 2 out of 7 and the legislative authority got a modest mark of (.038), with the judiciary having a considerable degree of independence compared to the other two branches of power. It obtained 4 out of 7 on the scale of judicial authority, a position better than the US system.[30] Some articles were amended in 1989 which paved the way for Khamenei to take over later. Many clerics who opposed absolute Velayat-e Faqih were excluded, including the potential successor and the second-in-command within the republic Ayatollah Montazeri. The Constitution is full of legal and intellectual points justifying Velayat-e Faqih and the religious Islamic government. It includes principles, most of which are related to religion and belief and based on Twelver Shiite jurisprudence, especially the imamate. This is in accordance with Article 2 of the Iranian Constitution. According to Article 12 of the Iranian Constitution, "The official religion of Iran is Islam and the Twelver Jafari school of [shi'ī] religion." Other articles reiterated the aforementioned such as the president's chapter which includes protecting the official religious school of the country. This is in line with Article 121.

The constitutional amendment reiterated that changing the Islamic nature of the ruling system is inadmissible, the nature of the system is based on Velayat-e Faqih and the theory of the imam, and the official religion of Iran is Twelver Shiism. The Iranian Constitution also includes provisions to respect other Islamic jurisprudential schools and their adherents. It mentions all other schools except the Abadi school. It literally mentions the four Islamic jurisprudential schools and the Zaidi school. Article 13 of the Constitution stipulates Zoroastrian, Jewish and Christian Iranians as the only recognized religious minorities, who, within the limits of the law, are free to practice their religious rites and ceremonies. The Islamic Republic does not recognize some religious minorities such as Bahais.

The Iranian Constitution has explicitly expressed the position and powers of the guardian jurist in Article 2 and Article 5, which stipulates "During the Occultation of the Valial-'Asr (may God hasten his reappearance), the wilayah and the leadership of the ummah devolve upon the just ['adil] and pious [muttaqi] faqih, who is fully aware of the circumstances of his age; courageous, resourceful, and possessed of administrative ability, will assume the responsibilities of this office in accordance with Article 107."[31]

Article 57 stipulates that he has powers to supervise all the executive, legislative and judicial authorities. He has supra-presidential powers such as calling for a referendum, and he is the commander-in-chief of the armed forces, hence can declare war, peace and call for a general mobilization. In addition, he appoints the Guardian Council, the chief justice who must be a jurist, the chief of staff, the chief of the IRGC, the head of the Islamic Republic

of Iran Broadcasting and senior commanders of the armed forces.

He also has the power to dismiss the president after a ruling is issued from the supreme court or the Islamic Consultative Assembly confirming his incompetence. He also approves the decisions of the Supreme National Security Council which implements the instructions of the supreme leader, supervises the amendments to the Constitution, and has the power to order the president of the republic to set up the Constitution Review Council. He appoints 10 representatives to the council. In case the president resigns, or his position becomes vacant, the supreme leader can appoint an interim president of the republic. The leader also appoints members of the Expediency Discernment Council. The Constitution allocates a chapter for his functions and powers from Article 107 to Article 112. In 1989, new articles were added and Articles 05, 107 and 109 were amended. The most significant constitutional amendments in 1989 were cancelling the condition of being a marja for the supreme leader; changing the method of forming the Assembly of Experts, which is in charge of choosing and electing the candidates for the supreme leader position; and establishing the Expediency Discernment Council (Article 112). This constitutional amendment eliminated the post of prime minister and repealed it, delegating it to the president of the republic whose powers were boosted. It also established a new constitutional institution to settle the differences between the Islamic Consultative Assembly which was called the National Assembly and the Guardian Council. This institution was called the Expediency Discernment Council. Two chapters were added to the Constitution, increasing the total chapters to 14.

