

SYSTEMIC OPPOSITION UNDER A TUTELARY REGIME:
REFORMIST POLITICS IN THE IRANIAN PARLIAMENT (2000-2004)

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2017

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Thesis submitted to
the Institute for Graduate Studies in Social Sciences
in partial fulfillment of the requirements for the degree of

Master of Arts
in
Political Science and International Relations

by
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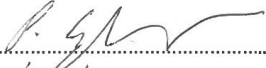
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2017

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ABSTRACT

Systemic Opposition Under A Tutelary Regime: Reformist Politics in the Iranian Parliament (2000-2004)

This thesis asks how reformist politicians in Iran advance their interests in the face of resistance by the country's tutelary institutions. It focuses on the Majlis (Parliament), because it sits at the intersection of the regime's dual – divine and popular – sovereignty, where there exists the greatest potential for conflict and therefore the greatest incentive for tactical behaviour. Temporally, it looks at 2000-2004, when the reformists controlled both the legislature and executive, but still found their popular mandate obstructed. Spanning the parliamentary objectives of legislation, supervision and re-election, I identify key episodes at which resistance to reform was anticipated or apparent and which therefore required a tactical response. I then chart the mechanisms by which reformists negotiated these obstacles and identify critical junctures at which their outcomes were decided. I find that victories are possible but partial. Reformists can at best coopt otherwise hostile elites into acquiescing with a more democratic politics; at worst they can highlight resistance to such a politics and invite comparisons between the legitimacy of elected versus unelected institutions. However, the consolidation of any gains requires the cooperation of the very tutelary institutions that oppose them. Beyond explaining how reform succeeded and failed within the Islamic Republic, my findings contribute to the wider discussion on hybrid regimes, showing that reform movements succeed where they can leverage the power of association between contentious issues and consensus issues, and fail at the moment this chain breaks.

ÖZET

Vesayetçi Bir Rejimde Sistemik Muhalefet:

İran Meclisi'nde Reformcu Siyaset (2000-2004)

“Vesayetçi rejim kurumlarına karşı, İran'daki reformcu siyasetçiler kendi siyasi alanlarını nasıl geliştirebilir?” sorusuna odaklanan bu yüksek lisans tezi, İran Meclis'indeki reformist siyaset üzerine bir araştırmaya dayanıyor. Araştırma alanının seçimindeki en önemli neden, meclisin dini vesayet rejimi ve halk iradesi arasındaki kesişim kümesinde bulunmasıdır. Milli irade ile vesayet alanı arasındaki çatışmalar nedeniyle bu siyaset meydanı aynı zamanda taktiksel davranışlar için büyük bir fırsat havuzu sunar. Bu tez 2000-2004 yılları arasındaki dönemi inceleyerek, reformcuların kontrolünde kalan yürütme ve yasama organlarının reformcu hareketlere kattığı güce rağmen, reform konusunda başarısızlığa uğrayan siyasetçilerin vesayet rejimine karşı nasıl geri adım atmak zorunda kaldıklarını inceliyor. Öncelikle reformizme karşı vesayet rejiminin adımlarına odaklanan çalışma, reformizmin taktiklerini ve karşı adımlarını analiz ediyor. Reformizm bu noktada bazı taktiksel ama sınırlı ve kısmi kazanımlar elde ediyor ve başarıları iki kutup arasında gidip geliyor: ya kendi gündemlerine uzak duran siyasi eliti yanlarına çekme ya da vesayetçiliğin gayri-meşru siyasetini gösterme konusunda kısmen başarılı oluyorlar. Ancak reformizm ne zaman kazanımlarını kurumsallaştırmaya kalkışsa, vesayet kurumlarının direnci ve eski taktikleriyle karşı karşıya kalıyor. Bu tezin vardığı sonuçlar, İran İslam Cumhuriyeti'nin iç siyasetini anlamaya bir katkı niteliği taşımanın yanında, vesayet kurumlarının ve melez siyasi rejimlerin temel dinamiklerine karşılaştırmalı bir analiz de sunuyor. Sonuç olarak, çatışmacı siyasetle, konsensüse dayalı orta yol bulma taktikleri bir

araya geldiğinde, İnan gibi vesayetçi rejimlerin reforme edilmesi mümkün oluyor. Ancak vasi kurumlar bu bir araya gelişi engelledikleri takdirde reform başarısızlığa uğruyor.

ACKNOWLEDGEMENTS

This research was supported by a scholarship the Scientific and Technological Research Council of Turkey (TÜBİTAK).

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NOTE ON TRANSLITERATION

Except for direct quotes, transliterations in this thesis follow the scheme of the journal *Iranian Studies*. When quoting from Persian sources, I include the date according to the Iranian Solar Hejri calendar, followed by the Gregorian calendar equivalent. Unless otherwise stated, the translations from Persian sources are my own.

CHAPTER 1

INTRODUCTION

1.1 Reform and the Islamic republic

A persistent question in discussions of Iran is whether or not substantive reform is possible within the boundaries of the Islamic Republic. The country's Constitution invokes a blend of divine and popular sovereignty, and the omnipotent powers of the Supreme Leader (hereafter 'Leader') naturally put the democratic, republican arms of the state at an immediate disadvantage to their theocratic and tutelary counterparts. The popular impetus for a progressive turn was what brought reformist President Khatami (1997-2005) to power, what mobilised the Green Movement in 2009, and, arguably, what encouraged people to elect Hassan Rouhani to the presidency in 2013 and his supporters to the legislature in 2016. Conversely, it was resistance to that same impulse that in many cases stymied the reform movement's efforts, violently repressed and demonised the Green Movement, and threatened Rouhani's rapprochement with the West. No matter how strong the conservative backlash in each case, and no matter how absolute the Leader's power to keep the scales tipped in his favour, the give and take between these two impulses is a recurring theme in modern Iranian politics.

Moreover, the defeats of reformists (of whatever affiliation) are rarely absolute. Although the Khatami-allied reform movement was prevented from achieving many of its goals, to characterise it as an outright failure would be reductive. It was under Khatami's tenure that the Intelligence Ministry was purged of those behind the 'chain murders' of intellectuals. It was under his leadership that a discourse of rights, participation and rule of law took root. And it was his allies in

the Parliament (Majlis) who passed laws to substantiate this discourse. The question therefore arises of how, against the odds, these reformist victories came about. If opponents of reform have the power to block it at every turn, why don't they? Doubtless they have an interest in allowing particular dissenting voices to 'let off steam' for the sake of preserving the stability of the regime as a whole. But in particular cases their interests may also converge – or be made to converge – with those of reformists. The existence of this space for negotiation presents an opportunity for reformists to think tactically in the pursuit of their goals.

This thesis examines how reformist politicians in Iran oppose the country's tutelary institutions, specifically through the Majlis. We know that during the reform movement (1997-2005) their self-declared strategy, coined by the reformist figure Saeed Hajjarian (4 Bahman 1376 [24 Jan 1998]), was "Pressure from below and negotiation from above". But the concrete actions they took to advance that strategy, and the critical junctures at which they succeeded or failed are far less studied.

The institution of the Majlis is chosen because it sits at the intersection of the regime's dual – divine and popular – sovereignty, where there exists the greatest potential for conflict and therefore the greatest incentive for tactical behaviour. It is the popularly elected legislative branch of the state, yet its members are vetted by a council of selected clerics and jurists wields a veto power over all legislation. Aside from passing laws, its other mandate is supervisory, yet institutions under the Leader's control are exempted from its remit. It is the manifestation of Iran's ever-shifting environment of political organisations, yet parties are likewise vetted, and are poorly institutionalised, tending to function as temporary electoral alliances rather than lasting organisations that boast solid

memberships and funding mechanisms. For all these limitations, elections are competitive, debates heated, and it remains a prize for reformist politicians. While some argue that pro-reformist politics in Iran should be analysed “from society to state – not the other way around” (Adib-Moghaddam 2006, p. 655), my starting premise is that it must be analysed from both, and that the institution which is in theory a) accountable to the people and b) able to hold the government to account is therefore a promising place to look.

More broadly, the importance of the Majlis to Iranian politics is apparent from a cursory glance at the CVs of the ruling elite. Except for Mahmoud Ahmadinejad, each of Iran’s five presidents since 1981 - including the incumbent Supreme Leader Ali Khamenei - have served as deputies, and several have held higher positions as party leaders, deputy speakers, speakers, and as chairpersons of policy committees. Pedram (2008) describes the Majlis as “the most progressive and democratic institution enshrined by the Islamic Republic’s Constitution” (p. 219) Baktiari (1996) writes that “It is no exaggeration to state that the Iranian Majles is the freest of all such institutions in the Islamic world” (p. x). Maloney (2015) makes the more modest claim that it has “served as an enterprising forum for political competition under the Islamic system and represents a critical element of clerical rule” (p. 60).

Given that, in spite of an uneven playing field and myriad setbacks, it is still perceived by some as a valuable vehicle for reform and has at times proven so, this thesis asks which factors enabled reformist politicians to succeed where they did, and which factors limited, blocked, or upturned those successes? At which critical junctures were reformists able to tip the balance in their favour, and by which

means? Put simply, my research question is: Given the restraints on the Majlis's power, how do reformist politicians use it to advance their goals?

The answer to this question will contribute to the specific debate on the politics of reform in Iran, by elucidating the mechanisms through which it has succeeded and the limits of that success, and to our understanding of hybrid regimes more generally. We know a great deal about the myriad restrictions on political life in Iran, but we know far less about how to do politics under such conditions. This study is intended to help to close that gap. Moreover, it aims to do so at a key time. The Majlis elections in February 2016 brought a hybrid coalition of reformists and moderates back into the legislature for the first time in over a decade, riding on the popular successes of a president – as was the case in the period (2000-04) with which I am concerned here. If indeed it is possible to reform the Islamic Republic from within, they now have an opportunity to do so, and their success will be informed by the lessons they draw from their predecessors.

1.2 The Majlis and the Iranian political system

Iran has several unique institutions with which one must be familiar in order to understand the Majlis. Figure 1 illustrates how they interact with one another. The Supreme Leader (Rahbar-e Mo'azzam-e Enghelāb-e Eslāmi) is Iran's most powerful official. '[H]e has either direct or indirect control over the executive, legislative and judicial branches of government, as well as the military and media' (Sadjadpour 2010), and can intervene in the Majlis's proceedings. He is elected (and in theory, but not practice, supervised) by the popularly-elected Assembly of Experts (Majles-e Khobregān) which comprises 88 theologians.

The Guardian Council (Shurā-ye Negahbān-e Qānun-e Assāsi) is a body of six experts in Islamic law, appointed by the Leader, and six jurists, elected by the Majlis but nominated by the head of the judiciary (who is appointed by the Leader). The Council supervises elections and reviews legislation passed by the Majlis to ensure its compatibility with the Constitution and Islamic law (Constitution, Article 96).

The Expediency Council, also known as the Maslahat Council (Majma' e Tashkhis-e Maslahat-e Nezām), is a 39-seat body appointed by the Leader every five years. Its function is to mediate when the Majlis and Guardian Council come into conflict, and to advise the Leader in such cases (Constitution, Article 112).

The Majlis, or Islamic Consultative Assembly (Majles-e Shurā-ye Eslāmi), is the unicameral legislature of Iran. It has 290 seats, five of which are reserved for religious minorities (Jews, Christians and Zoroastrians). Other religious minorities, such as the Baha'i are unable to participate (Kar 2007). Proceedings are governed by the Presiding Board of the Majlis, which comprises a speaker, two vice-speakers, six secretaries and three administrative managers or supervisors, elected from among the incumbent deputies for a term of one year. The speaker of the Majlis is the third most senior official in the country, after the leader and the president.

The Majlis's powers are detailed in articles 71-99 of the Constitution. Besides enacting legislation (Article 71), its mandate includes the power "to investigate and examine all the affairs of the country" (Article 76), to question and interpolate government ministers (Article 88, 89), and to approve international treaties (Article 77), government loans (Article 80), and the President's cabinet

(Article 87). Its sessions are broadcast live on national radio. Legislation is debated both in the chamber and by subject-specific committees.

A bill or motion can be brought to the Majlis by the executive (with the cabinet's approval), or by a group of 15 deputies. The legislative procedure is as follows. First, a bill is given an initial reading in the chamber. If passed, the bill is sent to the relevant committee, where deputies discuss its details, consult external experts, and suggest amendments. This is followed by a second reading of the bill, in which proposed amendments are voted upon by the whole chamber. If passed, the bill is sent to the Guardian Council, which ratifies legislation on condition of its compatibility with the Constitution and Islamic law. If rejected by the Guardian Council, the bill is sent back to the Majlis for amendment. If the bill is rejected twice and the Guardian Council and Majlis cannot reach a compromise, it is sent to the Expediency Council for a final ruling (Iran Yearbook 1996).

As for supervision, a group of deputies comprising at least one quarter of the total can pose a formal question to the president relating to his or her duties, and the president is obliged to answer in person within a month (Article 88). A group of 10 deputies can interpolate an individual minister or the whole cabinet, and the minister or ministers in question are obliged to attend the assembly within 10 days to respond and seek a vote of confidence (Article 89).

Among the criteria for eligibility for election to the Majlis today is the stipulation that – excluding those running for the religious minority seats – candidates must be not only Muslim but “show faith and practical allegiance to Islam” (Law on Consultative Assembly Elections, Article 32). All candidates are required to demonstrate “Expressed loyalty to the . . . progressive principle of the Absolute Guardianship of the Jurisprudent” (vilāyat-e faqih – explained below)

(Article 28). Candidacies must also be vetted by “executive boards” appointed by the Interior Ministry (Farhi 2008:2), and by the Guardian Council. Ahead of elections, parties and other political organisations unite to form coalitions that back particular candidates, rather than the candidates running as members of a particular party. The Interior Ministry issues and revokes party licenses.

