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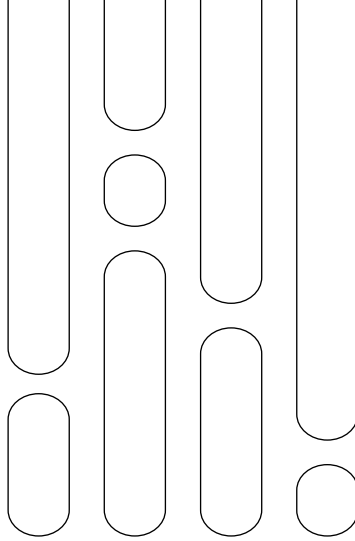
POST-KHAMENEI IRAN: THE NEXT SUPREME LEADER AND THE FUTURE OF WILAYAT AL-FAQIH

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The Iranian state is going through a crucial and decisive stage — the most critical since 1979. Iranian Supreme Leader Ali Khamenei, born in 1939, is now 84 years of age. There are certainly arrangements that have been made related to the post-Khamenei scene and there are several scenarios in relation to the supreme leader's succession. There are forecasts indicating that the Iranian revolution's second generation will replace the first one. The changes forecasted will not be limited to the Iranian government's hierarchy but will also encompass the religious, social and economic spheres.

This study aims to objectively explore post-Khamenei scenarios to better understand the Iranian intellectual and political makeup as well as the nature and future of the Iranian republic's political system.

First: The Constitutional Requirements for Selecting the Supreme Leader

There are various prerequisites in the Iranian Constitution (for choosing the Iranian supreme leader) — that are known to the Iranian political and hawza elite — for assuming the post of the *rahbar*/ supreme leader, which is a highly sensitive position. It represents the pinnacle of Iran's political system, with the supreme leader having the power to enact or repeal any decree or law, to render anything effective or ineffective and to pursue any interests he considers vital. Moreover, the post of the supreme leader is central for the wider Shiite community since they are impacted by it, whether positively or negatively. There are followers of the guardian jurist outside Iran who emulate him when it comes to political and jurisprudential matters as well as competitors and rivals.

1. The Constitution and regulating the process of choosing the supreme leader

The Iranian Constitution has regulated the process of choosing the Iranian supreme leader, clarifying the characteristics and qualifications that a guardian jurist should possess. The Iranian Constitution's Article 5 stipulates that "During the Occultation of the *Walial-'Asr* (may God hasten his reappearance), the regency and 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 respon-

sibilities of this office in accordance with Article 107.” According to this article, the regency, during the absence of the Infallible Imam, can only be vested in a jurist who is just, pious and aware of the circumstances of the age.

With regard to the qualifications that a *rahbar* should possess, Article 109 clarifies these qualifications, such as:

A. Scholarship, as required to perform the role of issuing jurisprudential rulings

B. Justice and piety, as required for the leadership of the Islamic community

C. Political and social awareness, prudence, courage, administrative know-how and adequate capabilities to lead.

In case there are multiple candidates who possess these requirements, the Constitution stipulates that “in case of multiplicity of persons fulfilling the above qualifications and conditions, the person possessing the better jurisprudential and political perspicacity will be given preference.”

2. The supreme leader’s powers and the absolute guardianship of the jurist

The Iranian Constitution grants the supreme leader absolute guardianship over all state affairs without exception. According to Article 110, the supreme leader:

- Delineates the Iranian republic’s general policies
- Assumes supreme command of the armed forces
- Declares peace and war
- Appoints and dismisses all members of the Guardian Council, the judiciary, the IRGC commander-in-chief and all senior commanders of the armed forces
- Signs the decree formalizing the election of the president
- Dismisses the president of the republic with due regard for the interests of the country.

At the religious level, the supreme leader appoints all Friday prayer leaders in all of Iran's provinces. The edict he issues is ranked as a fundamental rather than a subsidiary religious ordinance. It could even be of a higher rank. The supreme leader has the right to ban prayers, shut down mosques and suspend the observance of obligations if he deems it necessary.¹

3. The vacancy of the position and dismissing the supreme leader

Whenever the supreme leader becomes incapable of fulfilling his constitutional duties, or loses one of the qualifications mentioned in Articles 5 and 109, or it becomes known that he does not possess some of the qualifications initially; Article 111 stipulates his dismissal through the Assembly of Experts.

In the event of the death, resignation or dismissal of the supreme leader, the Assembly of Experts carries out within the shortest possible time the necessary steps to appoint the new supreme leader. Until the appointment of the new supreme leader, a council consisting of the president, the head of the judiciary, and a jurist from the Guardian Council, upon the decision of the Expediency Discernment Council, temporarily takes over all the duties of the supreme leader. In the event, during this period, any one of them is unable to fulfill his duties for whatsoever reason, another person, upon the decision of the majority of jurists in the Expediency Discernment Council is elected in his place. Whenever the supreme leader becomes temporarily unable to perform the duties of leadership owing to illness or any other factor, then during this period, the council mentioned in Article 111 assumes his duties. It is worth noting that the Expediency Discernment Council is an advisory body falling under the authority

(1) The legal ordinances are divided into three categories. The first is the primary ordinance, which is the fundamental one. The second ordinance is the secondary, and it is of a subsidiary nature. It is permissible to enforce the secondary ordinance after failing to enact or comply with the primary ordinance. The secondary ordinance is included in and subordinate to rather than being encompassing of the fundamental ordinance. As long as the primary (fundamental) ordinance is unattainable, the secondary ordinance shall come into force. The difference between the primary and secondary ordinance is that the former is eternal while the latter is ephemeral. The third ordinance, on the other hand, is the governmental ordinances that are issued by the ruler/guardian jurist to achieve a certain interest he deems necessary for the benefit of the Muslim community. It includes the issuance of laws and the state's decisions, the enactment of legal ordinances and laws on social issues. Khomeini made governmental ordinances fundamental ones: Wilayat al-Faqih and its ordinances fall within the scope of fundamental ordinances. See: Ali Hoballah, *Studies in the Philosophy of the Principles of Jurisprudence* (Beirut, Dar al-Hadi, 2005), 516.

of the *rahbar*/supreme leader. It is not independent —but has greater autonomy than the Guardian Council. Granting the council this right, rather than the Assembly of Experts, has an unambiguous signification.

Article 107 regulates the process of choosing Iran's supreme leader if the position becomes vacant in the event of his death. It stipulates that "After the demise of the eminent *marja al-taqlid* and great leader of the universal Islamic Revolution, and founder of the Islamic Republic of Iran, Grand Ayatollah Imam Khomeini — may his saintly soul be exalted —who was recognized and accepted as *marja* and Leader by a decisive majority of the people, the task of appointing the leader shall be vested with the experts elected by the people. The experts will review and consult among themselves concerning all the jurists possessing the qualifications specified in Articles 5 and 109. In the event they find one of them better versed in Islamic regulations, the subjects of the jurist or in political and social issues, or possessing general popularity or special prominence for any of the qualifications mentioned in Article 109, they shall elect him as the leader. Otherwise, in the absence of such superiority, they shall elect and declare one of them as the leader."

However, the Iranian Constitution's Article 107 before its amendments stipulated that "If a *marja* possessed a special privilege of leadership, they introduce him to the people as a leader, otherwise, they appoint three or five *marjas* from those who possess the qualities of leadership and introduce them to the people, as they are members of the leadership council."

The 1989 amendments came to repeal this collective leadership even if there was no single candidate that possessed the necessary qualifications to assume the post of supreme leader. The amendments, however, repealed the condition stipulating that the supreme leader should be a *marja*, tacitly recognizing he could lack jurisprudential credentials. But it abolished the possibility of collective leadership that could compensate for the supreme leader failing to reach the rank of a *marja*.

Second: Jurisprudential Knowledge and the Succession Crisis

Ayatollah Ruhollah Khomeini (1902-1989) did not consider jurisprudential knowledge as an essential requirement for assuming the post of the guardian jurist. Rather, he deemed it sufficient to be a “jurist, just and efficient,” according to Ayatollah Mahmoud Hashemi Shahroudi.¹ However, Shahroudi insisted that the guardianship of the jurist is not one of the necessary requirements in the Shiite sect. Thus, those rejecting it are not deemed to be unbelievers.