2.3 *The Iranian Constitution Between Guardianship and Democracy*

In formal terms, the Iranian Constitution contains some democratic measures although the term democratic has not been mentioned and the word republic was used. The Constitution includes a host of democratic principles, with it reiterating the principles of freedom, independence and human rights, and includes in Article 9: " […] no individual, group, or authority, has the right to infringe in the slightest way upon the political, cultural, economic, and military independence or the territorial integrity of Iran under the pretext of exercising freedom."

It also contains essential meanings related to popular representation "It is necessary that the Muslim community actively participate in the construction of the Islamic society by electing *competent* and *devout* administrators and by continuously supervising their work," according to the preamble of the Constitution.

Further, Article 6 affirms that "In the Islamic Republic of Iran, the country's affairs must be administered by reliance on the public vote, and through elections. These will include the election of the president, the deputies of the

Islamic Consultative Assembly (Majles), the members of the councils, and other such institutions, or through a referendum in such instances as are determined in other articles of this document." The number of representatives is 270 plus other representatives who are added every 10 years. It also includes seats for minorities: one for Zoroastrians, Jews, Christians, Chaldeans and Assyrians. Armenian Christians elect one representative, according to the chapter regarding the Islamic Consultative Assembly, from Article 62 to Article 70.

It also includes clear indications about democracy such as "the eradication of all kinds of tyranny, autocracy, and monopolization of power," Article 3, paragraph 6. "The establishment of a correct administrative system and the elimination of unnecessary institutions," according to Article 3, paragraph 10.

It also stipulates that the Shura Councils are of the sources of decision-making according to Article 7, "As the munificent Qur'an ordains: "They (conduct) their affairs according to these commands, by mutual consultation" (42: 38) and "And consult them in the affairs" (3: 159), the councils, the Islamic Consultative Assembly, the Guardian Council, the province of municipal and city councils and the district and village councils and so forth are the decision making and administrative organs of the country. The constitution and the laws arising from it shall determine the manner of formation of these councils and the limits of their authority." This is in addition to electing these councils as stipulated in Article 100. But this democratic characteristic is limited as ultimate power rests with the head of state, the guardian jurist. It stipulates restrictions on the representative and democratic duties performed by Parliament, stating it cannot legislate laws which contradict the official religion; the Twelver Jafari school of [shi'ī] religion — enshrined in Article 12.

According to Article 4, "All civic, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle governs all the articles of the constitution, and other laws and regulations. The determination of such compatibility is left to the Foqaha of the Guardian Council." Also article 72 states that "The Islamic Consultative Assembly cannot legislate laws that contradict the canons and principles of the official religion of the country or the constitution. The Guardian Council is responsible for the evaluation of this matter, in accordance with Article 96." There is another restriction which is mentioned in many constitutions worldwide known as the constitutional court; the Guardian Council is responsible for supervising the ratifying of laws, ensuring they do not contradict the Constitution. This council consists of 12 members, six of whom are appointed by the supreme leader of the republic; the guardian jurist. The other six members are chosen by the judiciary and elected by the Consultative Assembly. In case there is a dispute between the Assembly and this council, the Expediency Discernment Council intervenes to

settle this dispute. The latter is a body in which all the members are appointed by the supreme leader of the republic according to Article 112. The last article of the constitution provides for irreversible principles, most of which revolve around the Islamic nature of the republic and the official doctrine of the country.

4. The Islamic Republic and the Dilemma of Democracy and Religious Legitimacy

Advocates of the Iranian system and those arguing for its constitutional philosophy believe that the guardianship of the jurist theory springs from the political culture and the religious and cultural values of Iran's society and that democracy requires political participation and reflects the will of the majority. This system represents the majority. This justification is based on the arguments brought forth by the martyr of the revolution Mortaza Motahhari, who indicated that the Islamic nature of the republic does not run counter to its republican democratic nature.