The election process is governed by The Electoral Law for Parliamentary Elections, which has been greatly modified since it was first passed in 1980 (Engelman 2000). Alem (2011) provides a succinct account of how it stands today:

Representatives are elected based on the two-round voting system for four years with no term limitations. Candidates able to secure at least one fourth of the votes cast in the first round are elected to the Majlis. If in the first round of elections, one or more candidates fail to receive one fourth of the casted votes, a second round of voting is held. The number of candidates who may run in the second round is restricted to twice the number of seats to be filled in a single member constituency (i.e. two candidates) and one and a half times the number of seats to be filled in a multi-member constituency. The electoral system used in the second round is based on a straight run-off contest with the highest polling candidates filling the positions regardless of the percentage of the vote achieved. (p. 14)

Demographically, since 1979 the number of clerics elected to the Majlis has fallen while the number of former members of the Revolutionary Guards has risen (Farhi 2010). The majority of deputies have also been younger than 40 (the minimum age is 30), lower than in neighbouring countries (Alem 2011:41). Since 1979, election turnout has averaged at 63 percent (Alem 2011:39). Alem (2011) finds that between 8 and 29 percent of candidates for each Majlis election since 1980 have been disqualified by the Guardian Council (p. 21). This vetting process has resulted in the remarkably low incumbency rate of 30 percent among deputies over the nine

Majlis elections from 1980-2012 (Farhi 2015). Noting that campaigns bring with them social and financial kudos, however, Farhi (2008:3) points out that “the issue is always not how many but who is vetted”.

The Majlis’s obvious limitation as an institution is its subordination by non-elected bodies of the state. The Leader can intervene at any time with a ‘governmental ordinance’ (Akhām-e hokumāti), while the Guardian Council carries a veto power over all legislation and all presumptive deputies’ candidacies. The extent of the Majlis’s dependence upon the Guardian Council is encapsulated in Article 93 of the Constitution, which states that “The Islamic Consultative Assembly does not hold any legal status if there is no Guardian Council in existence”. The range of subjects accessible to the Majlis’s supervisory power was shrunk in 1996, when the Expediency Council ruled that it could not investigate state institutions controlled by the Leader – including the security forces, the judiciary, and the official state media (Gasiorowski 2000:34). The Guardian Council also took over all supervision of Majlis elections in 1991 (Alem 2011:21).

It is worth stating explicitly that the tutelary elements which exert control over the Majlis are formally embedded in the Constitution, rather than being an informal, shadowy outgrowth of the state. From the perspective of any given Majlis deputy, the Constitution spells out the powers of the Leader and the Guardian Council to confirm or reject his or her candidacy before being elected, and to obstruct or veto decisions he or she may make after being elected.

CHAPTER 2

THEORETICAL FRAMEWORK

2.1 Conceptualising the Islamic republic

With its seemingly contradictory foundations of divine and popular legitimacy, and its parallel system of democratic and tutelary institutions, the Iranian case represents a conceptual challenge in terms of classification of the regime. In this section I locate the Islamic Republic as an illiberal tutelary hybrid regime by working down from the distinct planes of democracy and authoritarianism to the more nuanced grey area of mixed and hybrid regimes.

Fundamentally, the Iranian case clearly rebuts the pluralistic emphasis of Dahl's concept of polyarchy, in that ultimate control is vested in the hands of the Leader. According to Article 6 of the Constitution,

During the occultation of the Wali al-'Asr [the Twelfth Imam] (may God hasten his reappearance), the leadership of the Ummah devolve upon the just and pious person, who is fully aware of the circumstances of his age, courageous, resourceful, and possessed of administrative ability.

Note that the Leader is not only responsible for the citizens of Iran, but for the Ummah (global community of Muslims) as a whole.

Let us move then from polyarchy to another extreme: authoritarianism.

According to Linz's (1964) definition, authoritarian regimes are:

Political systems with limited, not responsible, political pluralism, without elaborate and guiding ideology, but with distinctive mentalities, without extensive nor intensive political mobilization, except at some points in their development, and in which a leader or occasionally a small group exercises

power within formally ill-defined limits but actually quite predictable ones (p. 297).

Citing the consolidation of power among conservatives and the military-security apparatus, Hen-Tov (2006) argues that Iran under Mahmoud Ahmadinejad became a “conventional Middle Eastern authoritarian regime” (p. 177). But by Linz’s standards Iran resists such a straightforward conceptualisation in several respects. Firstly, it certainly has “elaborate and guiding ideology”, in the form of the foundational doctrine of *vilāyat-e faqih* (governance of the jurist), which gives a supreme Islamic jurist (*faqih*) the right to rule in the absence of the occulted twelfth imam. Subscription to this ideology is a prerequisite for candidacy in elections. In the post-1979 period, there has also been extensive political mobilisation, both under the banners of the reform movement (1997-2005) and its opponents. Moreover, Hen-Tov’s claims about the consolidation of power among conservatives during Ahmadinejad’s tenure oversimplify the power dynamics within conservative circles. His study was published in 2006, a year into Ahmadinejad’s first term, but the rest of the former president’s eight-year tenure was marked by rifts with the Leader.

We thus move into the more nuanced territory of hybrid regimes. Gilbert and Mohseni’s (2011) conception of hybrid regime emerges from the “tensions and blurred boundaries of democracy and authoritarianism ‘with adjectives’” (p. 270), which they argue left produced a conceptual gap unaccounted for in the literature, exemplified in Sartori (1976) and Linz (1970). Gilbert and Mohseni (2011) locate hybrid regimes vis-a-vis democracies in the following way:

Democracies are competitive regimes with fair competition whereas authoritarian regimes are uncompetitive regimes with unfair competition. Hybrid regimes occupy the conceptual void of competitive regimes with unfair competition. (p. 280)

On the basis of this observation they reject the dominant continuum approach to the classification of regimes (Diamond 2002; Schedler 2002; Munck 2006; Howard and Roessler 2006), in favour of a new, configurative approach, which maps regimes individually on the dimensions of competitiveness, civil liberties and tutelary interference (p. 271-72).

One form of hybrid regime that Iran resembles is that of competitive (or electoral) authoritarianism. According to the definition offered by Levitsky and Way (2002),

In competitive authoritarian regimes, formal democratic institutions are widely viewed as the principal means of obtaining and exercising political authority. Incumbents violate those rules so often and to such an extent, however, that the regime fails to meet conventional minimum standards for democracy (p. 52).

Schedler (2006) adds that,

Under electoral authoritarian rule, elections are broadly inclusive (they are held under universal suffrage) as well as minimally pluralistic (opposition parties are allowed to run), minimally competitive (opposition parties, while denied victory, are allowed to win votes and seats), and minimally open (opposition parties are not subject to massive repression, although they may experience repressive treatment in selective and intermittent ways) (p. 3).

One contemporary example of a competitive authoritarian regime would be that of Turkey under Recep Tayyip Erdoğan and the Justice and Development Party (AKP). Çalışkan (2015) argues that in dismantling Turkey's tutelary centres of power, the AKP has "Constructed one of world's most 'successful' competitive authoritarian regimes" (p. 2). The competitive authoritarian model is reflective of Iran in so far as it incorporates both competitive elections and authoritarianism, but this conceptualisation ultimately falls short. In Iran, elections are indeed an important "means of obtaining and exercising political authority" (Levitsky and Way 2002:52), but they are by no means the primary one. The parallel means of

exercising political authority are manifested in tutelary bodies such as the Guardian Council, which has a power of veto over all legislation, and of course the office of the Leader.

A better fit is the concept of the tutelary regime. Przeworski (1988) defines tutelary democracy as

a regime which has competitive, formally democratic institutions, but in which the power apparatus, typically reduced by this time to the armed forces, retains the capacity to intervene to correct undesirable states of affairs (p. 61).

The tendency for tutelary powers to be manifested in the military has been discussed extensively by Stepan (1988) in his study of South America, in which he plots 11 key fields of influence, or “prerogatives” (p. 94-127), whose retention by the military indicate a tutelary regime. Insofar as Iran has institutions that have the power to intervene or and overturn the workings of and decisions made by formally democratic institutions (such as the Majlis), the Islamic Republic is clearly a tutelary regime. But the institutions that wield tutelary power in Iran are not military ones. They are the Office of the Leader, who as the supreme guide and final arbiter of the state has the power to intervene on any political matter, and the Guardian Council, which supervises elections and is mandated to approve or reject legislation based on its compatibility with the Constitution and Islamic law.

Akkoyunlu (2014) conceptualises Iran as a tutelary form of hybrid regime, but by virtue of its sources of legitimacy rather than the existence of particular institutions or the relationship between them. For him, such hybrid regimes are “political systems built on two contesting sources of legitimacy – elitist and popular – and corresponding institutions of guardianship and democracy” (p. 19). Gilbert and Mohseni (2011) likewise classify Iran as a hybrid regime, and more specifically

an ‘illiberal tutelary hybrid regime’ (p. 292) in which illiberal and tutelary institutions exist alongside competitive elections. This conception is the one that I follow for the purposes of this study.

2.2 The study of institutions

The second conceptual question is how to approach the study of a political institution. For this I draw on new institutionalism. According to John Ikenberry (1988), new institutionalism is concerned with how political struggles “are mediated by the institutional setting in which [they] take place” (p. 222-23). Thelen and Steinmo (1988) contrast it with ‘old’ institutionalism, which

consisted mainly, though not exclusively, of detailed configurative studies of different administrative, legal, and political structures. This work was often deeply normative, and the little comparative ‘analysis’ then existing largely entailed juxtaposing descriptions of different institutional configurations in different countries, comparing and contrasting. (p. 3)

I follow Thelen and Steinmo (1988) in their conviction that “By shaping not just actors’ strategies . . . but their goals as well, and by mediating their relations of cooperation and conflict, institutions structure political situations and leave their own imprint on political outcomes.” (p. 9) Rather than seeking simply to understand how the institution of the Majlis works, or to make normative claims about its character, I therefore intend to analyse how it shapes the political strategies of reformists, and the place that it has within those strategies.

CHAPTER 3

LITERATURE REVIEW

3.1 Opposition in hybrid regimes

Hybrid regimes generate what Brumberg (2001), writing about both Iran and Indonesia, codifies as ‘dissonant politics’. He contends that “the dissonant institutionalization of symbolic contradictions in Islamic polities” (p. 382) can produce openings for reform as well as simply for regimes to co-opt their oppositions, rejecting “the idea that democratization in the Islamic polities hinges on forging a culturally authentic interpretation of democracy” (p. 409). Following Brumberg, I would therefore reject Sazegara’s (2006) claim that Iran has passed a “point of no return” on its path to democratisation. Openings such as the election of the reformists to the presidency in 1997 and the Majlis in 2000 can – but do not necessarily – facilitate democratisation. They are opportunity spaces whose outcomes are indefinite and contested by competing actors.

A key contributing factor to this ‘dissonant politics’ and to the misplaced confidence about trajectories of democratisation is the role of parties, and opposition more generally, in hybrid regimes. If the tolerance of opposition parties, and their accommodation in elections, represents a concession – however slight – on a regime’s monopoly of power, the regime must expect to accrue some benefit from that concession. The majority of the literature on opposition is naturally weighted towards Western democracies or democratisation. Ionescu and Madariaga (1968), for example, trace it from ancient Rome to the church as counterweight to monarchy, and finally to the institutionalisation of parliaments. Dahl (1966)

compares across opposition's manifestations in Western democracies to generalise typologies of their characteristics and strategies, while Duverger (1964) and Sartori (1976) study opposition through party systems.

According to Ionescu and Madariaga (1968), the function of an 'ideal' opposition is not simply to oppose the government of the day, but if necessary to challenge the overall system in which politics is conducted. "[P]olitical opposition should never lose sight of the obligation to challenge the system as a whole and to oppose it on behalf of another, future and better system" (p. 77). To the extent that Iran's reformists, even when in power, were confronted with the tutelary institutions of the regime, they occupied a structural position analogous to that of opposition. However, in Iran such unconditional opposition is impossible, since support for the overall political system of Islamic Republic and *vilāyat-e faqih* (governance of the jurist) is enshrined in the Constitution as a prerequisite for participation. It is not possible to oppose the fundamental pillars of the system from within, and those who do oppose it are therefore excluded, as happened to the Iran Freedom Movement and, arguably, the 2009-10 Green Movement. Though these are certainly movements of reform, the 'reform movement' I am concerned with is that which was (and, to some extent, is) tolerated within the system, rather than any that seeks to overthrow it.

Amid the advance of democracy's 'third wave', the focus of the literature on opposition shifts toward the more complex context of hybrid regimes (Boynton 1975; Gunther et al 1994). Schapiro edited a volume of essays on 'Political Opposition in One-Party States' (1972), limited to communist countries. And Dahl (1973) recognised the limited applicability of his earlier typologies when he wrote that "Although there are a substantial number of polyarchies and full hegemonies

among the national regimes that govern mixed countries, mixed regimes are more numerous.” (p. 13). In their study of the rising prominence of parliaments in Central and Eastern Europe, Copeland and Patterson (1994), go so far as to say “it may be that we are living in the ‘age of parliaments’” (p. 1), though they also note the persistence of a Western-centric bias (p. 2) in the cases chosen.

The value of elections as a tool for controlling oppositions in mixed regimes is discussed in general by Schedler (2002), who seeks to provide a corrective to the instinctive identification of elections with democracy. “Elections,” he writes, “have been an instrument of authoritarian control as well as a means of democratic governance” (p. 36).

Geddes (2006) meanwhile contends that most authoritarian regimes hold elections because, in spite of the risk of an opposition victory, public polls “help solve the dictator’s central problem, survival in office” (p. 22)

[Elections] demonstrate periodically that the regime has popular acquiescence, possibly even support, thus reducing the likelihood of both military and civilian attempts at overthrow. Because they are predictable, dictators can choose economic policies to boost economic performance in the months prior to elections, organize noisy and expensive campaigns to raise support and increase turnout (p. 22).