Khomeini’s approximation of not stipulating jurisprudential knowledge as a requirement for the post of the guardian jurist can be understood through examining the political and *hawza* context prevalent at the time. Khomeini was not at the apex of the Shiite *taqlid* clergy hierarchy at the time. He had heavyweight rivals such as Ayatollah Shariatmadari, Ayatollah Mar’ashi Najafi and Ayatollah Golpaygani. Khomeini was behind all these heavyweights. Thus, it appears that he wanted to make the process (of becoming supreme leader) easier by not stipulating jurisprudential knowledge as a requirement that a candidate for the post of supreme leader should possess. When Khomeini assumed the position of supreme leader, he based his legitimacy on the massive popular support during the Iranian revolution, its momentum and the plebiscite held to make Iran an “Islamic state.” Although there were senior Shiite clerics at the time who had more merit to sit at the top of the Shiite hierarchy such as Ayatollah Shariatmadari, Ayatollah Mar’ashi Najafi and Ayatollah Golpaygani, they were less active and charismatic than Khomeini. He was also closer to the masses than all other clerics. Therefore, differences broke out between Khomeini and the mentioned clerics, leading in the end to placing Shariatmadari under house arrest until his death. Other rival clerics were also curbed.

However, jurisprudential knowledge remains a central factor in the process of choosing the country’s leader, according to the Iranian Constitution as well as the long-established Shiite and *hawza* traditions. Jurisprudential knowledge is a fundamentalist theory which the fundamentalists (the jurists specializing in *usul al-fiqh* — the principles of Islamic jurisprudence) discuss in the chapters on *ijtihad* and *taqlid*. Jurisprudential knowledge was also cited in the chapters dis-

(1) The website of Ayatollah Shahroudi, Wilayat al-Faqih referendums: <https://bit.ly/42BcnXY>

cussing *ijma* (consensus) and *qiyas* (analogy). Though Sunni fundamentalists also discuss the issue of jurisprudential knowledge, they render it permissible for the laity to emulate a scholar while there is another jurist with deeper and higher knowledge. They also say that *ijtihad* (independent legal reasoning) on subsidiary issues falls into the category of conjectural matters, meaning that there are several aspects of truth. They do not insist that there is only a single aspect of the truth but rather they hold that there are multiple aspects of the truth, thus opening the door for different interpretations as long as they do not contradict any well-established or definitive ordinances. They legitimize jurisprudential pluralism and the acceptance of opposing views, acknowledging that the legal ordinances on subsidiary issues do not reflect the exact will of God on a particular issue as long as there are multiple facets of the truth.¹

Regarding Shiite jurisprudence, the fundamentalists believe that jurisprudential knowledge is a necessary condition for a marja to meet, especially as he will take over the mission of *ijtihad* and issuing legal edicts (*fatwa*). They render it obligatory for the masses to emulate the cleric with the highest level of jurisprudential knowledge. As a result of this knowledge, he is known among the people and other jurists attest to his jurisprudential knowledge. Knowledge is not limited to jurisprudence. The Iranian Constitution broadens the criteria, stipulating that the supreme leader should be fully aware of the circumstances and clearly understand them. Jurisprudential knowledge was not confined to jurisprudence, but rather the Iranian Constitution expanded it to include knowledge of reality and competence in understanding it. Although it did not stipulate jurisprudential knowledge in understanding this reality, Article 109 stipulates correct political vision, social and administrative competence, courage and sufficient ability to lead. It appears that the Iranian Constitution was intended to go beyond the technical and jurisprudential definition of jurisprudential knowledge, broadening its scope to include full awareness of circumstances and political and administrative efficacy. This broadening of the definition was meant to prevent the traditionalist jurists

(1) See: Abu Bakr al-Baqillani, part of *al-Taqrīb wal Irshād*, vindicated by Adnan al-Abyat (Kuwait, Asfar for publishing this valuable book, 2022), 397. Al-Jwaini, *Talkhis Fi Usul al-Fiqh*, (Beirut, Dar al-Bashair al-Islamiyyah – Beirut, 1996), 3, 466. al-Ghazali, *Al-Mustasfa, On Legal Theory of Muslim Jurisprudence* (Beirut, Al-Resala Foundation, 2015, 2/405).

(who are more likely to be aware of certain partial aspects of jurisprudence than others) from competing for the supreme leader post.

1. The post-Khomeini experience and bypassing jurisprudential knowledge

After Khomeini's death, the current Supreme Leader Khamenei was not the jurist with the most extensive jurisprudential knowledge among the Shiite clerics. He had the clerical rank of *hojatoleslam*. But this requirement (lacking *ijtihad* status) was bypassed via two parallel measures:

First, the Iranian Constitution was amended, with the jurisprudential knowledge requirement revoked. In the first version of the Constitution, Article 109 stipulated that "the leader or the members of the leadership assembly should possess the required jurisprudential capacity and piety for issuing legal edicts and acting as *marjas*." In the amended Constitution, Article 109 provided for the qualifications and requirements a leader should possess "The required jurisprudential capacity in different areas of jurisprudence to issue edicts." In the amended article, the wording "members of the leadership assembly" was omitted, keeping only the reference to the supreme leader. The requirement of *marja* was revoked, keeping unchanged the provision of "jurisprudential efficacy."

This amendment was central and essential in the history of modern Iran. Though it appeared as a flexible amendment to ease the leadership criteria, in its essence and very depth, it was a measure aimed to entrench dictatorship, according to Ayatollah Hossein Montazeri, who viewed this amendment as going against the Constitution and Islamic law.¹ From a legal point of view, Montazeri held the view that the supreme leader should meet the requirement of possessing the most extensive jurisprudential knowledge and Khamenei at the time was not qualified for the post. We also notice that the provision stipulating "collective leadership" when a single person does not fully possess the leadership qualifications was removed from the old Constitution, thus concentrating leadership in the new Constitution in

(1) See: Saeed Montazeri: *Self-Criticism*, translated by Fatima al-Sammadi, revised by Sadiq al-Abbadi (Beirut, The Arab Center for Research and Policy Studies, 2019), 128-129.

the hands of a single person, without having to install a collective leadership as in the past.

Second, Khamenei's jurisprudential qualifications, and promoting his acceptance via state apparatuses and organs (coerced emulation): whoever did not emulate Khamenei was forced in one way or another to emulate him. Those who did not voluntarily emulate Khamenei were either excluded from or faced restrictions within state apparatuses. Sometimes Khamenei's supporters resorted to violence toward dissenting marjas as was the case with Ayatollah Montazeri, whose office was attacked, pelted with stones and smashed, with his students facing insults.¹ This could be called "the process of making a marja." Khamenei's appointment was official rather than popular, with the theories related to selecting the marja or the popularity of his *ijtihad* or the endorsement of other jurists regarding him possessing the most extensive knowledge, playing no role in establishing his marja status. There is no doubt that Khamenei's appointment reflected a significant shift and an infringement on the historical independence of the hawza.

2. The making of the marja

Khomeini (1902-1989) was not the number one marja in Qom when the Iranian revolution triumphed in 1979. There were other powerful marjas such as Ayatollah Shariatmadari (1906-1986), Ayatollah Golpaygani (1899-1993) and Ayatollah Mar'ashi Najafi (1897-1991). But Khomeini's revolutionary charisma, his effectiveness in the public sphere and eventual takeover of the country's leadership contributed to him becoming the undisputed religious and political leader. Ayatollah Shariatmadari was the highest religious authority in Iran and was in charge of running the hawza along with Mar'ashi Najafi and Golpaygani. However, unlike the other two clerics, Shariatmadari was actively involved in politics and one of the advocates of civilian and constitutional rule. As a result, the ruling elite rushed to intervene, placing him under house arrest, arrested some of his students and raided his office, thereby clearing the way for Khomeini to be the country's sole political and religious marja. The same applied to marja Mohammad al-Shirazi (1928-2001) and several other heavyweight clerics.

(1) Ibid, 139, 140, `150.