1.4 The Guardianship of the Jurist and the Democracy of the Believers

The supporters of the Islamic Republic consider it a republic established on the will of the people which complies intellectually and ideologically with Islam. Motahhari affirms in his book titled "Issues of the Islamic Republic" that the Islamic nature of the republic does not contradict its democratic nature. "The Islamic nature does not clash with the sovereignty of the people or democracy in general. The democratic principles don't require that society should deviate from every conservative line of thought."[32] Then, it is some form of religious democracy which takes into consideration popular sovereignty for the believing people. But it falls within Islam and the teachings of Sharia. In it, freedom and democracy are restricted by Islamic principles which turn into constitutional rules. As there is Western democracy which offers unrestricted freedom, there is also Islamic democracy which offers humanistic freedom instead of the "animalistic freedom" of Western democracy. According to him, Western democracy means limitless animalistic governance whereas Islamic democracy is based on the principle of freedom but within the framework of Sharia which offers limitless humanistic governance.[33] He then backs down and apologizes for not calling the republic democratic, citing an objection from Khomeini who believed democracy was a betrayal of the spirit of independence of the Iranian people as it would indicate the blind following of the West.[34]

However, Islamic democracy came to the fore when Khatami took over the presidency in Iran. His supporters reiterated that even if the Islamic Republic does not consider itself to be a democracy, reality proved that democracy exists as restrictions are placed on the supreme leader's ability to exercise his power such as in making appointments.[35] This is in addition to the powers of

Iran's elected authorities such as the presidency and the Islamic Consultative Assembly, plus the separation of powers between Iran's three branches which is stated in the Iranian Constitution.

2.4 *The System of the Republic and Popular Participation*

The supporters of Velayat-e Faqih have defended the democratic nature of the republic's system. They have argued that the system has permitted greater levels of political participation compared to that of the former Shah. The Iranian system has met some of the essential requirements of democracy, such as the rotation of power, and the establishment of pluralistic constitutional institutions, which rotate the process of decision making between the institutions as well as monitor their performance. The constitutional framework of the Iranian system and its political behavior, according to the system's advocates, fulfil the core essence of Robert Dahl's democratic theory in which multiple institutional centers of power exist which exercise decision-making.[36] But opponents of the system believe that its republican nature is just nominal as it operates within the framework of the guardianship of the jurist and the latter's principles cannot be overstepped.

Mohsen Kadivar reiterates that Velayat-e Faqih cannot be democratic since the negative definition of democracy, i.e., the undemocratic ruling system, confirms that the Velayet-e Faqih ruling system cannot be established on democratic principles. Velayat-e Faqih deprives people from participating in public spheres and designates this task exclusively to the clergy. They also cannot have a say over appointing or dismissing the supreme leader whose authority is unaccountable and he cannot be controlled. It also violates the concept of political equality among citizens since running for certain positions is determined by whether one belongs to the class of clerics or not, which means the system is a kind of religious aristocracy.[37]

This is in addition to the absence of many democratic characteristics which means that the foundations of the system contradict liberal democracy and its core principles. The creation of secular parties is forbidden and those who oppose the guardianship of the jurist are banned. There are restrictions on the right to run for elected positions and massive violations of human rights, as well as crucial and major restrictions on political participation. No one is safe nor immune if they overstep the principles of the guardianship of the jurist.

3.4 *Guardianship of the Jurist and Democratic Sovereignty*

The advocates of the Iranian system created more justifications which arose under the leadership of the current Supreme Leader Ali Khamenei. Democracy and the guardianship of the jurist were combined to create a new form of democracy, known as the democracy of popular sovereignty. It is the democracy of the believers who voluntarily choose to participate in appointing

a new religious guide for themselves, who represents their religious doctrine and is a vicegerent of Imam Mahdi, in order to continue the guardianship position and there will be always an imam or a vicegerent appointed by the Muslim community at the behest of the imams. According to this Twelver Shiite position, man's right to legislate with the approval of the community runs parallel with God's right to legislate which is established on the rule of God, His Prophet and imams. Its core principle is: power is in the hands of the community. It's given to the ruler as a trust whenever the ruler fulfills the requirements.[38] There is another perspective of democracy presented by some academics in Iran. They call this perspective religious democracy, which according to them opposes liberal democracy. It is based on five religious principles: participation, the rule of law, equality, freedom and independence.[39] Those who argue for this perspective suggest that the concept of popular sovereignty is at the center of Islam's philosophy, with its core spirit based on freedom, and fighting injustice and despotism. Popular sovereignty is vital to advance the religious and political legitimacy of the ruling system.