Specifically on the Iranian case, Milani & Mcfaul (2008) pessimistically describe Majlis elections as nothing more than a “safety valve, an instrument of repressive tolerance” (p. 31).

Iran is a somewhat unique case, as a wholeheartedly Islamic state with democratic components. But little scholarly work has been done on the few other states that have both a parliament and a professed Islamic element to their official character. The functioning of the parliaments in such cases (for example

Afghanistan, Somalia, Sudan, and Yemen) has been largely or completely derailed by violent conflict and regime change. The literature on opposition in Pakistan, meanwhile, focuses on the struggle between political elites and the military. Egypt, where sharia officially provides the basis for legislation, is the principal exception. Lee (2014) maps the different forms of opposition (loyal, tolerated, anti-systemic) and their relationship with the Egyptian regime, while Flibbert (2012) focuses on the interaction between Islamists and secularists within the opposition, and Albrecht (2005) argues that opposition actors indirectly bolstered the regime.

In lieu of a religious axis of comparison, the most analogous cases to Iran's political system are the hybrid regimes discussed by Gilbert and Mohseni (2011). Examples which have received scholarly attention include Russia (Gel'man 2005, 2007, 2008, 2015; March 2009; White 2011; Greene 2014), Belarus (Ash 2015), Venezuela (Cannon 2014), Singapore (Sing 2004; Ortmann 2010; Mutalib 2000), and Azerbaijan (Shirinov 2015; LaPorte 2015). Most of these studies, however, are concerned with dominant parties and the ways in which they have weakened opposition movements, rather than the strategies with which opposition movements themselves have been able to resist (or indeed reverse) this process.

Some substantial exceptions are White (2011) on Russia, Cannon (2014) on Venezuela, Shirinov (2015) on Azerbaijan and Greene (2002) on Mexico. White (2011) concludes optimistically that "Critical junctures during the course of dominant party rule may present an opposition which has chosen an effective strategy to break the cycle of domination" (p. 633). In his review of strategies utilised in Mexico and Japan he finds that three dimensions are of particular importance to an opposition's choices: activist recruitment, coalition building, and ideological positioning (p. 662-63). In the Venezuelan case, Cannon finds that the

key strategy shift in opposition to former President Hugo Chávez was the move from a disparate, confrontational spectrum of opposition to an organised electoral impetus galvanised under the broad banner of the Democratic Unity Roundtable (MUD) coalition. In Azerbaijan, Shirinov (2015) finds that the opposition's recurring strategy has been to appeal to a sense of moral superiority to the government, but that this has been unsuccessful because government manipulation of elections has coincided with challenges to the opposition's claim to moral superiority. In Mexico, Greene (2002) finds that "when centrally located dominant parties are challenged by opposition parties to the left and right, two-party competition can produce rational center-fleeing behavior by the challenger, even in the context of standard median voter incentives to moderate" (p. 780).

Taken as a whole, coalition building is clearly the primary tool used by opposition movements in hybrid regimes. If utilised effectively at critical junctures, the literature suggests that it can challenge the dominant regime, either purely numerically, by mobilising a sufficient portion of society, or by fracturing the regime's hold on the centre into left and right factions that a coalition can absorb. The latter, of course, relies on an underlying element that is strong enough to bridge the left-right divide.

3.2 The Iranian case: institutions, reformists, factions

With regard to the institutional makeup of Iran itself, Asghar's 1997 book on the Constitution (and its revision in 1989) provides the most comprehensive study of the powers and limitations of the key state institutions (namely the Office of the Supreme Leader, the Majlis, and the Office of the Presidency), the relationships

between them, and the contradictions they embodied between popular and divine sovereignty. A less substantial but more recent version is offered by Farhi (2015). Shevlin (1998) supplements the literature on the Constitution by excavating the foundational principle of *vilāyat-e faqih* (governance of the jurist).

Baktiari's *Parliamentary Politics in Revolutionary Iran* (1996) was the first book-length work to address the general neglect of the Majlis in scholarly work, but his research looks only at the evolution of the Majlis up to 1994. Alem (2011) provides a thorough account of the electoral systems for presidential, parliamentary, and local elections, complete with quantitative data on the changing demographic of the Majlis's intake. Pedram's 2008 doctoral thesis helpfully elucidates the working of the parliament, with a focus on the sixth Majlis (2000-04), but is more concerned with identifying symptoms of democratisation than political strategies, and even he concludes by assessing Mohammad Khatami's presidency (1997-2005), rather than the Majlis as such. Interestingly however, he does find that the sixth Majlis was statistically more active than any of its predecessors in terms of supervising the executive branch and encouraging public engagement (p. 306).

The literature also suggests that Majlis is also likely to be an important actor with regard to prospects for future reform in Iran. Gasiorowski (2000) finds that "many Iranians who do oppose the Islamic regime do not favour active steps against it; they recognize that it remains popular and believe that only slow, evolutionary change is feasible" (p. 24). If such an evolution is to take place, the Majlis will likely be one of the stages on which it unfolds. Even if it is led by a non-systemic opposition, this too will have to negotiate the Majlis. This speculation on the Majlis's future importance is bolstered by changes in the texture of political

culture in Iran. As Takeyh (2004) puts it, “The 1997 presidential election [of Khatami] introduced a new player into Iranian politics: the people” (p. 132).

Reflecting on about the 2000 elections, Khiabany and Sreberny (2001) find that

In all previous elections candidates had vied with each other in pledging complete adherence to the ‘line of the imam’ (referring to [leader of the 1979 revolution Ayatollah] Khomeini), and total allegiance to the supreme leader. In the February elections, however, the entire election discourse and campaign slogans had changed . . . Freedom had replaced guardianship; participation – the new buzzword – replaced obedience, and Iran, rather than Islam, was given prominence. (p. 215)

Adib-Moghaddam (2006) develops this with a mercantile metaphor, arguing that the pluralism encouraged by Khatami’s government “engenders competition”, because “state policies have to be ‘sold’ to an audience that is no longer obliged to ‘buy’ from one source” (p. 668). He makes the interesting observation that candidates in the 2005 presidential election

scarcely employed Islamic imagery or reference to the political will of Ayatollah Khomeini to further their agenda. Political allegiance in contemporary Iran, it appears, is primarily no longer directed at the institution of the Leader. It is not the approval of the Rahbar that political parties struggle for. It is public opinion that matters. (p. 668)

This competition model may be one driver of the steadily falling number of clerics and the steadily rising number of technocrats elected to the Majlis (Vakili-Zad 1994:628).

Furthermore, demographic and social trends suggest we can expect increased calls or expectations of political accountability. Iran is now over 70 percent urban, over 70 percent of Iranians are under the age of 30 (and did not experience the 1979 revolution), and the national literacy rate has surpassed 80 percent (Takeyh 2004:138, Jalaepour 2003:141). Over 50 percent of households (70 percent in Tehran) shun official television channels in favour of illegal (but tolerated) satellite dishes, exposing them to a range of viewpoints that do not toe

the state line (Al-Araby 13/07/2015). The proliferation of online counter-censorship tools such as Tor and VPNs adds a further inlet for dissenting information. The Majlis, as the institution that collectively represents Iranian citizens, is positioned well to cater to such calls for accountability. Of all the branches of the Iranian state, it has historically been the most accountable to the public, as reflected in the intense competition between candidates ahead of elections and the intensity of debate afterwards. While some argue that pro-reformist politics in Iran should be analysed “from society to state – not the other way around” (Adib-Moghaddam 2006:655), my starting premise is that it must be analysed from both, and that the institution which is in theory a) accountable to the people and b) able to hold the government to account is therefore a promising place to look.

The ways in which opposition (both systemic and non-systemic) has been repressed by the regime is well documented (Ram 1992; Cohen 2006). The left, as one of the most frequently sidelined groups, has drawn its own attention, with Cronin (2004) noting that it has often played a determining role in Iranian political upheavals on both sides of the Islamic revolution. Abrahamian’s contribution to her volume demonstrates this changing relevance through the case of the left’s intellectual transition from revolutionary radicalism to the liberalism represented by the reformist President Khatami.

As for the reformists themselves, according to Pedaram (2008), the term ‘reform’ “had little trace before the election” of Khatami in 1997 (p. 266). But it was Ayatollah Khomeini’s death in 1989 that laid the ground for the movement’s emergence. Ehteshami (1995) says this event marked the onset of a ‘Second Republic’ under which, freed from the revolutionary leader’s omnipotent rule, independent political institutions could develop (p. 27). Bayat (2005) likewise

pinpoints Khomeini's death, alongside the end of the Iraq-War in 1988 and the subsequent reconstruction efforts, as the impetus for change. He frames this with his concept of 'post-Islamism', which he explains as

an attempt to turn the underlying principles of Islamism on its head by emphasizing rights instead of duties, plurality in place of a singular authoritative voice, historicity rather than fixed scriptures, and the future instead of the past. ... In short, whereas Islamism is defined by the fusion of religion and responsibility, post-Islamism emphasizes religiosity and rights (p. 5)

Arjomand (2009) traces how those politicians previously known as 'radicals' (so-called for their socialist-tinted brand of Islamism that advocated economic centralisation) in the first four Majlises became or spawned the later 'reformers'. For him, "The critical event that marks the onset of rethinking among the Islamic radicals was their massive disqualification by the Guardian Council and its supervisory committees for running in the 1992 Majles elections," in which 141 incumbents were disqualified (p. 68). From that transitional moment, a coherent reformist impulse began to emerge. For Takeyh (2003), its aim was "to transform the theocracy into a polity that was both politically representative and culturally sensitive" (p. 55). Calls for a distinctly Islamic form of democracy were led by the philosopher Abdol-Karim Soroush, who argued that Islam and democracy were not merely compatible but that each was necessary for the fulfillment of the other in Islamic polities (see chapter 8 in Sadri and Sadri 2000, and chapter 8 in Brumberg 2001). Though advocates of such principles were diverse, by 1997 they had come together for the purpose of the presidential election into a coalition of 18 groups, the biggest of which was the Islamic Iran Participation Front (Jebhe-ye Moshārekāt-e Irān-e Eslāmi). Their candidate for the presidency, Mohammad Khatami, swept to a surprise victory on the 2nd Khordad (in the Persian calendar, May 23 in the Western calendar), giving the movement its name - the Second of

Khordad Front (Jebhe-ye Dovom-e Khordād). They had the support of Iran's biggest student organisation, the Office for the Consolidation of Unity (OCU, Daftar-e Tahkim-e Vahdat), and, according to Cohen's data (2006:3), that of the youth in general. Khatami won 69 percent of the vote, amid a turnout of just under 80 percent, opening the 'reform era' that would last until the end of Khatami's second term in 2005.

Since Iran lacks an institutionalised party system, Khatami's supporters turned to the media to voice their critical views. "In just one year, between 1998 and 1999, the Ministry of Islamic Culture and Guidance licensed 168 new publications, including seven daily newspapers, 27 weeklies, 59 monthlies, 53 quarterlies and two annual publications" (Khiabany and Sreberny 2001:207). This press espoused the new discourse of Khatami's inauguration speech, championing terms such as "'civil society' (jāme'a-ye madani), 'legality' (qānunmandi), and 'citizens' (shahvandān)" (Arjomand 2009:93). The consequence of this burgeoning media environment was that "Public opinion ceased to be an abstract conceptual entity or a mere rhetorical figure. It became a source of authority that even the proponents of absolutism were compelled to appeal to, in their call for the continuance of revolutionary zeal" (Farhi 2003:151).

Although many of these publications were later disbanded and the discourses they put forward became less visible, as the conservatives moved to reassert their dominance and Khatami's power waned, many argue that Khatami's true victory was to enact a less tangible but more fundamental paradigm shift, for which the press was only an effective temporary vehicle. For example, Milani writes:

His [Khatami's] greatest legacy is trying to transform politics by popularizing the alphabet of democracy in an old country with a well-established tradition of autocracy and authoritarianism. He has used Islamic vernacular and nationalistic symbols, so dear to the masses, to articulate a new paradigm of governance based on popular sovereignty (2001:13).

For Baktiari (2001), "In contrast to the pre-1997 era, Iranians increasingly see the practice of voting as an established routine for registering their participation and performing their national duty" (p. 22). That said, subsequent electoral controversies such as Ahmadinejad's allegedly fraudulent victory in the 2009 presidential election have naturally dented this 'duty'.

With the end of Khatami's second term in 2005, the reformists entered a period that would see them locked out of formal power for over a decade. This instigated a strategic shift away "from participation to protest", conducted "under the leadership of a younger generation of politicians and student activists," while the previously elected elites either voluntarily withdrew or were forced out of the halls of power (Takeyh 2003:46). This shift reached its most visible point in the 2009 Green Movement that sought to elect Mir Hussein Mousavi to the presidency and deny Ahmadinejad a second term. The movement's name was taken from the unifying colour of Mousavi's campaign. Ahmadinejad's eventual victory, widely thought to have been fraudulent, sparked the largest protests since the 1979 revolution (Nader 2013:1), and a violent crackdown by the authorities. Today, Mousavi and Mehdi Karroubi, a fellow leader of the movement, remain under house arrest. Khalaji wrote in 2012 that

It is difficult to talk about reformists in Iran now." . . . Especially since the 2009 election, reformists have ceased to exist politically. . . . They are completely broken ideologically and organizationally, and they have no leadership.

Only under the centrist presidency of Hassan Rouhani, elected in 2013, were they able to regroup. In the 2016 Majlis elections, the reformist-moderate alliance won 119 seats, 83 went to principalists, and 81 to independents (Nada 2016).