To better understand the matter, when Khamenei succeeded Khomeini as the country's supreme leader, he was still short of reaching the required level of *marja* and *ijtihad*. But *hojatoleslam* Hashemi Rafsanjani (1934-2017) — the country's most powerful politician at the time — saw that choosing Khamenei to be the supreme leader would rid Iran of the danger posed by the deposed powerful deputy supreme leader Ayatollah Montazeri, who was ousted shortly before Khomeini's death and this ended his era. Yet this camp also believed that helping Khamenei take power would preserve their interests. Perhaps Rafsanjani believed that it would be easier for him to rule the country from behind the scenes given that he would have helped Khamenei become the country's leader and Rafsanjani had a powerful political personality. He believed that he could “softly share power” with Khamenei. He entered presidential office following the 1989 constitutional amendments while Khamenei became the country's supreme leader. This reading of Khamenei's appointment is not from outside the Shiite community. Shiite thinkers hold the same reading. For example, Hani Fahs (1946-2014) spoke of Khamenei lacking the qualifications for the supreme leader position at the time. He said, “That time's Khamenei was different from today's Khamenei. He possessed extensive knowledge and was acquainted with the world's cultural production, with the cultural dimension having a higher priority than the jurisprudential one. His jurisprudential *ijtihad* (ability to exercise *ijtihad*) or his eligibility to assume the jurisprudential guardianship wasn't fully recognized and acknowledged. His qualifications were wholly based on a narrative related by the late Hashemi Rafsanjani. He reported that Khomeini said that Khamenei is eligible for leadership. However, some continued to question his qualifications in terms of exercising *ijtihad*.”¹

Therefore, in order to proclaim Khamenei a *marja*, the Constitution's provisions were changed in the 1989 amendments. At the time, some senior Shiite clerics were still alive such as Ayatollah Golpaygani, Ayatollah Araki and Ayatollah Montazeri himself, who was Khamenei's teacher before the revolution. These clerics attempted to make the country's leadership collective, sending letters to Khamenei in which they called on him to consult with the grand ayatollahs on important

(1) See: Muhammad Al-Sayyad, “The Jurisprudential Knowledge Theory in Shiite Thought and the Crisis of Choosing the Guardian Jurist,” July 18, 2018, accessed April 03, 2023 <https://bit.ly/4oTYbHJ>

issues.¹ The Iranian government continued to seek help from Ayatollah Golpaygani, given that he was the eldest marja, until his death in 1993. Araki died a year later, thus no senior marjas were left who could pose a threat to the Iranian political system. Ayatollah Azari Qomi, also a senior marja, was placed under house arrest until his death in 1999.² Furthermore, Khamenei remained unqualified for the supreme leader position even after the constitutional amendments, according to Montazeri. This is because Article 109 of the amended Constitution stipulates that a jurist shall possess the jurisprudential qualification for issuing fatwas in various aspects of jurisprudence. According to Montazeri, Khamenei lacked this requirement.³

After Khomeini's demise, leaders of the Iranian republic were presented with two options: appoint a cleric affiliated with them — who lacked the traditional qualifications — as a marja, or allow a person from outside their community to fill the post. The second option posed a danger to the ruling elite that embraced the theory of Wilayat al-Faqih. Therefore, the ruling elite did not move ahead with the second option, instead they relied on the element of time. The latter alone was sufficient to vacate the Iranian landscape, with most senior clerics passing away, hence gradually paving the way for Khamenei's acceptance as a marja and the next Iranian supreme leader (to assume religious and political leadership). After the death of Golpaygani 1993, the ruling elite threw its weight behind Ayatollah Mohammad Ali al-Araki (1894-1994), an aging cleric at the time. He was easy to control given his old age and was affiliated with the political system. Araki died in 1994, one year after the death of Golpaygani. Since then, the ruling elite thought it was the best time to elevate Khamenei to the position of supreme marja, thus uniting the religious establishment with the political authority. On December 12, 1994, the Society of Seminary Teachers of Qom issued a statement in which it listed the names of jurists who met the requirements of becoming the supreme marja, a list that included Khamenei. In parallel, the government intervened via its security apparatus in the process. By 1995, applicants for government jobs were always asked which marja they preferred.

(1) Saeed Montazeri, op. cit., 130.

(2)–Linda S. Walbridge, *The Most Knowledgeable Among the Shi'a*, (Beirut: Academic Research Center, 2017, 400-401.

(3) *Self-Criticism*, 129.

Without a doubt, their immediate answer was Khamenei. According to Linda S. Walbridge, the government has its own methods when it comes to punishing those who insist on emulating a cleric who does not enjoy the government's support and blessing. This answers the jurisprudential and philosophical question about who chooses the guardian jurist. A low-ranking mullah succinctly termed it as "the Kalashnikov,"¹ meaning that it is brute force that determines who becomes the supreme leader. Whoever wields force has the ability to impose his reading.

Third: Iranian Institutions Having an Important Role in Choosing the Supreme Leader

Several Iranian institutions play an important role in Iran's religious and political landscape. They will play a part in selecting the next supreme leader, even though their role is not explicitly stated in the Constitution, which, on the contrary, clearly states the role of the Assembly of Experts.

However, the reality appears more complicated. There are security, intelligence and military institutions which are important and vital and possess the levers to change the scene at home in case there is chaos that could spiral out of control. They possess dossiers and documents related to the state's national security. There are other institutions that are no less important than the Assembly of Experts such as the Guardian Council and the Expediency Discernment Council. Still, we should consider that there is competition among these institutions and another form of competition involving actors from the hawza, political circles and the army. There are alliances between certain currents and individuals within these institutions, despite this, they act in a fragmented rather than in a unified manner. There are divergent positions and visions between the elements that compose the state institutions and structure. The absence of the supreme leader could trigger differences; there are divergences within the "conservative" movement itself in terms of interests and ideals. One camp traces its roots back to the school of Murtaza Motahari while another camp belongs to the school of Misbah Yazdi and others. Each of them has a special reading of Khomeini's ideology to support their respec-

(1) "Olivier Roy in the Streets of Tehran... Pictures From the Mundane World," *Al-Quds Al-Arabi*, July 09, 2021, accessed April 04, 2023, <https://bit.ly/3lWCzMF>

tive readings. The important role of Iranian institutions will be discussed as follows:

1. The Assembly of Experts

This assembly, according to the Iranian Constitution, is tasked with appointing or dismissing the *rahbar*/supreme leader. The assembly previously dismissed Ayatollah Montazeri from his position as the deputy of Imam Khomeini, appointing Ayatollah Ali Khamenei instead. Yet after the death of Khomeini, the assembly elected Khamenei as the country's supreme leader. This assembly consists of 88 jurists elected by the people. The candidacy of assembly members must be approved by the Guardian Council.

The members of the assembly consult among themselves regarding the jurists who meet the requirements (for becoming Iran's supreme leader). If the qualifications and requirements of several candidates are at par, the one possessing the deepest political and jurisprudential vision is chosen (Article 109).¹ The assembly's current head is Ahmad Jannati.

Despite appearing to be independent from all the branches of power in Iran, the supreme leader always interferes in the work of the assembly. In remarks about the Assembly of Experts in its fifth term, the supreme leader said, "The Assembly of Experts should remain revolutionary in terms of its essence, thought and action. Sticking to those three aspects fall within the essential criteria that the assembly should implement when choosing the next leader of the country. It's necessary to choose a pious leader, take into account the country's needs and pursue the truth. Bias and personal interests should be avoided when choosing the future supreme leader. And if this obligation is not observed, surely problems will arise with regard to the functioning of the regime and the whole country."²

The Assembly of Experts' members only run in the election after the Guardian Council's approval. This means they are not independent

(1) "A Reading of the Iranian Constitution," *Al-Sharq Al-Awsat*, *ibid*.