In intellectual terms, advocates of the democratic nature of Velayat-e Faqih from a Shiite perspective argue that the ruler is appointed by God and the nature of government is determined by Sharia sent down by God, with Sharia interpreted by the imams and their representatives. But democracy means respecting the will of the people to choose who will rule over them. However, Muslims will not have a say when God has already decided for them. Supporters of the guardianship of the jurist quote Khomeini as saying that Islamic democracy is more perfect than the democracy of the West which is based on deception and fake representation and does not meet human needs, especially the spiritual side. Thus, Islamic democracy combines respecting the will of the people and choosing a leader appointed by God, according to the principle of divine appointment of the Prophet and the imams and the leader who rules on behalf of them, who is the guardian jurist. He is a trusted leader and never rules against the will of the people. He has the powers of appointment and correction. According to this perspective, the contradiction between the "guardianship" of the jurist and the "free" will of the people is not resolved according to regular democratic practices.

4.4 *Iranian Democracy and Resorting to Deliberative Democracy*

There is a current within the Iranian religious establishment which argues that the democratic nature of Velayat-e Faqih is much more superior than the democracy found in the West. Iran's democracy is not based on majority representation but based on rationality, deliberation, and debating to arrive at the strongest position. Thus, The pro-Velayat-e Faqih theorists adopted the new "deliberative (discursive) democracy" and a Shura theory based on a new imamate analysis, which is established in accordance with the age of

occultation. Sheikh Mohammed al-Musnad believes that Islamic democracy — according to what he calls the "political imamate theory" – surpasses Western democracy as it does not see a value in the *majority* itself; rather, it sees a value in *righteousness*, which depends on intellect and science — which outweigh the opinion of the majority. Hence, the majority should submit to the truth (righteousness).[40] This came in response to those who defamed the imamate theory, arguing it was influenced by the hereditary monarchy and Khosrow rule.

This current criticized the Shura theory adopted by the Sunnis, arguing that it includes popular participation but does not allow the rule of the people . But it is based on *Ahl al-hall wal-aqd* (those qualified to elect or depose a caliph on behalf of the Muslim community). The ruler remains in office even if he rules unjustly. Reaching power is not only based on Shura but also on overpowering and suppression. Thus, they believe that the bedrock of the political theory of imamate is close to democracy, in particular deliberative democracy. This is because the opinion of people with expertise is more favorable than that of the opinion of the majority in some matters. However, the imamate's Shura theory does not mean only deducing opinions according to the Sunni theory of Shura. It also recognizes the role of the people in government, but there is a need for a guardian who is infallible and represents the Infallible Imam.[41]

To disentangle the contradiction between the principles of democracy and the guardianship of the jurist in appointing the ruler, this current does not bring forth strong justifications except for the argument of custodianship over the masses. It believes that the imamate theory reconciles the two issues. There is a divine appointment of prophecy and imamate, yet there is an observation and assertion by the people that the imam meets the requirements of being divinely appointed.

On the other side, it holds that the Twelver Shiite school outweighs the individual approach which gives individuals the right to choose their ruler, and the intellectual approach in governance which focuses on the righteousness of decisions[42] by enabling the will of the people to choose the ruler, while taking into account intellectual criteria in this regard.