The conflict between the reformists and the state's tutelary organs must also be seen in the light of the wider history of elite factionalism in Iran, and one of its proxies – poorly institutionalised party politics. Political parties do exist in Iran, having seen a surge after Khatami's election in 1997, which saw the major candidates “backed by quasi-party, political organizations” whereas previously they “had run without formal, party-like affiliations” (Fairbanks 1998:19). Under Khatami's tenure, “The number of political associations rose from 35 in 1997 to 130 by 2001.” (Arjomand 2009:93) When a House of Parties was established in 2000 to create a legal framework for them (Szajkowski 2005:307), its president pointed out that “Iran has more parties than most democracies” (Samii 2005). In 2011, Soltanifar (2011) found that “There are currently 39 parties, 32 societies, 34 Islamic associations, 21 Islamic societies, 18 Islamic groups and 23 Islamic assemblies totaling up to 158 organizations and parties in Iran” (p. 12). But Iranian parties are under-institutionalised, often lacking a coherent policy programme or a membership that extends beyond the founding cohort (Farhi 2015).

Razavi (2010) writes that two of the most influential political organisations – the Islamic Coalition Society and Combatant Clergy Association – function more “like private members' clubs rather than political parties” (p. 81). Some such organisations, for example the Islamic Association of Veterinarians, do not even claim to have a political purpose. This quasi-institutional factionalism has had the effect of consolidating financial and political ties within the country's political elite. In the decade following the 1979 revolution the Islamic Republican Party

(IRP) was the sole legal party in Iran, established by the clerical elite to present united front against leftist and secular opposition and consolidate the doctrine of vilāyat-e faqih. Even under this single-party regime, however, the factionalism that would come to characterise Iranian politics was apparent. Arjomand (2009:33) and Razavi (2010:86) find that individual Friday prayer leaders and mosques were far more effective than the IRP at political mobilisation, as did Akhavi (1987) in his more contemporaneous account. Some conservatives object to parties for fear that they could challenge the divine legitimacy of the supreme leader (Fairbanks 1998:17). As one cleric, Ayatollah Sadeghi, put it, “do you know why the Europeans follow party politics? Because they do not have an Emam [Khomeini]. Thank God, we have such an Emam that we do not need to make parties” (quoted in Razavi 2010:86). Moreover, as Arjomand (2009) notes, sometimes “even those political groups that advocated participation through political parties in the 1990s, such as the Organization of the Mojahedin of the Islamic Revolution and the Islamic Participation Front, did not register themselves as parties” (p. 65) for fear of a conservative backlash. Parties must acquire a license from the Interior Ministry, which involves a thorough vetting process and can be revoked later on. Parties and the various other forms of political organisation unite to form coalitions or fronts for the purpose of success in particular elections. These groups then issue lists to announce their endorsement of particular candidates.

Asayesh et al (2011) divide Iran’s political factions between left and right in their overview of party activity since the 1979 revolution. Razavi (2010) reaches further back, into the pre-revolutionary period and as far as the 1905-07 constitutional revolution, to explain the near absence of party politics in the early years of the revolution. Khani (2012) offers valuable legal context on legislation

such as the 1981 Parties Law, while Ayesh et al (2010) set this legal background alongside the other obstacles to party development, namely funding shortfalls for organisations, rentier economic tendencies, power centralisation, and the gulf between the political elite and the public. Akhavi (1987), Seifzadeh (2003), Moslem (2002), and Baktiari (1996) all address parties, but only as manifestations of broader elite factionalism, while Kar (2007) takes the opposite perspective, approaching them as vehicles for popular mobilisation. When Gasiorowski (2000) revisits the factional landscape at the onset of the 21st Century, he finds the divisions between Khatami's reformists and their rival conservatives deep enough to engender a velvet revolution, but ultimately (correctly) predicts the subjugation of the former by the latter within the official bounds of power. Kurzmann (2001) likewise finds that the reformists fell victim to their preference for what he calls "the stability of gridlock" over exacerbating divisions between the elected and unelected branches of the state.

Noting the part that parties played in Khatami's election, Fairbanks (1998) and Samii (2005a; 2005b) see the 1990s as a turning point for political parties in Iran. This is reflected in the fact that since Khatami's election, much of the literature has been concerned with describing the subsequent, relatively pluralistic landscape of opposition (Engelman 2000; Maloney 2000; Takeyh 2003), and the later clampdown upon it (Arjomand 2009; Farhi 2008; Khalaji 2012). Indeed, perhaps naturally considering the complexity of Iran's political system, this entire literature is largely descriptive in nature. We know a great deal about who has opposed whom, on what ideological grounds, and with what result, but we know too little about how groups or factions have pursued their agendas in spite of the

institutional obstacles they face, and why a given course of action may be more effective than another. This research is intended to help to fill that gap.

CHAPTER 4

METHODS

4.1 Parameters of the study

Temporally, this study focuses on the tenure of the sixth Majlis (2000-04). This is the only parliament to have been controlled by the reform movement (195 out of 290 seats), and came during the tenure of President Khatami (1997-2005). One would normally expect any political group that controlled both the executive and legislative branches to face little opposition to their policy program, but we know that in Iran this was not the case, as the state's tutelary bodies variously worked to stymie the reformists' progress. The debates that arose as a result of this clash cut to the very heart of the Islamic republic's political system and exposed the contradictions at its core. Ultimately it led to many reformists boycotting the 2004 Majlis election, and the disintegration of their overall coalition. The opportunity space afforded by the reformists' ascent, combined with the resistance they faced, makes this period an ideal opportunity to study attempts to overcome the constraints of a tutelary regime. At no other time was the potential for change – nor the extent of resistance to it – so great.

By 'reformists', I mean those politicians who identified as members of the 2nd of Khordad Front, the political alliance that backed Khatami for the presidency in 1997 and his supporters in the 2000 Majlis elections. The Persian word for 'reformists', *eslāhtalabān*, is still used today to label those who advocate principles championed by Khatami, such as democratisation and rule of law, but they are today a much less coherent unit than they were during the 'reform movement' that rose and fell under the former president's tenure.

Iranian reformism has of course also manifested itself in non-systemic, popular civic actions, outside formal state institutions. One example would be the 1999 student protests sparked by the closure of the reformist newspaper Salam (students were one of Khatami's key demographics of support). But because there was little to no coordination between the reformers in the halls of power and those on the street – indeed this is one of the most frequent criticisms levelled at the movement (see Arjomand 2009:105) – this study is limited to the former, i.e. to systemic manifestations of reformists' political behaviour within the formal institution of the Majlis.

4.2 Methodology

In order to identify and analyse the reformists' political behaviour, I constructed a timeline of parliamentary activity from the opening of the sixth Majlis (27 May 2000 / 7 Khordad 1379) to the opening of the seventh (27 May 2004 / 7 Khordad 1383). This provided an overview of deputies' activity within the Majlis, from the bills they passed to the petitions that they wrote, and the outcomes of this activity – the ratification or rejection of the bill, the debate sparked by the petition, and so on.

The data for the timeline was sourced through a systematic search of news archives. The online LexisNexis service aggregates news from the major Western (AFP, AP) and Iranian (Fars News, Moj News, Press TV) outlets, which can then be searched for items that include the words 'Iran' and 'Parliament' within the dates specified above. I also used the online archives of RFE/RL, a news organisation specialising in countries where a free press is not fully established, and which has issued weekly reports on political events in Iran since 2000, sourced

largely from the Persian-language media.¹ For reference data on election results, turnout, and the laws related to the Majlis, unless otherwise noted I use Iran Electoral Archive hosted by the Sant'Anna School of Advanced Studies.

From this timeline I then selected key episodes at which an obstacle to the reformists' efforts was anticipated or apparent and which therefore required a tactical response. These episodes were chosen on the basis of the gravity of the questions they raise about the relationship between the parliament and its tutelary supervisors, since it is during these periods of conflict that the balance of power between the two was most at stake. For example the law passed on 1 November 2000 to allow Iranian citizens to sue for damages incurred as a result of 'U.S. hostility' was an uncontroversial one, which had support from both reformists and the tutelary bodies, and therefore required little tactical behaviour. In contrast, President Khatami's 'twin bills' to reduce the powers of the Guardian Council and increase the powers of the presidency were hugely controversial, and put the reformists on a collision path with the council from the start. The episodes are chosen to span the range of parliamentary tasks outlined above, namely legislation, supervision and re-election. Two episodes – one success and one failure – were chosen for each task, except re-election, since this was a one-off event. By success I simply mean the achievement of a stated goal. Such successes may be modest – for example the passing of a law – rather than the substantive democratisation of the entire political system. Because of the back-and-forth nature of achieving such a success in Iran, by negotiating its myriad institutions, both successes and failures are best considered as relative outcomes, since they rarely see a single 'victor' emerge. The episodes selected are as follows: For legislation, the successful passing

¹ http://www.rferl.org/archive/Reports_Archive/20010626/865/865.html.

of a bill outlawing torture, and the failure to pass the ‘twin bills’. For supervision, the overturning of violations of parliamentary immunity, and the attempt to investigate the finances of the state broadcaster (IRIB).

I traced each episode over time, drawing out the mechanisms by which reformists negotiated the obstacles they faced and identifying critical junctures at which the outcomes of these mechanisms were decided. The sources were the news archives identified above (with the addition of Persian-language outlets such as ISNA and BBC Persian), primary sources such as letters and debate transcripts, and scholarly historical accounts of the period.

I choose a mechanism-based approach because it is designed to “explain salient features of episodes, or significant differences among them” and to “search for recurrent constellations of mechanisms into more complex processes” (Tilly 2001:24). As Collier notes (2011), “To characterize a process, we must be able to characterize key steps in the process, which in turn permits good analysis of change and sequence” (p. 823).

Alternative quantitative methods, such as process tracing, can also elucidate “the links between causes and observed outcomes”, but they do so specifically in order to test a case’s affinity to an overarching theory (George and Bennett 2005:6). While quantitative methods can offer some insight into parliamentary effectiveness (see for example Pedram’s 2008 comparative statistics on number of laws passed, questions posed, and ministers questioned during the sixth Majlis), they cannot reveal the concrete words and actions that led to the generation of such data.

CHAPTER 5

ANALYSIS

As outlined above, the episodes that I analyse are categorised under the parliamentary tasks of legislation, supervision and re-election. For each category there are two episodes – one success and one failure. Each episode is first narrated and then analysed in depth.

5.1 Legislation

5.1.1 Success: the passing of the anti-torture bill

According to Article 38 of the Iranian Constitution,

All forms of torture for the purpose of extracting confession or acquiring information are forbidden. Compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law.

In spite of this official condemnation, the practice has been widespread in Iran.

Tackling it became a key target of the reformists as part of their push for the rule of law and implementation of the Constitution more generally. They first submitted a bill to implement Article 38 on 8 May 2002, and after going back and forth between the Majlis and Guardian Council, legislation to that effect was finally passed two years later, on 4 May 2004, as the Bill on Legitimate Liberties and Civil Rights (RFERL Iran Report, 17 May 2004). While the reformists succeeded in passing anti-torture legislation, however, its implementation of course depends on the cooperation of other elements of the state. That cooperation has not been

forthcoming, and torture remains a serious problem in Iran.² Nonetheless, the bill remains remarkable from the perspective of the Majlis because it was the only piece of legislation related to citizen's rights that was passed by the reformists and not blocked by the Guardian Council (Mohammadi 2007:321).

The Majlis's anti-torture bill was introduced to the parliament in March 2002 (RFERL Iran Report, 11 March 2002). In addition to physical harm, it identified solitary confinement, sleep deprivation, psychological pressure, and denial of access to medical treatment as forms of torture, and determined that confessions obtained through such practices would be invalid (RFERL Iran Report, 4 November 2002). It also included provisions for the establishment of a council to inspect the treatment of prisoners, comprising representatives from the judiciary, legislative and executive branches (RFERL Iran Report, 11 March 2002). It was rejected by the Guardian Council the following month, on the grounds that it was contrary to the Constitution and Islamic law, and challenged the independence of the judiciary (AP, 9 June 2002; RFERL Iran Report, 4 November 2002). Their veto was condemned by international human rights organisations (Human Rights Watch, 12 June 2002).

It was not until 15 December 2002 that the Majlis approved a second draft of the bill (RFERL Iran Report, 23 December 2002). In the interim, the EU and Iran had begun negotiations for a Trade and Cooperation agreement, with the EU explicitly stating its hope that "the negotiation and conclusion of the agreement will help develop economic exchanges and co-operation with Iran, and contribute to the continuation of the process of political and economic reform" (European Council press release, 12 December 2002). This announcement drew the attention of human

² See the 2015/16 edition of Amnesty International's annual report, and Freedom From Torture's report on torture in the aftermath of the 2009 election.

rights organisations, which encouraged the discussion of torture as part of the talks (See the memorandum submitted by Human Rights Watch to the UK's parliamentary Select Committee on Foreign Affairs, February 2003). As the EU sent a delegation to Iran to discuss human rights issues with members of the judiciary and the Majlis, the judiciary's foreign policy advisor, Mohammad Javad Larijani, pre-empted criticism with an argument of cultural relativity: "We respect Western liberalism and expect the West to respect our own cultural democracy" (RFERL Iran Report, 23 December 2002). The Danish Embassy in Tehran (Denmark held the EU presidency at the time) published a statement saying that the talks focused on "prevention of torture and discrimination against women and religious minorities," and one Majlis representative recounting the meeting to the press said "the Europeans took a special interest in the law banning torture" (RFERL Newline, 19 December 2002). Speaking in Washington a few days later, Danish Foreign Minister Per Stig Moeller again reiterated the link between human rights and trade, explicitly stating his hope that doing so would assist Iran's reformists: "we are not just trading with Iran. It's on a condition that there's progress on political and human rights" (US Department of State, 18 December 2002).