(2) "The Assembly of Experts Must Remain Revolutionary/Comparing the Virtuous Behavior of Non-voters in the Recent Elections With the Virtuous Behavior of the 2009 Sedition Instigators / The Absence of Misbah Yazdi and the Loss of the Assembly of Experts Increases," March 10, 2016, accessed May 28, 2023.
<https://cutt.us/1voHX>

and are directly answerable to the supreme leader. Ayatollah Montazeri highlighted this, “Investing the vetting of the Assembly of Experts’ members seeking to run in the elections with the Guardian Council, whose members are appointed by the supreme leader himself, makes it true that the supreme leader’s appointment to and remaining in his office is carried out by an entity picked by him. This is an invalid role that calls into question the leader’s legitimacy.”¹

2. The Guardian Council

The Guardian Council was established in order to ensure the implementation of the Islamic ordinances and the Constitution (Article 91). The council ensures that the decisions taken by the Islamic Consultative Assembly comply with Islam. It consists of 12 members. According to the Constitution, the supreme leader chooses six just jurists who are aware of the circumstances of the age as well as six other Muslim experts on all branches of law. They are nominated by the head of the judiciary and elected by the Islamic Consultative Assembly (Article 91). The function of the Guardian Council (vested with monitoring laws) is to interpret the Constitution and ensure that the laws approved by the Parliament comply with the Constitution as well as the ordinances of Islamic law. The council also oversees the elections of the Assembly of Experts, the president of the republic, members of the Islamic Consultative Assembly as well as general referendums (Article 99).

Given the roles played by this council, it could be viewed as a body parallel to the Islamic Consultative Assembly or an organization which oversees its work. Moreover, the Guardian Council could bypass the role of the legislature by wresting control over the political determinants through preventing certain politicians or movements from running in elections, rejecting candidacy bids, vetting lists of presidential or parliamentary candidates and issuing laws and recommendations that serve specific personalities or factions. The Iranian Constitution stipulates that the Islamic Consultative Assembly does not hold any legal status if there is no Guardian Council in existence, except for the purpose of approving the credentials of its members and the election of the six jurists on the Guardian Council (Arti-

(1) *Self-Criticism*, 131.

cle 93). The head of the Guardian Council Ahmad Jannati¹ also chairs the Assembly of Experts. Perhaps this is an indication of how these powerful institutions are manipulated to strip them of their constitutional effectiveness. Thus, these institutions are deprived of independence, which is reflected in their inability to directly influence the naming or impose a candidate for the post of supreme leader. Second, these institutions are domesticated, meaning that their choices are approved by the supreme leader and stakeholders. As a result, their constitutional role is rendered ineffective. Overall, though the Guardian Council does not directly intervene in the process of choosing the supreme leader, it indirectly contributes to the process given that it is the body vested with determining whether the Assembly of Experts election candidates are eligible or not. The assembly chooses or dismisses the supreme leader from his position.

3. The Islamic Revolutionary Guard Corps (IRGC)

Many experts agree that the IRGC will play a critical role in shaping the post-Khamenei landscape, with some even believing that it will have the final say over Khamenei's succession. Though we believe that the IRGC is one of the major actors, if not one of the most important among them, it is not the only main actor for several reasons. The primary reason for this is the position of the IRGC and the army within the structure of the current Iranian political system (the post-1979 power structure). The IRGC and army personnel are adherents of the ruling establishment's ideology and indoctrination, believing in Wilayat al-Faqih and displaying unwavering loyalty to the ruling elite. The aim of establishing the IRGC from the very beginning was to protect the revolution and defend the political system led by the clerics. IRGC affiliates continue to be chosen from among elements that show deep loyalty to Wilayat al-Faqih, the ruling elite and the Iranian republic. Thus, it is not appropriate to compare the IRGC with other security apparatuses outside Iran or in pre-revolution Iran.²

As a result, the IRGC's effectiveness cannot be judged according to the experiences of other armies in the region such as in Pakistan,

(1) "Reading of the Iranian Constitution (2-3)," *Al-Sharq Al-Awsat*, January 10, 2016, accessed date March 19, 2023, <https://bit.ly/3ToIqpO>

(2) See: Muhammad Al-Sayyad, "Ideology of the Revolutionary Guards: Roles, Orientations, and Transformations of the Doctrinal Structure," *Journal of Iranian Studies*, Third Year, Issue 10, October 2019, Riyadh, 29, 48.

Syria, Algeria, Egypt and Sudan. In these and other countries, armies have been controlling the political landscape over the past five decades, running the country in the political, social, economic and social spheres. In Iran, power has rested in the hands of the clerics since 1979. They appoint and dismiss the commanders of the IRGC and the army's different branches. These institutions were established to ensure that they do not act as a single bloc and do not take orders from the defense minister or commander-in-chief. Instead, they are scattered bodies, answering directly to the supreme leader. There are sensitivities and palpable competition among these institutions. Therefore, any act by one is countered by the other, thus leading to a military collision. Thus, the balance of deterrence has been deliberate since the very beginning for any military coup not to be staged against the post-1979 revolution political system. The Iranian supreme leader totally controls the security apparatuses, appointing and dismissing their chiefs. Yet there are representatives of the supreme leader in all the branches of the state institutions and apparatuses, running their affairs and conveying all that is happening to the supreme leader.¹

The military commanders are keen to please the religious community to secure any promotions or privileges. Thus, the military commanders have been deprived of the ability to carve out their own personal ambitions and were chosen on the basis of "trust" rather than merit; this means that loyalty to the clergy is given precedence over competence. The interests of the military elite are linked to the political system's existence and continuation. Iran had before experienced military coups and therefore the religious elite has deep concerns about security apparatuses playing a central role in the political system.

On the other side, however, this does not negate the role that some IRGC commanders who are close to the ruling elite could play in choosing the next supreme leader — through counsel, consultation and giving opinions in favor of a certain cleric. Yet, some powerful clerics could seek help from the IRGC to tip the scale in favor of a specific candidate over the other or an institution over the other. They could also make opposing factions and groups clash with each other. According to the Constitution's Article 150, the IRGC, organized in

(1) See: "Reading of the Iranian Constitution (1-3)," *Asharq Al-Awsat*, January 09, 2016, accessed March 19, 2023, <https://bit.ly/40kj5zo>

the early days of the triumph of the revolution, must be maintained so that it may continue in its role of guarding the revolution and its achievements. Its scope of duties, and its areas of responsibility, in relation to the duties and areas of responsibility of the other armed forces, are to be determined by law, with emphasis on brotherly cooperation and harmony among them. Thus, the IRGC's foremost mission is to protect the revolution and the ruling elite. Accordingly, this could allow more flexibility for the IRGC to intervene under the pretext of protecting the revolution and its gains or at least throwing its weight behind a specific candidate over another.

At the same time, deterring the IRGC from seizing power usually occurs under ordinary circumstances and times. However, if an overwhelming rebellion or chaos unfolds that gets out of control and poses a threat to Iran's national security, the IRGC could play a decisive role in choosing the supreme leader or even holding the country together. This is because hardcore forces are usually the only coherent formations at times of chaos and revolution. In such circumstances, neither the Constitution nor the rules of choosing the supreme leader would be observed given the threats posed to the Iranian state.

4. The Presidency

The Iranian Constitution stipulates that the president of the republic represents “the highest official authority in the country behind the supreme leader’s position and that he is charged with enacting the Constitution and heads the executive authority — excepting the areas that are directly related to leadership” (Article 113). He is “responsible before the supreme leader, the people and the Islamic Consultative Assembly” (Article 122). The president of the republic as well as the minister “shall exercise the responsibilities of the executive authority, excepting the powers that directly rest with the supreme leader” (Article 60). However, the reality shows that the president of the republic has his hands tied, with no real power to execute his policies and vision. All the effective state institutions are answerable to the supreme leader. The president of the republic has no real authority over the Parliament, the judiciary, the Assembly of Experts, the Guardian Council or the Expediency Discernment Council, all of which are effective and powerful state institutions and are directly or indirectly answerable to the supreme leader. Moreover, some of the

ministers, who are apparently under the authority of the president of the republic, are in reality answerable to the supreme leader and act upon his orders and proceed in accordance with his directives. The army and IRGC commanders are directly appointed by the supreme leader while the foreign and interior minister are only appointed after parliamentary approval, whose members are elected after an indirect approval by the supreme leader through a process of vetting by the Guardian Council. Afterwards, pieces of legislation issued by lawmakers are regulated by the Expediency Discernment Council.