However, the counter-argument of the opponents to absolute Velayat-e Faqih confirm that Velayat-e Faqih drastically contradicts democratic theory (based on the rule of the people; multiple sources of decision-making; free elections; competitiveness; and the genuine rotation of decision-making). There is a contradiction between practice and theory in Velayat-e Faqih. Multiple indicators affirm that there is a problem experienced by the ruling system; the increasing levels of popular protests with people demanding more democracy. A huge proportion of the opposition feel marginalized and suppressed. This is in addition to killing and locking up dissidents, let

alone the fact that the idea of Velayat-e Faqih established on representing the Infallible Imam is not based on solid religious legitimacy as it is opposed by many clerics and it is merely a Kalam-centered ijtihad and a speculative jurisprudential opinion.[43]

Further, Velayat-e Faqih excluded other potential jurisprudential interpretations and arguments, if we recognize that these interpretations enjoy solid proofs — including conflicts in jurisprudential issues; the multiplicity of religious loyalties, limiting religious loyalties to issuing fatwas and collect *khoms* (religious tax on one fifth of income incumbent on all faithful Shiites), limiting Velayat-e Faqih to hisbah-focused matters, which is common according to most of views of Twelver Shiism.

Conclusion

The absolute version of Velayat-e Faqih theory, which began to take shape within Iranian thought, is a theory of continued theocracy, although it did not gain consensus from the entire Twelver Shiite community inside or outside Iran. It believes that the imams must rule, and the temporal rulers must submit to the teachings of divinely appointed imams. Then it evolved into traditional sultanic rule when the rulers of the Safavid dynasty adopted a quasi-theocratic political system since they were the protectors of the Twelver Shiite sect. In this kind of political thought, there is no place for actual popular sovereignty, popular representation or rule by the people. It is a thought influenced by Platonism and Neoplatonism, which consider the rule by the people as a form of denigration and a decline in politics, which should be of an aristocratic nature. Ruling is a divine matter taken over by the Infallible Imam or those representing him partially among the jurists since they are the guardians of Shiism or the representatives of the imam during the age of occultation. It is not part of the task of people to "interfere in the affairs of their imam and the master of the time," Naini quoted in his counterargument on this selective approach (Velayat-e Faqih) .[44]

But on the other side, given the needs of political modernity and the multiple meanings and dimensions of democracy, as it possesses concepts of several meanings and indications, Velayat-e Faqih could be given more than one meaning, or could be encapsulated into procedural measures. The suitable measures could be used to reconcile perspectives towards democracy and the conservative intellectual principles in Iranian Shiite thought such as the principle of the republic, popular sovereignty , the nation, constitutionalism, and restricting authority in line with the supreme principles enshrined in the Constitution.

Nevertheless, there are democratic principles and themes which contradict the Iranian government's philosophy such as the principle of human rights

according the Universal Declaration of Human Rights, the right to protest and demonstrate against the government, the right of the political opposition to engage in free political competition and political pluralism, which is seen by the religious establishment and the defenders of Velayat-e Faqih as contradicting with the principles of Islam according to the interpretations of Twelver Shiite thought.

When Shiite political thought developed the guardianship of the jurist theory based on the traditional theocratic heritage, it faced the problem of trying to reconcile this heritage with some constitutional principles and contemporary values of governance, such as the rule of the people, the rule of the majority, the rule of Parliament, personal and religious freedom. Advocates of Velayat-e Faqih strongly opposed these principles, mainly traditional jurists like Khomeini. However, despite the attempts of Shariati, Motahhari and some moderate and reconciling intellectuals to devise new interpretations within Twelver Shiite thought which are agreeable to democracy, they were not able to go beyond procedural issues while issues of freedom and legitimacy were not touched.

Critics of the Iranian political system believe that the Constitution entrenched cultist sectarianism and the superiority of the Jafari school over other jurisprudential schools. It also solidified despotic rule and usurped the popular will, which is exercised via free and competitive elections, through the authority of the guardian jurist who has wider powers than elected institutions. This is in addition to the fact that the Guardian Council which determines whether laws and decisions are constitutional and how far they comply with the Islamic Sharia according to the Jafari school solidifies the control of Shiite clerics over political decisions in the end.