Pressure on human rights violations relating to torture had also come from the UN, when special envoy Maurice Copithorne visited Iran in 2002 and collected testimonies on violations relating to pro-reform figures.³ Furthermore, human rights organisations had been galvanised around the case of Iranian-Canadian photojournalist Zahra Kazemi, who died in July 2003 after injuries sustained during her detention for taking photographs of a demonstration outside the infamous Evin

³ See Copithorne's full report at <http://repository.un.org/handle/11176/238808>.

prison in Tehran. In addition to sustained diplomatic pressure from Canada and the EU (RFERL Iran Report, 26 July 2004), her death received further international attention when Nobel laureate Shirin Ebadi took on the case (RFERL Iran Report, 10 November 2003). Although initially the government was reluctant to accept any blame for the incident, a ministerial inquiry launched by Khatami found that Kazemi had died due to a “fractured skull, brain haemorrhage, and its consequences resulting from a hard object hitting her head or her head hitting a hard object” (The Guardian, 19 November 2005). The Majlis’s Article 90 Commission also launched its own investigation, which accused Tehran’s prosecutor-general, Saeed Mortazavi, of attempting to cover up evidence and intimidate witnesses (Iran Human Rights Documentation Center, 2006:14). The doctor who first examined Kazemi when she was brought from Evin Prison to hospital was granted asylum in Canada, where he in 2005 testified to the world about the case in graphic detail, again bringing it into the spotlight (Iran Human Rights Documentation Center, 2006:12).

Under the revised bill approved in December 2002, “any physical or mental pressures against detainees in all stages of the legal process including interrogations, investigations, trial and the execution of the verdict are subject to law-based sanctions,” and “Physical pressures, solitary confinement, keeping more than one person in solitary confinement, night interrogations, and any act that can be considered as exerting pressure on a prisoner, are examples of torture” (UNHCR, December 2002). This too was rejected by the Guardian Council, on 8 January 2003 (RFERL Iran Report, 13 January 2003). When the EU’s delegation returned in February, External Relations Commissioner Chris Patten encouraged Iran to sign up to the UN’s Convention Against Torture (AFP, 4 March 2003). Over

100 Majlis deputies obliged, passing a bill in early March to authorise Iran's accession to the convention (AFP, 4 March 2003). The Guardian Council eventually rejected it in August 2003 (UN General Assembly 2005:407).

Before the UN convention could be rejected, however, the head of the judiciary, Ayatollah Mahmoud Hashemi Shahroudi, on 28 April issued a public directive to judicial officials banning the use of torture and concealing detainees' whereabouts. "Any kind of torture of the accused to obtain confessions is banned and confessions extracted through torture will not be religiously or legally legitimate" (AP, 28 April 2004). His 15-point directive explicitly stated the goal of "preserving human values and civil rights" (AP, 28 April 2004), and the case of Zahra Kazemi. If there should have been "precise supervision" of those involved in her interrogation, he asked, "Why should a case like Zahra Kazemi's carry such a high cost for our society?" (RFERL Iran Report, 17 May 2004). In contrast to the prior proposals, this one was passed by both the Majlis and Guardian Council within a matter of weeks, as the Bill on Legitimate Liberties and Civil Rights (RFERL Iran Report, 17 May 2004). Significantly, however, this law lacked the Majlis's prior provision for a council to supervise its implementation.

Three distinct means of opposition used by the reformists can be observed in this episode: 1) internationalisation of the debate, 2) the pursuit of 'parallel legislation', 3) investigation via the Article 90 Commission.

The key environmental factor was the internationalisation of the issue, which brought both opportunities and risks for the regime. Progress on anti-torture legislation brought opportunities for trade and appreciation from the international community, while obstruction prompted international condemnation and risked the loss of those opportunities. Iranian officials, however, have often demonstrated a

low regard for international opinion and criticism, hence the tide of international sanctions that are only today beginning to be lifted. We saw in the case of the torture legislation, too, that condemnation from Human Rights Watch over the vetoing of the bill did not deter the Guardian Council from rejecting it a second time. And EU attempts to engage Iran on human rights were countered with arguments of cultural relativism. Therefore it was clearly the opportunities for trade, rather than any desire to improve the country's humanitarian image, that tipped the balance.

These talks with the EU were the direct result of the reformists' rise to power. With Khatami's election in 1997, the Europeans replaced their previous policy of "critical dialogue" with one of "comprehensive dialogue" – a neat fit with Khatami's foreign policy mantra of the "dialogue of civilisations" (Posch 2016). It was within the subsequent biannual meetings that the trade initiative emerged. While the Iranian side may not have cared for civil society's opinions on the legislation, the EU was more receptive, since it was the party insisting on tying the agreement to rights issues. Civil society's pressure on the EU raised the cost of softening its position on torture in the trade talks, which in turn forced the Iranians to address it. This pressure was compounded by Zahra Kazemi's death, which further internationalised the issue (most obviously drawing in Canada) and provided a concrete case for civil society to rally around.

If the cultural relativist arguments were not dispensed with entirely by the pragmatic give-and-take required of trade negotiations, they were also undermined structurally by the Kazemi case. As a dual Iranian-Canadian citizen, she represented the synthesis of the two cultures between which officials such as Mohammad-Javad Larijani had tried so hard to maintain a distinction. Even though

the Iranian authorities do not officially recognise dual citizenship among their citizens, in the Kazemi case they nonetheless had to deal with the fact that everyone else did. This is demonstrated most succinctly by the attempts by Kazemi's family – with the support of Canadian diplomats – to have her body repatriated (The Globe and Mail, 20 July 2003).

The second means of opposition that the reformists deployed was what the pursuit of I call 'parallel legislation', i.e. alternative legislation that achieves an equivalent effect by a different name. After the torture bill had been rejected twice by the Guardian Council, the Majlis turned to the UN Convention Against Torture to achieve their aim of outlawing the practice. One practical benefit of resorting to parallel legislation was that it bypassed the Expediency Council. Normally if the Majlis wants to continue to advocate for a bill that has been rejected twice by the Guardian Council, it is sent to the Expediency Council, which issues a final verdict on the matter. Although it is supposed to be neutral, the Expediency Council has tended to favour the Guardian Council over the Majlis. President Khatami, for example, explicitly said that this was the reason he did not pursue his 'twin bills' (discussed below) longer than he did (RFERL Iran Report, 4 August 2003). By pursuing new legislation of the same import, the Majlis effectively restarted the legislative cycle and bought itself time.

Ultimately, the accession to the convention was of course rejected, but it did expose the council to criticism on another front, this time internationally. Since Iran's accession to the UN Convention was directly encouraged by EU officials in the course of the trade agreement talks, the fate of the two issues was linked. Non-accession could have harmed the negotiations. Crucially too, this move to accede to international norms was made by the Majlis, i.e. domestically. Iran is used to calls

from abroad for it to conform to human rights norms, and it is used to dismissing them with cultural relativist arguments. By making this same call from the heart of the Islamic Republic, the Majlis discredited such arguments, and dared the Guardian Council to demonstrate its disregard not only of an international norm but of one that had gained domestic acceptance in the popularly elected legislature.

The third means of opposition through which the Majlis attempted to influence the debate on torture and ultimately the legislation it was trying to pass was through by launching an investigation through its Article 90 Commission into Zahra Kazemi's death. According to Article 90 of the constitution,

Whoever has a complaint concerning the work of the Assembly or the executive power or the judicial power can forward his complaint in writing to the Assembly [Majlis]. The Assembly must investigate his complaint and give a satisfactory reply. In cases where the complaint relates to the executive or the judiciary, the Assembly must demand proper investigation in the matter and an adequate explanation from them, and announce the results within a reasonable time. In cases where the subject of the complaint is of public interest, the reply must be made public.⁴

At the time of the debate over the torture bills the commission was chaired by reformist Majlis deputy Hossein Ansari Rad. According to Human Rights Watch, many of those with grievances against alleged state injustice “saw the commission, and particularly its public reporting mechanism, as a way to bring attention to their cases” (Human Rights Watch 2004:60). Besides simply raising awareness, however, this investigation also brought vital evidence to light. Sourcing evidence from firsthand witnesses, the commission's report reconstructs the period after Kazemi's death. It elucidates the illegality of her arrest, and catalogues Tehran Prosecutor Saeed Mortazavi's obstruction of the subsequent investigation, alleging that he covered up evidence (see Appendix 2, Iran Human Rights Documentation

⁴ For an English translation of the Commission's full mandate, see Iran Human Rights Documentation Center, 'Internal Regulation on the Commission of Article 90 of the Constitution'.

Center 2006). The report included key testimonies from officials such as Mohammed Hossein Khoshvaght, Director General of Foreign Media at the Ministry of Culture and Islamic Guidance, who claimed that Mortazavi had pressured him to produce false testimony. International investigatory bodies with an interest in the Kazemi case, such as human rights groups, would not have been able to access such senior witnesses. Even if they were able to, the potential risks to those witnesses would have likely prevented those groups from identifying their sources, thus weakening its credibility. In the testimonies section of a 2004 Human Rights Watch report on torture in Iran, for example, only one alleged victim gives their full name (Human Rights Watch 2004:46-55). The fact that this was a domestic investigation by a commission of the national legislature gave witnesses some degree of protection.

The report was read out in an open Majlis session (and therefore broadcast nationwide on the radio) (Appendix 2, IRHDC 2006:2), published in full in one Iranian newspaper, and widely published online, but other print publications were “warned not to run the story if they wanted to remain open” and online access was limited (Human Rights Watch 2004:62). Although its reach may have been limited in Iran, it provided strong, domestically sourced evidence with which international organisations could then lobby states to pressure Iran on human rights.

Overall, this episode shows that when the Majlis’s legislative efforts are blocked by the Guardian Council, it has various tools with which it can levy pressure in order to achieve a favourable – albeit imperfect – outcome. Even though its parallel legislation was not passed and its Article 90 investigation did not result in the prosecution of Saeed Mortazavi, both internationalised the domestic issue of torture. While the criticism of Iran’s human rights record that it prompted might

normally have fallen on deaf ears, the timing coincided with key trade negotiations whose progress was explicitly tied to progress on rights issues. These negotiations were only pursued by the EU after the reformists' electoral successes. By allying their policy objectives with those of the international community, the reformists in the Majlis were able to open another 'front' from which to pressure the tutelary regime, raising the costs of resistance from its hardline elements. Moreover, they were able to endow this international front with their domestic popular legitimacy, and strengthen it with evidence that would usually be beyond the reach of international bodies.

5.1.2 Failure: twin bills

The 'twin bills' were two separate pieces of legislation that were usually discussed as one. They were considered among President Khatami's flagship policies, and sought to restrict the supervisory powers of the Guardian Council and to expand the powers of the president to redress alleged constitutional violations. After going back and forth between the Majlis and the Guardian Council, both bills were ultimately withdrawn by Khatami himself.

The bills were presented by the Vice President for Legal and Parliamentary Affairs, Mohammad Ali Abtah, in September 2002. The first bill, an amendment to the election law, was introduced on 1 September, and sought to limit the Guardian Council's legally binding power of 'approbatory supervision' (*nezārāt-e estesvābi*), by which it can disqualify election candidates from running if their prospective candidacy is considered detrimental to the Islamic Republic (RFERL Iran Report, 30 September 2002). This power is based on the council's own interpretation of Article 99 of the Constitution:

The Guardian Council has the responsibility of supervising the elections of the Assembly of Experts for Leadership, the President of the Republic, the Islamic Consultative Assembly [Majlis], and the direct recourse to popular opinion and referenda.

The second bill was presented by Abtah on 24 September. It sought to expand the mandate of the presidency as the executor of the constitution, introducing a power to overturn unconstitutional court verdicts and sanction officials and state bodies whose actions were deemed unconstitutional (RFERL Iran Report, 30 September 2002). Khatami framed the bills in strictly constitutional terms, as an almost bureaucratic corrective to the deficit between what he and his fellow elected officials were legally mandated but unable to do. During a news conference on 28 August 2002 he said:

although the president is responsible for implementing the constitution, he, however, does not possess the minimum possibilities afforded to the presidency by the constitution. . . . For that reason, I will prepare a bill and present it to parliament soon so that, God willing, I will be able to perform the duty that is not in the least outside the constitution, religion, and the wish of the people (RFERL Iran Report, 30 September 2002)

Two days earlier Khatami had articulated a similar resolve in a speech in front of Khamenei, which Samii has interprets as an indication of the Leader's tacit support (RFERL Iran Report, 30 September 2002).

The bills quickly began to polarise the political scene. When the first bill was introduced, a statement of support by over 160 deputies was read out in the Majlis. With the introduction of the second, Karroubi, the speaker, timidly indicated his support, saying the presidential powers bill "could resolve some of the existing problems" obstructing the Majlis's work (RFERL Iran Report, 30 September 2002). In an article in the 4 September issue of *Siyāset-e Ruz* (Politics of the Day), however, Gholamhussein Elham, head of the Guardian Council Research Centre, challenged the president's move, casting him in an authoritarian light by arguing that the proposed powers were an attempt not to implement the

constitution but to supervise its implementation by other branches of state (RFERL Iran Report, 30 September 2002).

Despite the widespread expectation that the Guardian Council would oppose the twin bills, which after all sought to empower the president at their expense, Khatami consistently said that he had no such expectation. “[W]hat I do is opposed neither to religious canons nor the constitution,” he said at the 28 August press conference. “Therefore, I don’t expect the honorable Guardians Council, which has a duty to identify incompatibilities with the religious canons or the constitution, to oppose something that is not opposed to the constitution or the religious canons” (RFERL Iran Report, 30 September 2002). Later, in a 20 October speech, he again presented the bills in a procedural, almost technocratic language of pre-assigned roles. The president, he said, is “duty-bound to safeguard and implement the constitution . . . It is incumbent upon [the president] to formulate rational policies to ensure that he can fulfill his responsibilities” (RFERL Iran Report, 28 October 2002). He found support in his director-general for parliamentary affairs, Ahmad Safaifar, who said: “the president only wants to institutionalize the powers that have been entrusted to him by the constitution” (RFERL Iran Report, 4 November 2002). As an example of the kind of constitutional violations that justified such powers, Safaifar pointed to the judiciary’s violation of Majlis deputies’ parliamentary immunity, in which the reformists’ insistence on their rights had ultimately been vindicated (see section 5.2.1 below).