What is more, the president of the republic is only appointed after the supreme leader's approval even though he is elected by the masses. Even if after he is appointed, he could be dismissed after the leadership's green light. The Iranian Constitution's Article 90 stipulates that "after hearing the statements of the opposing and favoring members and the reply of the President, two thirds of the members of the Assembly declare a vote of no confidence, the same will be communicated to the Leadership for information and implementation of Section (10) of Article 110 of the Constitution." Yet, the Iranian Constitution's Article 130 states that "The President shall submit his resignation to the Leader and shall continue performing his duties until his resignation is not accepted." According to Article 131, "In case of death, dismissal, resignation, absence, or illness lasting longer than two months of the President, or when his term in office has ended and a new president has not been elected due to some impediments, or similar other circumstances, his first deputy shall assume, with the approval of the Leader, the powers and functions of the President."

Therefore, though the president of the republic does not play a direct role in selecting the supreme leader's successor, he himself could be one of the possible candidates to take over the position, especially if he meets the requirements set out in the Constitution. This is due to the position of the president of the republic within the Iranian political system. This has already happened when Ali Khamenei, who was a president of the republic, took over the post of the supreme leader in 1989, becoming the country's new supreme leader in place of Khomeini. This scenario could be repeated in the future with the current Iranian President Ebrahim Raisi.

1. The Expediency Discernment Council

This council was established as an advisory body on February 6, 1988. Among its mission is to adjudicate the disputes between the Islamic Consultative Assembly and the Guardian Council, with its decision binding following the supreme leader's approval. The council provides counsel to the supreme leader on the state's general policies, particularly when problems arise. The council consists of 31 members who represent the state's various institutions. The supreme leader appoints the council's permanent and changing members except the heads of the three branches of power who automatically join the council following the new amendment related to the council's law.¹

The council includes a wide spectrum of personalities, including politicians, clerics, public figures and military officers, including the heads of the three branches. The council is also comprised of the Guardian Council's jurists, the armed forces' chief of staff, and the secretary of the Supreme National Security Council, the minister or head of the institution dedicated to disputes, and the head of the parliamentary committee concerned with this matter.²

The status of the Expediency Discernment Council has been enshrined in the Constitution. According to Article 112 of the Constitution, "upon the order of the Leader, the Expediency Discernment Council shall meet at any time the

Guardian Council judges a proposed bill of the Islamic Consultative Assembly to be against the principles of Sharia or the Constitution, and the Assembly is unable to meet the expectations of the Guardian Council. Also, the Council shall meet for consideration on any issue forwarded to it by the Leader and shall carry out any other responsibility as mentioned in this Constitution. The permanent and changeable members of the Council shall be appointed by the Leader. The rules for the Council shall be formulated and approved by the Council members subject to the confirmation by the Leader."³ Thus, the council is under the authority of the supreme leader and is not independent; the supreme leader appoints the council's members. However,

(1) "Expediency Discernment Council," *Al-Jazeera.net*, April 20, 2015, accessed May 07, 2023, <https://bit.ly/3MOnALc>

(2) *Al-Jazeera.net*, for these reasons Ahmadinejad stayed and excluded Rouhani from the formation of the Expediency Discernment Council in Iran, September 22, 2022 (access date: May 07, 2023), <https://bit.ly/3NLGSp9>

(3) "Reading of the Iranian Constitution," *Al-Sharq al-Awsat*, *ibid*.

the council has its own authority and final say over the differences that arise between the Islamic Consultative Assembly and the Guardian Council.

The Expediency Discernment Council has other powers set out in the Constitution's Article 111. They have been previously referred to in the paragraph related to the constitutional requirements for choosing the supreme leader.

The council is the entity charged with discerning the general interest of the ruling elite. Therefore, it could play a decisive role in choosing the supreme leader, especially as it includes the ruling establishment's most influential and important figures, including the president of the republic, the Parliament speaker, the head of the judiciary, the Guardian Council jurists, the armed forces chief of staff and the Supreme National Security Council secretary.

Fourth: Post Khamenei Scenarios

There are several scenarios and potential outcomes regarding the phase that follows the tenure of Iran's current Supreme Leader Ali Khamenei. These are summarized as follows:

1. A peaceful and smooth power transfer

This scenario assumes that there will be a smooth transfer of power in which a new supreme leader is announced. According to this scenario, the Assembly of Experts rushes to hold an emergency meeting and chooses a successor to Khamenei — amid complete silence by the Iranian street and with the country's powerful institutions supporting it. This scenario depends on the assumption that there will be no extraordinary events that would result in avoiding compliance with the Constitution. This presupposes that the normal situation remains unchanged and that the Constitution would be implemented when seeking to appoint a new supreme leader for any reason whatsoever.

2. The supreme leader designating a successor (Khamenei's Will)

This assumes the current Supreme Leader Ali Khamenei has already designated his successor. In this case, the Assembly of Experts convenes a meeting to declare the new supreme leader. However, this scenario faces some challenges. For example, the mood of the pow-

erful institutions within the Iranian establishment such as the IRGC could shift, resulting in this institution imposing a certain candidate. Yet the Assembly of Experts could believe that it should exercise its constitutional responsibilities with regard to choosing the new supreme leader without taking into account the will of Khamenei or bowing to the pressures of the IRGC. In general, however, if the course of events proceeds normally, this scenario is close to the first scenario (the peaceful, smooth transfer of power). The difference is that the first scenario assumes that the Constitution would be adhered to, with the election of the supreme leader occurring following real discussions and debates among those possessing the necessary political and religious qualifications for assuming the position. Moreover, this scenario assumes a peaceful and smooth power transfer as well as discussion and debate. But these would be sham discussions and deliberations to just adhere to the supreme leader's choice.

3. Military coup

The post-Khamenei scenario (in case of inability to perform duties, death, resignation or dismissal),¹ could see millions of Iranians taking to the street to demand an end to Wilayat al-Faqih and replace it with a new political system. This is against the backdrop of popular anger at the ruling elite's policies, which has been expressed in the form of regular protests that have rocked Iran in recent times, with Iranians having an adamant desire to bring down the political system. If this scenario comes to pass, and the IRGC is certain that the system is on the verge of collapsing, it could stage a military coup through which it ascends to power. Former Minister of Defense and Khamenei's adviser for defense industries Hossein Dehghan hinted that the army officers in Iran could stage a military coup if the system collapses. Despite this possibility, he claimed that Iran would not experience a collapse that would prompt an intervention by the military establishment.² However, even though Dehghan put a disclaimer, his remarks point to the possibility of staging a coup in case the Iranian political system faces the specter of collapse.

(1) See: Article 111 of the Constitution.

(2) "Khamenei's Military Advisor: If There Is a Split, the Military Will Stage a Coup," *Melli Iran*, March 25, 2019, accessed May 29, 2023, <https://cutt.us/Oh02j>

If we assume that the IRGC would stage a military coup to seize power, it would not have any political or intellectual ideology on which it could depend on except the religious ideals, which it has been infused with since the victory of the Iranian revolution in 1979. But in case this scenario materializes in which the Islamic republic is transformed into a traditional military dictatorship like the other military regimes, this would mean setting aside the religious values and principles, thus losing popular support, the backing of the religious establishment and the supporters of Wilayat al-Faqih. The structure of this new dictatorial set-up would pit it against all segments of Iranian society. Additionally, the IRGC could engage in a dispute with the Iranian army, which would reject its exclusive control over power. The legitimacy of military generals is dependent on the use of force without the need for popular support.

4. The position becoming vacant for a period of time

There is another possibility that cannot be overlooked. The supreme leader's position becoming vacant for a period of time, either due to the outbreak of potential differences between the Assembly of Experts and the IRGC and the failure to reach an agreement or the outbreak of differences within the Assembly of Experts itself on the issue of handing over the position to Mujtaba Khamenei. Until all parties arrive at a consensual formula on the position of the supreme leader, the powers of the supreme leader would be executed through a Shoura Council consisting of a number of jurists according to Article 111 of the Constitution.