The guardianship of the jurist, according to this perspective, which is based on the imamate doctrine, hijacks democracy and renders it void of its essential principles. Popular sovereignty within a system controlled by clerics is meaningless.

On the other hand, some would argue that the reformist attempts inside the political system by allowing some democratic practices to counter corruption — even if they failed or were restricted as was the case during the term of Mohammad Khatami — could lead in the medium and long term to a weakening of the guardian jurist. These attempts can turn Velayat-e Faqih into a symbolic authority if constitutional amendments are made, the "reformists" ascend to power, and assume the guardian jurist's office.

Endnotes

(1) In a research census, according to the WorldCat.org for libraries around the world, there are more than 179 papers on Velayat-e Faqih in Arabic between articles and books, but legal and political studies have only a modest share of 18 topics for both fields. See: Global Index Libraries Project https://www.worldcat.org

(2) Jean-Yves Calvez, "Theocracy," *International Encyclopedia of Political Science*, ed. Bertrand Badie, Dirk Berg-Schlosser, Leonardo Morlino (Thousand Oaks, Calif: SAGE Publications, 2011), 2599.

(3) * *Mutazilites* derived from Muʿtazila is a rationalist school of Islamic theology which flourished in the cities of Basra and Baghdad, from the 8th century to the 10th century.

(4) * Muawiya I is the founder and first caliph of the Umayyad Caliphate and the fifth Caliph of Islam.

(5) It is an opinion on a doctrine prevalent among many of the Shiite Twelver jurists. As Khomeini says in his book *The Islamic Government*: "One of the imperatives of our doctrine is that our imams have a place to which neither a close king nor a messenger prophet can attain" Ruhollah Khomeini, *The Islamic Government* (Beirut: Al-Alami Foundation for Publications, 1968), 52. [Arabic].

(6) Ahmad al-Katib, *The Evolution of Shiite Political Thought from Shura to Valayet-e Faqih,* (Beirut: Dar al-Jadid, 1998), 291-292 and 301-320. [Arabic].

(7) It is one of the hadiths narrated in Shiite books about Imam Al Mahdi. This narration was included in well-known Shiite books, such as the book *al-Kafi* by al-Kulayni: "Each banner is raised before the rise of Mahdi, the one under whom this banner is raised is tyrant who is worshipped other than God Almighty. See: Sheikh al-Kulayni, *Kitab Al-Kafi,* ed. Ali Akbar Al-Ghafari, 4th ed., (Tehran: Haidari Printing House, 1362 Shamsi), vol.8, 295. [Arabic].

(8) Ali Shariati, *Alawite Shi'ism and Safavid Shi'ism,* trans. Haidar Majeed, 2nd ed., al-Athar al-Kamla series 13, (Beirut: Dar Al Amir, 2007), 124-126. Wajih Kawtharani refutes, as does Shariati, those allegations that link Persian Shi'ism to the myth of Hussein bin Ali's marriage to Shahrbanu, a Sassanid princess, a daughter of Yazdegerd III, the last Sassanid emperor of Persia. In addition to the fact that Shiism spread in the Arab and Turkish Azerbaijani regions before the establishment of the Safavid state, whose founders belonged to the Turkish peoples in Iran, who were Sunni. But this came without denying the cultural influence of the political legacy in the reproduction of the sultanic regimes in the Abbasid and then Safavid and Turkish eras alike. See: Wajih Kawtharani, *al-Faqih and al-Sultan* (Jurist and Sultan): *The Dialect of Religion and Politics in Two Historical Experiences of the Ottoman and Safavid-Qajari,* 4 (Doha: The Arab Center for Research and Policy Studies, 2015),150. [Arabic].