Others were not as publicly optimistic as Khatami. By the end of September a 23-member joint committee had been formed, with the aim of reviewing the outline of the bills over two months to ease their passage through the Majlis and (more pressingly) the Guardian Council. The committee comprised officials from

the Legal and Judicial Affairs Committee, the National Security and Foreign Policy Committee, the Social Affairs Committee, and the Article 90 Committee (RFERL Iran Report, 14 October 2002). One of the committee's members, Yazd Majlis deputy Mohammad Kazem Mortazavi, conceded to the press on 20 October that the proposed power to challenge court verdicts that are deemed unconstitutional was likely to encounter objections (RFERL Iran Report, 28 October 2002).

Meanwhile, anticipating theologically argued opposition from the clerics of the Guardian Council, Khatami sent Abtahi and two of his clerical advisers – Hojatoleslams Mohammad Reza Tavassoli and Imam Jamarani – to the holy city of Qom to lobby support for the bills (RFERL Iran Report, 14 October 2002). The deputies of the Islamic Iran Participation Front (IIPF) in the Majlis also organised a 15-member delegation of their own to visit Qom on 18 October for the same purpose. The highest-profile cleric they brought into their fold was Ayatollah Hussein-Ali Montazeri, the cleric once slated to be Khomeini's successor who later fell out of favour with the regime for his dissenting views. A week after the visit, Montazeri wrote to the Majlis to confirm his support, highlighting the proposed bill to check the Guardian Council's approbatory supervision: "The Guardian Council has denied people's rights and restricted their freedom in vetting hopefuls standing for elections" (RFERL Iran Report, 28 October 2002). Senior clerical support also came from Ayatollah Jalaledin Taheri-Isfahani, formerly one of Khomeini's representatives and a member of the Assembly of Experts that drew up the original 1979 constitution, and later an influential Isfahan prayer leader and a critic of the regime. In a letter to the Majlis in November, he wrote that the Guardian Council's use of Article 99 of the Constitution to justify approbatory supervision contradicted Article 56, which says:

Absolute sovereignty over the world and man belongs to God, and it is He Who has made man master of his own social destiny. No one can deprive man of this divine right, nor subordinate it to the vested interests of a particular individual or group.

This back-room lobbying for elite support continued, and in late October Khatami met with Ayatollah Ali-Akbar Hashemi-Rafsanjani, the chairman of the Expediency Council which mediates in conflicts between the Majlis and the Guardian Council, to discuss the bills (RFERL Iran Report, 4 November 2002). When a bill is rejected for a second time by the Guardian Council, the Expediency Council is mandated to issue a final verdict on the matter. The president was no doubt keen to sound out how his bills would be received by Hashemi-Rafsanjani and his colleagues.

The joint committee gave their approval to the outline of the two bills – unchanged – on 30 October, and handed them over to the Majlis presiding board (RFERL Iran Report, 4 November 2002), who duly presented them to the deputies for a vote on the 6th and 10th November (RFERL Iran Report, 11 November 2002). As expected, the Majlis passed both, and they were sent on to the Guardian Council for ratification. Khatami's cabinet continued the president's optimistic discourse. Interior Minister Abdolvahed Musavi-Lari said on 6 November, "I do not see any reason why these bills should be rejected [by the Guardians Council]" Vice President for Legal and Parliamentary Affairs Mohammad-Ali Abtahi echoed this: "There is no reason why these bills should be rejected by the Guardians Council" (RFERL Iran Report, 11 November 2002). Though he introduced a note of compromise, saying "The spirit of the two bills has to be safeguarded, but we are not insisting that the phrasing of the bills must remain exactly as it is" (RFERL Iran Report, 11 November 2002).

While the bills awaited a verdict from the council, Khatami repeated his optimism, this time at a timely conference on the subject of ‘Non-Implemented Principles of the Constitution’ (RFERL Iran Report, 23 December 2002). As though anticipating bad news from the guardians, 154 Majlis deputies then wrote a letter to them challenging the legality of some of their prior decisions to reject legislation. The council responded that it was simply performing its constitutional obligations, and that any disputes around particular legislation could be handled by the Expediency Council (RFERL Iran Report, 23 December 2002).

Both bills were eventually rejected, the election law amendment on 1 April 2003 and the executive powers bill on 9 May. Both were rejected on the grounds that they violated the constitution, and were duly sent back to the Majlis for revision (RFERL Iran Report, 7 April 2003; 19 May 2003). To the press, Khatami expressed his surprise (RFERL Iran Report, 19 May 2003), but the deputies in the Majlis appeared less so. On 5 May, in anticipation of the bills’ rejection, a group of them had already announced a plan to hold staggered resignations, with one of them resigning every 10 days (RFERL Iran Report, 19 May 2003). They never followed through on their threat, though Mohammad Reza Khatami, the deputy speaker and head of the IIPF, did make his own resignation threat on 11 May (RFERL Iran Report, 19 May 2003). As rumours of further resignations started to circulate, other reformist deputies were compelled to deny to the press that they were planning to follow suit. Majid Ansari, a representative for Tehran, said negotiations between the Majlis and Guardians Council would be more productive than resignations, and challenged the council to a debate on the twin bills (RFERL Iran Report, 19 May 2003). Meanwhile students voiced their anger at the council’s

rejection of the bills through a sit-in at Tehran University on 13 May (RFERL Iran Report, 19 May 2003).

Following the rejection of the bills, 127 Majlis deputies wrote to the Leader to urge him to reign in the excesses of the Guardian Council or face the consequences of an emasculated reform movement. Calling out the tutelary bodies' blocking of elected officials' efforts, they said: "state officials must be honest and apologize to the people for their dereliction of duty and misinterpretations" (RFERL Iran Report, 30 June 2003). The letter was initially released publically via the Iranian Student News Agency, but was taken down soon after.

Khatami adopted a rhetoric of compromise, writing to the Majlis speaker, Karroubi, on 1 June to play down the differences between the two sides (RFERL Iran Report, 9 June 2003). His letter earned the thanks of Guardian Council secretary Ayatollah Ahmad Jannati. Negotiations started in earnest in early June. Regarding the election law amendment, Majlis deputy Mohsen Tarkashvand told the press "the Guardians Council has agreed to relinquish the extra powers granted by the fifth parliament for vetting candidates, and it will concentrate on supervising elections" (RFERL Iran Report, 16 June 2003), but this concession never materialised. Khatami's conciliatory tone was also intended to avoid the bills being sent to the Expediency Council, since "Doing so would be tantamount to admitting that the bills have legal or religious shortcomings" (RFERL Iran Report, 28 July 2003). Karroubi complied, urging the Majlis to consider amending the bills, but the deputies wrote to Khatami on 20 July to protest that they had already modified the bills as best they could and could not make any further concessions (RFERL Iran Report, 28 July 2003).

As the legislative deadlock set in, Khatami and members of his cabinet met with 25 Majlis deputies to discuss the situation on 4 August (RFERL Iran Report, 4 August 2003). In his remarks, the president described the bills as a “minimum requirement” that might, “to some extent, change the climate and make it more favourable to ensuring the rights of the people and the state,” because bolstering the “democratic essence” of the state is a necessary precondition to “saving the Islamic republican state,” (RFERL Iran Report, 11 August 2003).

The Guardian Council again rejected the election amendment on 12 August, and five days later the council’s spokesman said there could be no compromise on the presidential powers bill either, because it would give the president control over other branches of state (RFERL Iran Report, 18 August 2003). Khatami announced on 13 August that he would not follow the normal procedure and refer the bills to the Expediency Council (RFERL Iran Report, 18 August 2003). This split the reformists who still held out hope for the bills into two groups: one which favoured the resumption of negotiations to reach a compromise with the Guardian Council, and another which called for the bills to be put to a national referendum (RFERL Iran Report, 18 August 2003). Tehran representative Hojatoleslam Majid Ansari was optimistic about the former path, relaying to the press that “several of our cleric friends in the parliament had a very good and long meeting with [Guardian Council Secretary] Ayatollah Jannati” (RFERL Iran Report, 22 September 2003). Isfahan representative Ahmad Shirzad favoured the latter, encouraging Khatami in a 13 September interview to call a referendum on the grounds that it would only be successful with his leadership (RFERL Iran Report, 22 September 2003).

By this point the issue of the twin bills had dragged on for so long that it began to merge with preparations for the upcoming February 2004 Majlis election.

The timing was important because the election law amendment bill, in limiting the Guardian Council's supervisory powers, would most likely have favoured the reformists at the polls. The meeting of the conciliatory camp described above also included deliberation on the election, and culminated in a public announcement of consensus on the need for public participation and trust (RFERL Iran Report, 22 September 2003). Ironically, this had been one of the reformists' arguments in favour of the twin bills (RFERL Iran Report, 11 November 2002). The issues also became linked within the reformist camp more broadly, with Khatami and the rest of the 2nd of Khordad Front meeting on 2 October to discuss both the bills and the election (RFERL Iran Report, 6 October 2003).

But by the end of September, Khatami had all but given up on the bills. On 30 September he told provincial governors, "We must assume that the new election law will not be ratified or will be rejected. . . . What we have now is the current election law." His cabinet was similarly resigned to defeat. Vice President for Legal and Parliamentary Affairs Hojatolislam Mohammad Abtahi, who had initially echoed Khatami's optimism, told the press: "With regard to the [twin bills], . . . there is no hope for their ratification" (RFERL Iran Report, 6 October 2003). When asked by the press what he discussed with the Guardian Council at a 9 October meeting, the bills were rumoured in the press to be part of the agenda, but in Khatami's public account of the meeting he did not even mention them (RFERL Iran Report, 6 October 2003).

Some Majlis deputies did remain hopeful. In late October the Majlis Speaker, Karroubi, appointed a delegation of three legislators to again return to the Guardian Council for discussions, but to no avail (RFERL Iran Report, 3 November 2003). Resigned to the failure of his bills, Khatami now found himself in the

awkward position of encouraging participation in an election whose supervisory institutions he had derided as illegitimate. A letter written to him by 100 Majlis deputies on 8 December decried his “premature surrender in the face of the disqualification of famous candidates” (RFERL Report, 22 December 2003).

Ultimately, the mass disqualification of the reformists from the election (see section 5.3.1), the subsequent collapse of their coalition over whether or not to participate, and their opponents’ ability to capitalise on the years of frustrated reforms, saw Khatami’s allies swept out of the Majlis. Before the incoming, conservative seventh Majlis convened in mid-May, Khatami chose to withdraw the twin bills. In a 13 April letter to the Majlis, he wrote: “I predict that keeping these bills on the parliamentary agenda in the future will have a detrimental impact on the people’s rights and interests and the president’s position” (RFERL Iran Report, 19 April 2004). The legislature agreed on 18 April (RFERL Iran Report, 19 April 2004).

We can observe four means of opposition at play in this episode. These are 1) disinterested discourse, 2) coalition building, 3) resignation threats, and 4) an appeal to the Leader.

By ‘disinterested discourse’ I mean the language with which Khatami and his allies framed the twin bills not as radical, ideology-driven reforms but as almost procedural correctives, unconstrained by factional interests. The presidential powers bill, for example, was designed to ensure that the president could do his job – as it had already been defined in the constitution. Divergence from the status quo was thus reframed as restoration and continuation, the radical as the conservative.

Hence Khatami said his bill was necessary not because he wanted additional powers for the presidency, but because it “does not possess the minimum

possibilities afforded to the presidency by the constitution” (RFERL Iran Report, 30 September 2002). Later, too, he said “It is incumbent upon [the president] to formulate rational policies to ensure that he can fulfill his responsibilities” (RFERL Iran Report, 28 October 2002). Khatami speaks not of himself but of his office, at a level of abstraction that diminishes his presence in what he is saying. It is as though it were not his policy at all, but one demanded by an abstract entity of which he is simply the current spokesperson. Criticism and opposition is thus deflected away from Khatami and the reformist program of which he is the figurehead, which threatens some of the regime’s tutelary elements, and redirected to a banal point of bureaucracy enshrined in the state’s foundational document – the Constitution. The criticism often levied at the reformists by the state’s tutelary bodies was that they were deviating from the path of the revolution or its principles (the colloquial name of the main hardliner faction, *Osulgarāyān*, translates as ‘principalists’). But with this discourse, Khatami presents himself as the advocate of document in which those same principles were supposedly enshrined.

Appealing to the Constitution was a hallmark of the reform movement, and it was a powerful tool precisely because it both mobilised support from those who objected to its violation or incomplete implementation while also precluding criticism from those who would wish to demonise the reformists as deviating from the path of the revolution. To align oneself with the Constitution thus suggests a certain level of non-partisan consensus or support where they may in fact be none.

We also saw that the reformists were able to draw a parallel between their current efforts to pass the twin bills and their previous – successful – efforts to claim their violated constitutional right to parliamentary immunity. If the case of the twin bills, like that of immunity, was a matter of mis-implementation or

violation of the constitution, then the concessions of the hardliners in the latter provided a precedent on which to justify the former. This discourse therefore not only invoked a sense of cross-factional consensus through its appeal to the constitution, but also challenged the tutelary bodies to violate a precedent that they themselves had set. Resistance by the Guardian Council would not simply be towards Khatami, his supporters, or the Constitution, but to the council itself.