Though the second, third and fourth scenarios are not unlikely, the first scenario remains likelier for several reasons, primarily the convergence of interests of the powerful institutions within the Iranian political system. They are aware that any threat could impact the interests of all factions, thus creating an alternative for the 1979 system in its entirety. In addition, there is a significant consensus among the "conservatives" to maintain the "fundamentalist-conservative" ideology in order to sustain the revolutionary line, the ideology's centrality and maintain the ideological essence of the system, institutions and approximations. This would surely happen if there are no events—other than the rationally possible scenarios—that could change the entire course of events.

Fifth: Khamenei's Successors and Their Backgrounds

There is no doubt that the end of Khamenei's era would mean an end to the rule of a powerful Iranian supreme leader among the generation of the republic's founders who contributed to sustaining the Iranian political system. These revolutionary figures had their particular philosophies, a specific vision, a well-defined reading of religion, a vision regarding foreign relations and an integrated political theory. There are also no leading religious personalities who possess the charisma and political appeal as the first two supreme leaders. In addition, there is no religious personality who is a consensual candidate among Iran's institutions.

Therefore, the candidates floated as potential successors to the current supreme leader will not enjoy the power and ability to fully control the religious, political and military elites — at least in the early stages of their tenures.

Over the past period, some studies and reports shedding light on potential candidates or figures qualified to take over the supreme leader's position after Khamenei have emerged. Some of them have died while others remain alive.

1. Ebrahim Raisi (1960 — present)

He is the current president of the republic and is considered among the major candidates to succeed Khamenei. Though he is not at the rank of a mujtahid, Iranian media outlets affiliated with the “conservatives” have been calling him ayatollah since he was appointed as head of the judiciary. Other voices justify using this title by arguing that he completed his clerical studies in Tehran. In addition, there is a dividing line between a mujtahid who obtains this rank due to his work in the judiciary and a mujtahid who attains his rank through the hawza. Raisi was the head of the judiciary and a member of the Assembly of Experts. It is axiomatic —according to those people defending Raisi's elevation to ayatollah — that he is described as a mujtahid even though he has not exercised ijtihad in the hawza, especially given that the Guardian Council recognized him as a mujtahid in 2006 and endorsed him for the Assembly of Experts elections.¹

(1) “Report: Becoming Ayatollah Overnight and Waiting for the Next Title,” *Iran Wire*, June 23, 2021, accessed March 23, 2023, <https://bit.ly/409r2rE>

This justification is biased according to Shiite principles and jurisprudence because Raisi should not have become a judge or headed the judiciary until he reached the rank of *ijtihad*. This has not happened in the case of Raisi, and is impossible to occur now.¹

There is a strong relationship between Raisi and the IRGC. When he was head of the judiciary, he launched an iron-fist crackdown on labor activists and trade unionists. It is also said that he adopted a hard line against the system's foes and opponents with the aim of presenting himself to the supreme leader and the IRGC as the best candidate to serve as the savior in the next phase. Raisi wanted to prove to the ruling elite that he is following in the footsteps of the Iranian revolution's founding fathers and has never deviated from their line. He also wanted to send a clear message to the system's dissidents at home and abroad: there is no alternative to the status quo, and the system is capable of totally running and controlling the state and that they are in a fragile position and cannot be relied on as alternatives to the system.² Raisi is a "conservative," belonging to the school of *Misbah Yazdi* (1935-2021), who was a radical cleric supportive of *Wilayat al-Faqih*. Thus, he is an acceptable candidate to the "conservative" jurists and institutions. The importance of electing Raisi, a "hardliner" who adheres to the principles laid out by Ayatollah Khomeini in 1979, to the presidency lies in the fact that it comes as part of Khamenei's efforts to preserve the revolutionary atmosphere within the Iranian political system. Therefore, in case a sudden vacuum occurs in the supreme leader's position, the conditions would be created for him to succeed Khamenei, repeating the succession process of 1989 when Khamenei — who was Iran's president at the time — swiftly succeeded Khomeini as the country's supreme leader after the latter's demise. In case Raisi becomes the country's supreme leader, it is likely that the hardline approach to domestic and foreign policy issues would remain unchanged, considering it a continuation of the revolutionary trajectory and the Khomeinist religious reading.

(1) Logically, the role here is the dependence of one's existence on what its existence depends on, such as A dependent on B, and B dependent on A.

(2) See: "Raisi; 'Iron Fist Policy' and Efforts to Get Closer to the Leadership Seat," *Radio Farda*, September 8, 2019 accessed April 4, 2023, <https://bit.ly/2m678Qc>

2. Mujtaba Khamenei and the potential hereditary succession

Yet, among the major candidates to succeed Khamenei is his son Mujtaba (1969—present). The scenario of hereditary succession coming to pass has increasingly been raised recently after it was next-to-impossible in the early days of the revolution. However, Khamenei's longevity in office has created the conditions for extending the influence of his son Mujtaba and creating a network of intermingled and strong relations with the security services and the powerful apparatuses in the country. At the same time, he presents himself as a politically and religiously qualified jurist, backed by his father's massive clout. He studied at the feet of Misbah Yazdi (1935-2021), who was one of the most prominent hardline clerics in Iran. However, what is striking is that Mujtaba has not reached the rank of ayatollah. He works in several secret agencies and runs the office of the supreme leader, which has significantly expanded. By the time Khomeini died, the office barely included 80 employees. But now it has a 4,000-strong workforce. Due to the strong relationship that binds him with his father, several Iranian observers do not rule out that Mujtaba could be the most powerful and most likely candidate to succeed his father. This is because Khamenei wants to hand over power to a person in his bloodline and who would continue down his path. But could Mujtaba assume the position of his father? Despite Mujtaba's huge clout, the issue of succeeding his father is considered a problematic issue among Iranian decision-making circles. It could pave the way for major clashes between the state apparatuses, institutions and the clergy. Mujtaba has no popularity on the Iranian street because he constantly operates in the shadows. He also has minimal expertise because he has not held any official job that may indicate to what extent he is capable of managing the affairs of the country. He also has not reached the rank of ijtihad and his relationship with the hawza community is neither strong nor solid to the point that it could support him over other candidates.

Nonetheless, most importantly, the biggest impediment to Mujtaba's succession to his father is that he is his son. This point is detrimental to his legitimacy because the biggest efforts by the first-generation revolutionary elite were dedicated to obliterating the concept of hereditary rule which was a norm during the reign of the shah. They had incited the people against the shah and prompted them to

revolt due to hereditary rule and succession. Additionally, Khomeini had openly criticized hereditary rule. Thus, Mujtaba succeeding his father and assuming the position of the supreme leader would harm his legitimacy and make the religious elite appear as if they revolted against the shah to only achieve their own interests and enhance the concept of dynastic rule in a way that is harsher than what prevailed during the shah's reign.¹

However, despite all these reasons, the door is not completely shut on passing down the position of the supreme leader to a hereditary successor: Mujtaba Khamenei, which would be accompanied by somewhat dramatic events. But in this case, there would be a rise in dictatorship and repression to plug the legitimacy gap or suppress the anger mounting among the masses or clerics, thus making things worse. It appears that the hereditary succession scenario is unlikely to materialize but is not totally ruled out. Mir-Hossein Mousavi has warned of this scenario. He added in an article that "there has been mounting talk about hereditary succession. May they be permanently tight-lipped. Had the dynasties that ruled the country 2,500 years ago returned so they want the son to take over the position after his father?" He also denounced the ruling elite's silence and not ending such rumors. "The news of this conspiracy (appointing Mujtaba Khamenei) has been heard over the past 13 years. If they really don't seek to do so, so why don't they even once deny they have such an intention?"² Passing the supreme leader's position down to his son will not only mark an ideological failure for the Wilayat al-Faqih theory, but it will also prove its hollowness and political ineffectiveness. Therefore, the issue of choosing the supreme leader's successor will depend on how far the ruling elite is rational when it comes to the process of selection. Will it be a rational choice that considers the faintest degrees of rationality, legitimacy and public approval, or will it be a strategic choice without paying heed to the factors of legitimacy, public approval and regional and international relations.