(9) Sultan Muhammad al-Nuaimi, *Iranian Political Thought: Its Roots, Schools, and Impact, an Analytical Study in light of Persian Sources,* 2nd ed., (Abu Dhabi: Emirates Center for Strategic Studies and Research, 2010), 19-20. [Arabic].

(10) Ibid., 24.

(11) Mohammed bin Makki, al-Amili, *Theological Lessons in the Jurisprudence of the Imamate, Part Two*, (Qom: Islamic Publishing Foundation, n.d.), 47-48. [Arabic].

(12) Ali Al-Wardi, "The Safavid State and Shiism," *The Safavids, History, Conflict and Sediments* (Dubai: Al-Mesbar Center for Studies and Research, 2011), 19. [Arabic].

(13) Fouad Ibrahim, *alfkih waldoulah alfkr alsyasi alshia'I* (The Jurist and the state, Shiite political thought) (Beirut: Dar al-Kunooz al-Adabiya, 1998), 281. [Arabic].

(14) Muhammad ibn Ibrahim al-Nu'mani, *The Book of Occultation: Kitab al-Ghayba,* ed. Hussein al-Aish, (The Grand Ayatollah al-Milani Foundation for the Revival of Shiite Thought, n.d.), 113.

(15) It is a well-known hadith among Sunnis and Shiites, and it was mentioned by al-Kulayni in his book *al-Kafi*, Part 1, 34.

(16) Ahmad al-Naraki, *Awaid al-Ayyam* (Qom: Center for Islamic Research and Studies, 1996), 529-585. [Arabic].

(17) Mohammad Hussein Naini, *Tanbih alumma wa tanzih almilla* (the awakening of the community and refinement of the nations) (Cairo: The Egyptian Book House, 2012). [Arabic]

(18) Khomeini explicitly stated his position on democracy in his book *Islamic Government* where he shows the difference between the Islamic government and republican governments and the constitutional monarchy which is based on the legislation of the representatives of the people, which is

the basis of the democratic process, while the Islamic government derives its legislation from God and not from the representatives of the people, see: Rohullah Khomeini, *Islamic Government,* (Beirut: al-Aalamy Foundation for Publications, 1968), 41; Katayun Amirpur, "Iranian Islam and Democracy, the Biography of Adoption," trans. Hussain al-Muzani, *Goethe Institute for Thought and Art*, accessed December 4, 2020, http://bit.ly/31678AI. [Arabic].

(19) Khomeini, *Islamic Government*, 80.

(20) . Hashem al-Milani, "Democracy from the Greeks to the Postmodern World, Contemporary Terminology Series 5," Islamic Center for Strategic Studies, 2017, 108. [Arabic].

(21) Abu al-A'la Al-Maududi, *The Political Theory of Islam,* (Beirut: Dar al-Fikr, 1967), 31. [Arabic].

(22) They represent the current that supported the preservation of the monarchy and the so-called legitimate despot. See Sultan Muhammad al-Nuaimi, *Iranian Political Thought: Its Roots, Schools, and Impact, an Analytical Study in Light of Persian Sources,* 2nd ed. (Abu Dhabi: Emirates Center for Strategic Studies and Research, 2010), 38-39. [Arabic].

(23) * By saying modernist intellectuals of the first generation, we mean the entire community of Iranian thinkers who were influenced by liberal and leftist Western thought, such as Ahmed Khosrawi up to Shariati. The second generation is the one which participated in the Iranian revolution and emphasized the concepts of freedom and democracy, such as Sorush and Melikian.

(24) *Ahmed Khosrawi is considered one of the intellectuals affiliated with the Shah's regime in the 1940s, and he was assassinated by the Islamic Fedayeen Organization, which has a revolutionary and fundamentalist orientation, loyal to the affiliates of the seminary. This critical orientation of Shiite beliefs was met with strong resistance from the religious establishment in Iran.