The natural complement to this disinterested discourse was the initial optimism we saw in Khatami and his allies regarding the bills' prospects of ratification by the Guardian Council. If the reformists were simply doing what the Constitution said they should be doing anyway, and if the hardliners had already conceded defeat in another case of constitutional violation, why should they meet resistance? The substantive difference between the twin bills and the immunity issue is of course that the twin bills sought to curtail the powers of the Guardian Council and to give the president powers that could be used against the council. After years of seeing his legislative projects frustrated by the council, it is therefore hard to believe that Khatami was sincere when he said he didn't expect them to reject his bills, or when he said he was surprised that they did. His feigned surprise does however succeed in highlighting the perceived illegitimacy of the council. By rejecting the bills, the council came out against the constitution it was established to protect, and reneged on its own precedent. If the bills were doomed to fail, delegitimising the institution responsible for their failure is perhaps the only victory one can claim.

Once the bills were rejected and were sent back to the Majlis, Khatami could no longer make out that the bills were so uncontroversial. Faced with a choice between giving up on the bills and continuing to advance them but on the

Guardian Council's terms, i.e. by compromising, he chose the latter. By extending negotiations (or prolonging the inevitable deadlock, depending on one's perspective), this also avoided the possibility of the bills being sent to the Expediency Council, which would likely have sided with the Guardian Council. Khatami's stated reason for wanting to avoid the Expediency Council was that bringing them into the debate "would be tantamount to admitting that the bills have legal or religious shortcomings," but he had already implicitly conceded this by encouraging the Majlis to revise the bills after they were rejected the first time (RFERL Iran Report, 28 July 2003).

As his conciliatory stance failed to yield results, he again started arguing that the bills' merit was self-evident. This time, however, rather than espousing their merit based on disinterested discourse of constitutional consensus, it was with a highly charged language that cut to the core of the contested status of the Islamic republic as a system of governance. As the reformists awaited the Guardian Council's verdict on the revised version of the bills, Khatami said they were a "minimum requirement" that might, "to some extent, change the climate and make it more favourable to ensuring the rights of the people and the state," adding that strengthening the "democratic essence" of the state was a necessary precondition to "saving the Islamic republican state" (RFERL Iran Report, 11 August 2003). What was previously a question of simply implementing what was already agreed upon and enshrined in the Constitution was now a question of the nature and security of the state's very "essence". The message of both arguments is that the bills should pass, but the disparity between the two – in particular the almost throwaway flippancy of the former contrasted with the gravity of the latter – weakens their common aim. In the interim, meanwhile, Khatami's advocacy of compromise had

watered down the bills whose exigency he had said was self-evident, not only weakening their legislative power, but also his credibility.

The second means of opposition, coalition building, is concerned with the ways in which they tried to recruit support for the twin bills from targeted demographics in a bid to ease their passage into law. Samii interprets the fact that Khatami spoke about the need for the bills in the presence of the Leader as a sign of Khamenei's tacit support (RFERL Iran Report, 30 September 2002), on the assumption that Khatami would not dare to advocate a policy in front of the Leader if he knew he was opposed to it. Regardless of whether or not Khamenei gave his blessing – or acquiescence – to Khatami, the fact that Khamenei did not intervene when the Guardian Council blocked Khatami's efforts demonstrates that such indirect or implicit, undeclared support – even from the Leader – is not enough to ensure a favourable outcome.

The delegations to Qom were also intended to curry favour among demographics whose support could preclude objections from the Guardian Council – this time from the clergy as a whole. The logic runs that the clerics of the council would be less able to make theological objections to legislation that had received the blessing of senior members of the clergy. They secured the explicit written support of Ayatollahs Montazeri and Taheri-Isfahani, both of whom were senior clerics with strong revolutionary credentials. Indeed, even after he later fell out of favour with the regime, Montazeri was “widely regarded as the most knowledgeable religious scholar in Iran” (NY Times, 21 November 2009). But this too failed to change the outcome. So neither the implicit support of the Leader nor the explicit support of a supreme Islamic scholar is necessarily enough to overcome Iran's tutelary obstacles.

Khatami's conciliatory discourse was also a bid to widen the spectrum of support for the bills, but it backfired. He ended up alienating his native reformists and winning the praise (but not the concessions) of his opponents. As the bills awaited revision after their first rejection, Khatami's 1 June letter to Karroubi encouraging compromise earned thanks from Guardian Council secretary Ayatollah Ahmad Jannati, but he got a stark response on 20 July when the Majlis deputies wrote to him to say they could not make any further concessions. Moreover, Jannati's verbal support did not transpose into ratification of the bills when they were sent to the council for a second time. When Khatami's compromise was welcomed but not reciprocated, he had divided his own coalition and won no concessions on his legislation in return.

Recall that the reformists' avowed overall strategy was "Pressure from below and negotiation from above". The intransigence of the hardline elements of the regime's elite effectively stymied the "negotiation from above" part. But the reformists also failed to implement the "pressure from below" part. Students, one of the reformist coalition's core constituencies, did hold a protest on 13 May over the rejection of the bills, but the reformists were unable to further broaden the issue in the public sphere. The Majlis deputies called for a referendum and a public debate on the issue, both of which could have mobilised public support that – as in the 1997 presidential and 2000 Majlis elections – would have been hard for the hardliners to ignore. But these calls went unheeded by the president, further widening the divisions within the 2nd of Khordad Front as a political actor, and further alienating it from the public that it claimed to represent. Instead of transparent debate and public participation, Khatami favoured back-room

negotiations with the hardline elite and keeping the debate within the bounds of state institutions.

There are two possible reasons for this choice. The first is that Khatami had lost confidence in the support of this public base. Despite victories in the 1999 local elections, and 2001 presidential elections, the reformists had indeed seen their support shrink as it became clear to the public that the promises made in 1997 would not be so easy to keep. The second possibility is that Khatami feared that, rather than encouraging the hardliners to change their stance, public pressure would embolden it, by presenting the regime with a perceived threat to its stability. The latter scenario became a reality in the aftermath of the 2009 election, when the regime responded to public pressure not with concessions but with a violent crackdown. Either way, this neglect of the public meant that it was near impossible to apply the “pressure from below” that the reformists had promised.

The third means of opposition was to make resignation threats. Depending on the numbers involved, such threats can be tactical if the non-participation of those making them is or is perceived to be a destabilising factor. As I discuss below in relation to other forms of non-participation, the logic runs that the tutelary bodies might rather make concessions to the reformists than risk destabilisation of the regime as a whole. First there was the plan by several Majlis deputies to hold staggered resignations, then the rumours (later denied) of Khatami’s resignation, which in turn sparked other rumours. As with the divide that emerged over the idea of a referendum versus the continuation of negotiations with the Guardian Council, this too split the reformists between those who believed that participation in the system could still achieve results and those who had lost hope. Khatami’s denial of his rumoured resignation effectively required him to condemn his reformist

colleagues who were calling for such a move, further deepening the divide. Unlike the mass resignations pursued by the reformists after the disqualification of candidates in the 2004 elections (see section 5.3), the resignation threats in this case were highly disorganised, and ultimately proved to be hollow. The result was the further erosion of the reformist coalition as a whole, and the erosion of the credibility of those who backtracked on their resignation threat.

The final means of opposition was the appeal by Majlis deputies to the Leader. Their letter reads more as a threat than as an appeal for counsel, and the fact that the 127 signatories declined to give their names demonstrates that they knew their message would be interpreted as a threat and were reluctant to be held to account. That the letter was quickly taken down without explanation from the news website that initially hosted it in turn indicates that their fear was well placed, and that the criticism was not well-received.

This episode demonstrates several things about how reformists can influence the legislative process. Firstly, it demonstrates that if resignation threats are hollow and disorganised they do more harm than good, by dividing the reformist coalition at the very time that it needs to show unity. Secondly, and perhaps unsurprisingly, the Leader's office takes unkindly to threats. As we will see in the following episode, appeals to the Leader for intervention are more effective if they are discursively innocuous and are mediated by a hardline figure.

But more substantively, this episode shows that it is possible to frame radical legislation in conservative terms. The twin bills were radical not in the sense that they were particularly novel (since much of their import was already bestowed by the Constitution), but in terms of the redistribution of power they would have facilitated. This discursive flourish was not enough to see the legislation passed, but

it did preclude the all too familiar criticism of ‘deviation from the revolution’.

Khatami’s subsequent shift to a more desperate discourse centred on the state’s “essence”, meanwhile, did little to help his case. And finally, the support of senior clerics – and even the tacit support of the Leader – is not enough to ensure a reformist coalition pursuing legislation is strong enough to overcome the resistance of the Guardian Council. Moreover, efforts to bring other senior hardline figures into the fold of that coalition can backfire by splitting the reformist base – without any hardline concessions to show for it. In 2004 the public was the conspicuously uninvolved demographic in this coalition. While the experience of the Green Movement in 2009 suggests that involving the public could have been dangerous, and Khatami’s caution therefore well placed, there are two important differences. The first is that in 2004 the reformists were in government, rather than seeking to enter it as they were in 2009. The second is that the means by which they would have involved the public in 2004 was a referendum, rather than through street protests in 2009. When an incumbent government makes a demand with the verified support of the populace, a violent crackdown is much harder to justify than when a presumptive government mobilises what can be framed as civil unrest.

5.2 Supervision

5.2.1 Success: parliamentary immunity

The debate over the parliamentary immunity of Majlis deputies was a recurring one throughout the sixth Majlis. The protection is seemingly granted in Article 84 of the Constitution, which states that

Every [Majlis] representative is responsible to the entire nation and has the right to express his views on all internal and external affairs of the country.

Article 86, moreover, states:

Members of the Assembly are completely free in expressing their views and casting their votes in the course of performing their duties as representatives, and they cannot be prosecuted or arrested for opinions expressed in the Assembly or votes cast in the course of performing their duties as representatives

Though the provision of immunity is seemingly unambiguous, Article 98 gives the Guardian Council the power to interpret the constitution. The uncertainty resulting from these overlapping jurisdictions was what facilitated the arrest of reformist deputies such as Davud Suleimani for comments in the Majlis in July 1999 and Issa Musavi-Nejad in connection to unrest in the city of Khorramabad in early 2000, which began after prominent reformist intellectuals were blocked from addressing a rally (RFERL Iran Report, 12 February 2001).

But it was in August 2000 that the debate over parliamentary immunity came to the fore, after several deputies demanded that the Leader's letter blocking a Majlis debate on a more progressive press law be made public (RFERL Iran Report, 28 August 2000). The secretary of the Guardian Council, Ayatollah Ahmad Jannati, interpreted this as a violation of the loyalty to *valiyat-i faqih* required of all parliamentary representatives, and warned: "anybody who does not show practical loyalty to the *Vilayat-i Faqih* would have his or her credentials revoked by the council." As several deputies challenged the legal basis for their potential ouster from the Majlis, others grappled with its consequences. During the 16 August Majlis session, Isfahan representative Rajabali Mazrui said that if the Guardian Council's interpretation is upheld, "the deputies will not speak freely in the parliament because they are too afraid" (RFERL Iran Report, 28 August 2000). The debate even drew in former architects of the revised 1989 Constitution, such as the senior cleric Hojatoleslam Asadollah Bayat-Zanjani. He said:

supervision is one thing but interference is something totally different. If we expel a parliamentary deputy whose competence has been approved by the

Guardian Council, the executive and supervisory boards, or if we expel a parliamentary deputy whose credentials have been approved by the Majlis, then we will be interfering with the business of the legislature. That is not called supervision (RFERL Iran Report, 28 August 2000).

The discussion did not stay at the abstract level for long, however. Hossein Loqmanian, a representative from the city of Hamedan, was arrested on 28 January 2001, prompting deputies in that day's Majlis session to object, citing the constitutional articles quoted above (Payvand, 28 January 2001). One deputy called for a new law to confirm immunity, but was overruled by those who insisted the existing legislation was sufficient (RFERL Iran Report, 12 February 2001). Other senior regime figures outside the reform movement, such as (current president) Hassan Rouhani, also came out strongly in defence of the advocates of immunity (RFERL Iran Report, 12 February 2001). Loqmanian was released later that day, but eventually charged and given a 13-month jail sentence for alleged slander against the judiciary during a Majlis speech (RFERL Iran Report, August 27 2001). He appealed the sentence.

Over the following months, the number of cases launched against Majlis deputies rose dramatically. By August 2001 there were 30, with charges ranging from “misinterpreting Father of the Revolution Ayatollah Ruhollah Khomeini’s words”, and “propagandizing against the system”, to making a hoax phone call to the Majlis (RFERL Iran Report, 27 August 2001). Majlis deputies called on the speaker, Karroubi, to defend their rights (RFERL Iran Report, 27 August 2001). President Khatami stepped into the fray in October, defending his status as guardian of the Constitution in an exchange of letters with judiciary chief Ayatollah Mahmoud Hashemi Shahroudi. One letter cautioned Shahroudi to “implement the constitution correctly and refrain from violating its articles,” writing that the arrests

of Majlis deputies contravened their right to immunity (Ettelaat, 24 October 2001).

Ironically, Shahroudi's response also drew heavily on the Constitution.

Since judges, according to the constitution and ordinary laws as well as the principles of jurisprudence, are independent in their interpretation of the law and issuing verdicts, nobody – not even the judiciary chief – has the right to impose its interpretation of the law on judges. (RFERL Iran Report, 29 October 2001).

On 21 October, Majlis Deputy-Speaker and IIPF leader Mohammad Reza Khatami suggested the reformists appeal to their popular support by putting the immunity issue to a referendum (RFERL Iran Report, 29 October 2001). Unlike legislation, the decision to hold a referendum does not require the approval of the Guardian Council, and can be passed by the Majlis with a two-thirds majority (Constitution, Article 59). The public dispute between the heads of the executive and judiciary over the legislature, perhaps combined with the new prospect of the further public scrutiny of a referendum, prompted Khamenei to intervene, warning that such divisions should not be made public. “[I]t will dishearten the people, make them anxious, and gladden the enemy. . . . the Leader can resolve these problems” (RFERL Iran Report, 5 November 2001). The dispute duly withdrew to behind closed doors (NY Times, 27 December 2001).