(1)–See: "Will Mojtaba Khamenei Play a Role in the Succession of the Leader of Iran?" *Iran-tc*, February 14, 2021 accessed March 28, 2023, <https://bit.ly/42Ntztm>

(2) "Mir Hossein Mousavi Warned About Passing Down Leadership in Iran to Khamenei's Son," *BBC Persia*, 18 Mordad 1401 HS, accessed May 29, 2023. <https://cutt.us/Nj3Yn>

3. Sadiq Larijani

He (1961—present) is one of the most prominent hardline clerics. He was elected to the Assembly of Experts in 1988 and was chosen to be part of the Guardian Council in 2001. In 2009, he was picked as the head of the judiciary and in 2018, he was appointed head of the Expediency Discernment Council to succeed Mahmoud Shahroudi. Larijani has always been known to be a hardliner, even outbidding his rivals. In 2015, he stated that the Assembly of Experts had no authority to oversee the supreme leader's work. In another statement, he reiterated that the government does not derive its legitimacy from people's votes.

Nonetheless, Larijani's chances of succeeding Khamenei appear slim for several reasons. Primarily as he is not a mujtahid like those in the hawza. Additionally, there are tensions and differences between him and the system's powerful apparatuses and institutions. He criticized the security services after the disqualification of his brother in the presidential race. He also faced accusations of corruption during his tenure as head of the judiciary.¹

4. The supreme leader designates a successor while alive

This could happen in the following cases:

A. The Supreme Leader Ali Khamenei chooses a successor from the aforesaid candidates, asking the Assembly of Experts to endorse one of them. Afterwards, the supreme leader resigns from his position as a result of incapacity or illness. Given the powerful influence and clout that Khamenei possesses within the Assembly of Experts, the latter would agree to the request.

B. Khamenei appoints a deputy like the case of Montazeri when he was a deputy to Khomeini before being dismissed.

After Khamenei's death or inability to perform his duties, the deputy could be chosen by the Assembly of Experts to be Iran's new supreme leader. Although some Iranian sources argue that the position of

(1) "Withdrawal of the Larijanis From the Competition for Influence in Iran," *Rasanah*, June 1, 2021, accessed March 27, 2023, <https://bit.ly/3FPEZ5Z>
See also: "Disputes Among the Clergy in Iran... Mutual Accusations of Corruption," *Rasanah*, August 25, 2019 accessed March 27, 2023, <https://bit.ly/2Zp04jM>

deputy supreme leader is neither legitimate nor legal, and ruling out the possibility of reinstating it.¹

The difference between scenario **b** and the scenario of Khamenei's will is that in the latter, the chosen candidate would only be revealed in the post-Khamenei era. Hence, the named successor becomes public only after the death of Khamenei whose will is implemented by the Assembly of Experts and other actors. With regard to scenario **a**, it assumes that Khamenei announces his successor while alive, either as his deputy or as a successor that assumes all responsibilities, with Khamenei resigning because of old age, incapacity or for any other reason like sudden death.

5. From outside the scene

Another scenario is that the Assembly of Experts choose a personality who has remained removed from the political tensions gripping the country such as one of its own members or one of the clerics who meets the constitutional requirements. At the same time, the candidate should have good ties with the religious elite and the security apparatuses. However, what makes this scenario unlikely is the fact that even if a person meets this condition — not involved in the political disputes in the country — he will lack requirements such as awareness of political and jurisprudential circumstances. Yet the powerful apparatuses never accept a candidate from outside the “conservative” camp, first to preserve the revolutionary line and second to maintain its personal interests and ideological line.

Overall, the next supreme leader will not be chosen from outside the “conservative” camp and its related institutions. The strategy of the Iranian institutions — in case there are no outside interactions — will see significant changes since any candidate will work to enhance his religious, sectarian and political legitimacy through strongly adhering to Wilayat al-Faqih and the religious and military patronage groups, perhaps leveraging them for outbidding.

(1) “Assembly of Experts Member Answers: Can the Deputy Leader Position Be Revived?” Insaaf News, June 02, 2020, accessed June 8, 2023, bit.ly/3CjCZAK

Sixth: The Landscape's Arrangements: The Dispute Over the Constitution

The Iranian Constitution points out that it could be revised in emergency cases as follows: The supreme leader, in consultation with the Expediency Discernment Council, issues an order to the president of the republic specifying the articles that would be added or amended before revising the Constitution (Article 177).

With regard to the composition of the council that would revise the Constitution, Article 177 stipulates that it would consist of: Guardian Council members, heads of the three branches of power, permanent members of the Expediency Discernment Council, five of the Assembly of Experts members, 10 representatives appointed by the supreme leader, three cabinet members, three representatives from the judiciary, 10 Islamic Consultative Assembly members and three professors. The decisions of this council would be put to a public referendum after being confirmed and signed by the supreme leader.

Thus, the composition of the council revising the Constitution is totally under the supreme leader's authority and is formed on his directives after consultation with the Expediency Discernment Council. Even after the council issues its decisions, they must be first confirmed by the supreme leader. However, the Constitution at the same time prevents any attempt to amend or change the constitutional provisions pertaining to the Islamic identity of the state such as the Islamic nature of the political system, Wilayat al-Faqih and so forth. Any change to the content of the provisions pertaining to the Islamic nature of the political system, the issuance of the laws on the basis of Islamic foundations, the religious principles, the objectives of the Iranian republic, the nature of the democratic rule, the regency of the country and the leadership of the community is not permitted.

This constitutional provision has shut the door on all the demands to amend the Constitution by all institutions, movements and individuals. The ultimate decision rests exclusively with the supreme leader. In addition, the decision closed the door again on any amendments to the provisions related to the religious character of the political system, including the theory of Wilayat al-Faqih and the leadership of the entire Muslim community.

Iran needs to make substantial constitutional amendments, according to the “reformists” and “constitutionalists.” But they do not have the constitutional right to change the Constitution since the supreme leader must first approve any changes. This is in the context of what could be described as the ongoing Iranian political crisis, with the first generation of the revolution nearing demise while the second generation coming close to power. In addition, there are excessive internal checks to prevent constitutional revisions along with the existence of institutional balances to ensure this does not happen.

Today, there are three currents in Iran with varying viewpoints on the Constitution. The first current —consisting mainly of the religious elite — rejects changing the Constitution. The second current wants to make radical changes to the Constitution. The third current, on the other hand, seeks to make rational changes to the Constitution in a way that is commensurate with the gradualist approach to reform the system from within.

1. Reform from within

Former Iranian President Mohammad Khatami was one of the most important theoreticians and founders of the reformist movement. He alleges that making changes on the Iranian landscape and improving the situation does not require changing the Constitution. “Many of the reforms could be possibly made through getting back to the spirit of this Constitution.” Not only does he reject changing the Constitution, but he also warns of toppling the system, since this would involve grave dangers for the Iranian people and the state. Only the approach and behavior needs to be changed. Khatami’s remarks came one day after Mir-Hosseini Mousavi made an appeal for making substantial reforms, changing the Constitution, and setting up a constituent assembly.¹

However, Khatami at the same time brought forward practical proposals other than changing the Constitution which he deemed sufficient for creating a breakthrough in the Iranian crisis. The proposals included: paying attention to national harmony, accommodating

(1) “Mohammad Khatami: There Is No Need to Change the Constitution for Reforms, People Have the Right to Be Disappointed,” *BBC Persian*, February 03, 2023, accessed May 20, 2023, <https://bbc.in/3YkHML8>

all ethnicities, backgrounds and factions, ending tensions, revoking the house arrest of the Green Movement's figures, releasing political prisoners, declaring a public amnesty, reforming the Assembly of Experts' formation mechanism and reforming the Guardian Council.¹

This current seeks to change the ruling establishment's behavior from within, believes in Wilayat al-Faqih as well as the state's current power structure. It does not seek collision with the government and believes that any revolutionary act could risk the entire country's unity and national security.