(25) Farhad Khosrokhavar, "The New Intellectuals in Iran," Social Compass 51, no 2 (June 2004(: 192, https://bit.ly/3vxA6a6.

(26) See his writings on religion and religiosity, and how the dynamic religious idea turns into a rigid and resistant system to change: Ali Shariati, Religion Against Religion, Haider Majeed's translation, al-Athar al-Kamila Series 8, 2nd ed, (Beirut: Dar al-Amir, 2007 AD); Shariati, *Alawite Shiism and Safavid Shiism*.

(27) Ali Shariati, *History of Civilization,* trans. Haidar Majeed, al-Athar al-Kamila Series 27, 2nd ed., (Beirut: Dar Al-Amir, 2007 AD), 749-754. [Arabic].

(28) Khosrokhavar, "The New Intellectuals in Iran," 196.

(29) Haitham Ahmad Muzahim, "Abd al-Karim Soroush and the Conflict Between Khatmiyya and the Shiite Imamate," *Beirut News Arabia,* May 3, 2015, accessed January 11, 2021, http://bit.ly/3eY0Viv [Arabic]. See Abd al-Karim Soroush *Heritage and Secularism: Structures, Foundations, Backgrounds and Givens,* trans. Ahmad Al-Qubanji (Najaf: Dar Al-Fikr Al-Jadid, 2007), 153. [Arabic].

(30) "Constitution Rankings," *Comparative Constitutions Project* (2016), accessed March, 18, 2021, https://bit.ly/3nKie98.

(31) Two copies of the Iranian Constitution were used, the old version before the amendment, and the new version after the constitutional amendment, the Ministry of Islamic Guidance, the Constitution of the Islamic Republic of Iran (Tehran: Ministry of Islamic Guidance, 1403 AH); Ministry of Foreign Affairs, Islamic Republic of Iran, "The Iranian Constitution," accessed February 14, 2021, ar.mfa.ir.

(32) Murtaza Motahari, *Issues of the Islamic Republic* (Beirut: Dar Al-Hadi, 1981), 13. [Arabic].

(33) Ibid., 33.

(34) Ibid., 34

(35) Ghazanfar Ruknabadi, "Islam and the Political System in the Islamic Republic of Iran," (Beirut: Civilization Center for the Development of Islamic Thought, 2013), 434. [Arabic].

(36) Robert Alan Dahl, *Polyarchy: Participation and Opposition*, 26. print (New Haven: Yale Univ. Press, 1998).

(37) Mohsen Kadivar, "Velayat-e Faqih and Democracy," *Mohsen Kadivar Official Website*, October 23, 2002, accessed March 1, 2021, https://kadivar.com/3103/ [Persian].

(38) The advocates of the concept of popular sovereignty infer that it combines democracy based on popular participation, collective rule, and the governance of God through the Vali-e Faqih. Mansur Mir Ahmadi, "Religious Popular Sovereignty: Between Possibility and Conceptual Abstinence," in *Popular Religious Sovereignty: The Problem of the Concept,* trans. Ali Al-Mousawi (Beirut: Dar Al-Ma'aref

Al-Hakamiah, 2014), 45. [Arabic].

(39) Mansour Mirahmadi, "Religious Democracy in Iran: Discursive Analysis of Imam Khomeini's Political Thought," *Journal of Islamic Political Studies* 1, no. 1(1 March 2019): 22.

(40) Muhammad al-Sanad, *Dialogue on Democracy* (Beirut: Dar Al-Mahajjah Al-Bayda, 2009), 36. [Arabic].

(41) Ibid,. 46

(42) Ibid., 49

(43) Tawfiq Al-Saif, *The Theory of Authority in Shiite Jurisprudence: The Post-Valayet-e Faqih-Era,* 2nd ed., (Beirut: Arab Cultural Center, 2014), 280. [Arabic].

(44) Naini, *Tanbih alumma wa tanzih almilla,* 174.