2. Radical reform and changing the Constitution

This current calls for amending the Constitution and curtailing the supreme leader's powers that emerged since the 1989 amendments. The supreme leader was granted more powers, with the clause "absolute" added to the Wilayat al-Faqih phrase, in addition to the powers of the Guardian Council, the Expediency Discernment Council and the judiciary, which are practically under the authority of the supreme leader. This has resulted in a lack of effective oversight over the supreme leader and the institutions affiliated with him. Accordingly, several Iranian intellectuals and politicians believe that the Wilayat al-Faqih system cannot be reformed unless the Constitution is changed, the supreme leader's term in office is specified, and the absolute powers granted to him in the current Constitution are curtailed.

In this respect, some voices calling for making amendments to the Iranian Constitution and abolishing the post of the supreme leader have emerged, including Mostafa Tajzadeh, a "reformist" leader and political and security aide in the Ministry of Interior under the former Iranian President Mohammad Khatami. He suggested merging the supreme leader's position with the presidency, with the supreme leader elected via direct balloting for no more than two terms. Tajzadeh's position came in response to the "hardliners'" call for replacing the presidential system with a parliamentary one.²

(1) "Khatami: Reformism Has Stumbled Into the 'Rock;' People Are Disappointed With the System," *Voice of America*, February 5, 2023, accessed May 10, 2023, <https://bit.ly/3DDJCib>

(2) "Tajzadeh's Proposal to Merge the Presidency and the Leadership," *Radio Farda*, 3 Farrudin 1398 AH, accessed May 31, 2023 <https://cutt.us/YmEsd>

On another occasion, Tajzadeh has mentioned the shortcomings in the current Iranian Constitution, concluding that these shortcomings cannot be addressed unless the supreme leader's position is abolished. These shortcomings include aspects related to basic rights and freedoms which were not properly enshrined in the Constitution such as political, civilian, economic, social and minority rights. This is in addition to the lack of practical mechanisms and laws that render effective and ensure the work of political parties, organizations, unions and non-violent public assemblies. Yet among the shortcomings in the current Constitution is the lack of an independent judiciary, which is a tool in the supreme leader's hands. Moreover, the Guardian Council, whose appointment process is shared between the supreme leader and the head of the judiciary, oversees the various Iranian electoral processes instead of assigning a national election commission to do this. Additionally, the Constitution includes discrimination on the basis of religion, race and gender when it comes to political rights. The Constitution also does not contain provisions that criminalize or prohibit the military establishment from interfering in politics, the economy and culture. The issues related to legislation should rest with the Parliament rather than the legislative bodies appointed by the supreme leader such as the Guardian Council and the Expediency Discernment Council. This is added to the issue of outlining the government's general policies, which should rest with the government and Parliament since they are elected by the people. But the Iranian system has assigned such responsibilities to the Expediency Discernment Council, which contradicts democratic principles.¹

In 2018, "reformist" leader Mahdi Karroubi, who has been placed under house arrest since 2011, called for amending the Constitution to avoid a power monopoly and to ensure public participation. He also warned members of the Assembly of Experts that their failure to monitor the supreme leader's performance is a betrayal to the revolution's principles, calling on them to hold the supreme leader to ac-

(1) "Tajzadeh and the Need to Revise the Constitution by Removing the Authority of the Clergy," *Zeitoun*, 15 Bahman 1401 HS, accessed May 31, 2023, <https://cutt.us/JnNBK>

count for the worsening situation that resulted from three decades of deterioration during his rule.¹

As to Mir-Hossein Mousavi, the leader of the Green Movement, he issued a statement on February 14, 2023, in which he called for saving Iran. He blamed the ruling elite for the repressive methods pursued instead of dialogue and conviction, the disparities between the classes, the rife corruption in monetary and financial institutions, the widespread cultural suppression and the brutal crackdown on women. Thus, he concluded that the aforementioned “has shown our people that full implementation of the Constitution, on which hope has been pinned over the past 13 years, is no longer useful. Steps beyond this must be taken.”

According to him, Iran needs radical rather than reformatory-gradualist solutions proposed by Khatami and the likes of him. “Iran and the Iranians need a radical transformation whose guidelines are set by this pure movement (woman, life, freedom). These three words sow the seeds of a bright future, a future free of injustice, poverty, humiliation and discrimination. These three terms also carry with them a history of endless efforts, struggle and hope. The most promising and hopeful among these words is ‘woman.’ This is because the public felicity and reform cannot be achieved among us, nor the major social struggles could be achieved unless men and women work together. There’s no struggle that can prevail without this requirement.” Here, Mousavi attempts to take advantage of the uprising of Iranian women that has been raging for months for demands related to their right to take off the hijab among other political rights to enhance his position demanding undergoing substantial changes within the Iranian system. It is as if he is adopting a political course of action contradicting that of Khatami. The latter adopts the path of dialogue and reform from within while Mousavi is embracing the path of revolution, uprising and radical change.

He then brought forth suggestions that could help resolve the Iranian crisis from his point of view such as holding a referendum on amending the Constitution, drafting a new Constitution and setting up a constituent assembly consisting of genuine representatives of the

(1) “Karroubi: Failure to Deal With the Leader’s Autocracy Is Betrayal,” 11 Shahrivar 1397 HS, accessed May 31, 2023, <https://cutt.us/wxO5g>

people via free and fair elections.¹ Not only does he call for amending or changing the Constitution, but he even rejects forming the Constitution revision council based on the current circumstances. He instead wants a constituent assembly that includes real representatives of the people.

But these demands hinge on the supreme leader's own political will and the religious elite, according to the current Constitution's provisions. Thus, any substantial changes will only occur via an act from outside the constitutional framework, which is unlikely in the near future.

Conclusion

It could be said that Iran will see major changes in the post-Khamenei era at the levels of both ideology and policy due to the replacement of the ruling elite and the revolution's first generation handing over the country's administration to the next one. Yet there will be new generations emerging from the post-revolution second and third generations as well as the millennials. However, the new generations will at the same time attempt to link the country's model of governance with that of the founding fathers to enhance legitimacy, counter the competition between the various apparatuses and handle the bureaucratic apparatus that has been expanding since 1979. The ideological and policy changes include the new elites attempting to pursue pragmatism when addressing regional issues and curbing Iranian interference in the region. They will also attempt to appease marginalized segments within society such as women, the youth and the various ethnic and sectarian groups. This policy could be long term, meaning that it may become a conviction and a strategy pursued by the Iranian establishment. They could also be pragmatic and expedient; time-limited to rearrange the scene internally and externally.

The question that should be raised here: will Wilayat al-Faqih remain in place as a governance theory in Iran? Notwithstanding the theoretical likelihood, the survival of Wilayat al-Faqih as a governance theory in Iran is likely according to the current Iranian landscape. It has become characteristic of the Iranian revolution and has been

(1) "To Save Iran," (February 4, 2023), KALEMA website on Telegram, accessed May 29, 2023, <https://bit.ly/3HBMzRN>

enshrined in the Constitution, even becoming a supra-constitutional provision that can only be amended in case of making limited amendments to the Constitution from within the ruling elite. Yet, Wilayat al-Faqih has seen its influence grow extensively within the hawza, with all religious, political and security networks being interwoven under its auspices. Thus, the theory has been a source of legitimacy since 1979. As a result, as long as we still float all the possible rational options, Wilayat al-Faqih remains at the heart of them. But when speaking of any steps that could be taken from outside the establishment landscape, such as a revolution against the ruling elite, a coup and so forth, this is a totally different matter that does not fall within the tangible, rational and realistic options on which this study has focused. We cannot remain heedless to the fact that the Wilayat al-Faqih theory is the main factor in the next supreme leader's succession arrangements. Yet it is the criterion that determines the domestic and foreign policies of the next supreme leader, to what extent he belongs to the revolution and how far he is committed to the post-1979 system's identity.

As for the future supreme leader, he is likely to be one of the figures named in this study, and he will maintain the broad contours of Iranian policy that have been in place since 1979. He will not, without a doubt, be a theorist adopting the same line or having the status of Khomeini or Khamenei. He will be more of a statesman, at least in the early stages of his term, until the institutions work on promoting him as a figure worthy of emulation and disseminating his jurisprudential knowledge, as was the case with his predecessors.



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