Two months later, the sentences of Loqmanian and two other Majlis deputies were confirmed by the appeals court (Payvand, 19 December 2001), and on 25 December Loqmanian became the first deputy to be sent to prison in the history of the Islamic Republic (NY Times, 27 December 2001). Exasperated, reformists abandoned the closed-door meetings (NY Times, 27 December 2001), and issued a statement in the Majlis:

Loqmanian's arrest over remarks fully sanctioned by constitutional liberties is not an individual event but a political catastrophe which signals a turning point in the judiciary's action. (Reuters, 27 December 2001)

The Majlis presiding board likewise condemned Loqmanian's detention, and set up a commission to look into the case (Payvand, 30 December 2001). Though Loqmanian's case was the most prominent, by this point around 60 deputies had been summoned by the judiciary in the course of the sixth Majlis (RFERL Iran Report, 31 December 2001). In Loqmanian's Hamedan constituency, over 1,000 demonstrators took to the streets in protest, with at least four arrests reported (AP, 1 January 2002). Meanwhile, with the encouragement of reformist deputies, the private meetings between the Majlis presiding board and the judiciary resumed, with the board's spokesman, Ahmad Bourghani, vowing to "pursue the case seriously until his [Loqmanian's] freedom is secured" (Payvand, 10 January 2002)

On January 13, in the first open Majlis session of the following week, 60 deputies staged a 15-minute walk-out in protest at Loqmanian's detention. One of them, Bijan Shahbazkhani, said: "The unprecedented detention took place because the MP advocated the rights of the people," while the speaker, Karroubi, criticised the delay in securing his release (Payvand, 13 January 2002). Two days later, the reformists staged another walkout, but this time with 242 (out of 290) deputies, and led by Karroubi, who said he would not chair any more sessions until Loqmanian was freed, effectively paralysing Majlis proceedings indefinitely (Reuters, 15 January 2002). His parting words were: "I did whatever I could, all kinds of negotiations and efforts, but there has been no agreement" (NY Times, 15 January 2002). On 15 January, a group of 40 Majlis deputies wrote a somewhat understated letter to the head of the judiciary, Shahroudi, in which they said: "the continuation of this dispute will not be to the benefit of the Majlis, the judiciary, or the country". Shahroudi in turn wrote to Khamenei, referencing Article 100 of the constitution, which gives the leader the power to pardon convicts upon the recommendation of

the head of the judiciary. In a reply barely more than a single line, Khamenei agreed.⁵

Loqmanian returned to the Majlis the following day (16 January), greeted with cheers from his reformist colleagues, and expressed his gratitude to Karroubi by placing a wreath of flowers around his neck (AP, 16 January 2002). Loqmanian used his speech, broadcast live on state radio amid the subsequent Majlis open session, to defend his actions and the mandate of the reformists.

What I had said from this podium was not a crime, it was a pronouncement of the nation's pain and suffering. . . . An establishment that blocks the paths to reform and closes the doors to public criticism and protest will not survive. It will implode. Accepting the nation's demands, recognizing (opposition) groups, respecting the independence of senior religious leaders . . . is the only factor that can save the system. (Reuters, 17 January 2002)

The means of opposition used by the reformists in this episode can be grouped as follows: 1) condemnation, 2) negotiation, 3) elite walkouts, and 4) appeals to higher authorities.

As the violations of parliamentary immunity stacked up, the reformists at first limited their opposition to verbal condemnation of the arrests. The Majlis speaker condemned them on the invitation of the deputies, and the president soon followed. Khatami, in his exchange of open letters with Shahroudi, told the judiciary to stop what they were doing and emphasised his superior authority as the executor of the constitution. This conflict between the heads of the executive and judicial branches of the state drew the ire of Khamenei, who urged them to turn to himself to mediate their dispute rather than airing it in public.

They obeyed, but the critical moment that led to the breakdown of backroom negotiations was the jailing of Loqmanian. This was not only a pivotal

⁵ Read the correspondence (Persian) at <http://farsi.khamenei.ir/message-content?id=18698>.

moment in the immunity debate, insofar as it was the conclusion of the judicial proceedings against Loqmanian, but also a historic moment, since it made Loqmanian the first Majlis deputy to be sent to prison in the history of the Islamic Republic. In their subsequent condemnation, his fellow deputies clearly saw the event as such a critical juncture. “Loqmanian’s arrest,” they said, “is not an individual event but a political catastrophe which signals a turning point in the judiciary’s action” (Reuters, 27 December 2001). Condemnation was also voiced outside the halls of power, in the form of public protests in Loqmanian’s constituency.

The spectrum of voices airing their objection to violations of parliamentary immunity was much narrower before the sentencing of Loqmanian, even though it concerned a much higher number of deputies (over 60 by December 2001). Clearly, the conclusion of the proceedings against him was the tipping point, after which the public, the president, the legislative branch (both its members and its leader) were united in objection.

The second means of opposition was direct negotiation with the judiciary. The Majlis Presiding Board was engaged in such meetings before Loqmanian’s sentence was confirmed, indicating that it made little difference to the judiciary’s decisions. Although they called an end to the meetings following the upholding of the sentence, the fact that they returned of their own accord shows that they recognised dialogue was at best a prerequisite to progress, and at worst a more promising avenue than boycotting such contact. This time the resumption of meetings came with a vow of the reformists’ resolve, promising to pursue the case “until his freedom is secured” (Payvand, 10 January 2002).

The third means of opposition was to stage elite walkouts in the Majlis. The first of these was relatively small (60 out of 290 deputies), temporary (15 minutes) and limited to the deputies. This was a symbolic gesture of protest, and posed no threat to the legislature's proceedings, since up to one third of deputies can be absent without endangering the quorum (Constitution, Article 65). The second walkout was much larger (242 out of 290 deputies), forfeited the quorum, and was led by the head of the legislative branch, the speaker Mehdi Karroubi. Karroubi was a consensus figure who, though a prominent member of the reformist coalition, was also a cleric and long-time regime insider. Karroubi also declared that he would not chair any more Majlis sessions until Loqmanian was freed, so this paralysis was avowedly indefinite. Without the speaker to conduct proceedings, Majlis sessions could not be held, meaning that what was articulated as an ostensibly individual protest in fact represented the deliberate paralysis of the entire legislative branch. Furthermore, this second walkout occurred just two days after the first, suggesting that opposition to Loqmanian's sentencing was building rather than shrinking. In those two days 182 more deputies and the speaker of the house had been convinced of the merits of direct action. With the legislature shut down, the logical direction of expansion would be into the reformists in the executive. Though we know from other episodes (see for example section 5.3) that Khatami repeatedly shied away from such boycotts or resignations, his cabinet were more inclined. That said, of the 290 total seats in the Majlis, the reformist coalition controlled 195 (Abrahamian 2008:188), meaning that they had recruited 47 deputies from among other groups and independents for the second walkout. The opposition to Loqmanian's arrest was thus not only expanding quantitatively, but qualitatively too, as the issue was broadened to a cross-partisan one.

Karroubi's announcement was an ultimatum to the judiciary: free Loqmanian or risk protracted political crisis. Discursively, he presented his action as a last resort, saying he was forced to direct action because negotiations had failed. In other words he stressed that although he was happy to play by the rules of the game, that his preference was be for the "responsible" route of dialogue and the avoidance of crisis, he was prepared to stop the game if those rules were not honoured in good faith.

Rather than dividing the reformists between advocates of participation versus advocates of non-participation, as happened in the controversy over disqualifications in the 2004 election (see section 5.3), Karroubi put the two approaches in sequence. The message was that the reformists would participate as long as doing so could yield progressive results – or at least counter regressive injustices – but that, as soon as participation became futile, they were prepared to withdraw from the system and bring it to a standstill. In short, it took scale, leadership, political paralysis, and the promise of an expansion of the crisis to make walkouts achieve their stated aim of freeing Loqmanian.

The action that actually freed Loqmanian, however, was of course his pardoning by Khamenei. This was not given in explicit response to the deputies' walkout, but rather in the context of a rather mundane sequence of letters, from 40 deputies to judiciary head Shahroudi, from Shahroudi to Khamenei, and finally from Khamenei to Shahroudi. Though articulating a grievance, the deputies' letter was not the kind of hostile warning that we saw in the twin bills episode (see section 5.1.2). Indeed it was remarkably understated, saying of the Loqmanian issue that "the continuation of this dispute will not be to the benefit of the Majlis, the

judiciary, or the country”,⁶ but even mentioning completely separate issues such as the national budget. One would not guess from the tone nor the content of this correspondence that the legislative branch had effectively called a strike. Though Khamenei’s letter did not refer to the walkout, it would have been impossible for him to be unaware. The correspondence itself, in addition to the muted language described above, contained nothing that the Leader would not have known already. The one difference was that this time the call for Loqmanian’s pardon was coming not from the reformists, but from the head of the judiciary himself, the man who had until now refused to make concessions on the issue. A key part of the Leader’s role is to mediate between competing factions in domestic conflicts, and when the walkout made Shahroudi drop his objections, the risk to Khamenei of siding with the reformists was obviated.

In sum, we can draw three conclusions from this episode. First, it is not the quantity of abuses of power that draw the most condemnation, but the ‘quality’. The sentencing of one Majlis deputy mobilised more people to the reformists’ cause than the charging of 60 deputies, because it went further than the other 59 in concluding the judicial process, and in the process made history. A single extreme case study convinces more people of injustice than a survey that shows the extent of that same injustice. Furthermore, due to the constituency-based organisation of the Majlis, that single case study has a direct connection to a particular group of constituents, and is more likely to mobilise them to act. Secondly, symbolic Majlis walkouts may make a point and garner media coverage, but in order to secure hardliner concessions they must be large, organised, and impede the proceedings of the legislature. And finally, appeals by Majlis deputies for the intervention of

⁶ See the letter at <http://farsi.khamenei.ir/message-content?id=18698>.

higher authorities can be effectively only if they avoid the kind of confrontational language seen in the previous episode, and are especially persuasive if they reach the Leader by a figure outside the reformist coalition. If the Leader is the official mandated to balance the competing factions of the state, we might say this mediation moves the centre-line of the scales in the reformists' favour.

5.2.2 Failure: investigation into the state broadcaster

Islamic Republic of Iran Broadcasting (IRIB) is the state television and radio broadcaster in Iran, and by far the country's biggest media organisation. It is also the only legal broadcaster. Satellite television, though illegal, is largely tolerated by the regime. The head of IRIB reports to a supervisory board composed of members of the executive, legislative and judiciary branches (Article 175 of the Constitution), but is appointed directly by the Leader (Open Source Media Center Aid 2009:5). IRIB has frequently been accused of bias in its coverage of the reformists, either covering them unfavourably or not at all. For example it favoured Khatami's opponent, Ali-Akbar Nategh-Nouri, in the 1999 presidential election, brushed over the successes of the reformists in the parliamentary vote the following year, and even attempted to implicate them in the 'chain murders' of writers and intellectuals in 1998 (Khiabany 2009:178). The incident covered in this section is the attempt by the Majlis to exert its supervisory powers to investigate IRIB's finances amid allegations of corruption.

The investigation had its roots in the state budget first presented to the Majlis on 26 January 2001. The government of President Khatami had angered some by diverting money from several conservative institutions in order to fund those that could advance his progressive agenda, for example by giving greater

support to political parties and religious minority groups (Payvand, 12 February 2001). IRIB still saw its budget increase, but not as much as some had hoped. In the course of the parliamentary debate on the budget, however, the Majlis reduced the IRIB's proposed funding by 220 billion rials (Payvand, 12 February 2001), arguing that the broadcaster would be able to cover the deficit by raising its commercial revenue to 400 billion rials from the existing level of 180 billion (Payvand, 12 February 2001). The Guardian Council disagreed, but the Majlis did not budge, resulting in the referral of the dispute to the Expediency Council (Payvand, 4 February 2001). Meanwhile, IRIB officials were condemning the budget cuts, playing down the broadcaster's income and claiming that projects were already being cut to make savings (Payvand, 12 February 2001). The Expediency Council sided with the Guardian Council, forcing the Majlis to back down and accept the original budget (RFERL Iran Report, 26 February 2001). By March that year, IRIB chief Ali Larijani was lauding the broadcaster's plans to upgrade its digital technology and expand its international operations (RFERL Iran Report, 26 March 2001).

Defeated, the reformist deputies in the Majlis began pushing for a debate to establish a probe into IRIB's financial affairs. A lack of transparency around the broadcaster's advertising income had prompted suspicions of corruption, and the reformists called for an investigation to hold it to account. They cited Article 76 of the Constitution, which says: "The Islamic Consultative Assembly has the right to investigate and examine all of the affairs of the country". While IRIB claimed to earn US \$20 million per year from advertising, some MPs estimated the figure to be \$50-\$100 million (Ward 2009:300-01). The Majlis further argued that "because parliament allocates the budget for the organization, it had the right to be informed

about how the funds are spent” (Ward 2009:300-01). The debate was scheduled for 17 June, but on the preceding day, the Guardian Council wrote to the speaker of the parliament, Mehdi Karroubi, to say that in its view the broadcaster was under the direct supervision of the Leader, and therefore outside the purview of the Majlis’s supervisory powers (AP, 17 June 2001). When a conservative deputy, Moussah Qorbani, made the same objection at the start of the session on 17 June, Karroubi duly stopped the debate, arguing that it was “contrary to parliament’s internal bylaws” (AP, 17 June 2001; AFP, June 18 2001).

Reformist deputies left the chamber in protest. Speaking to the press, they drew attention to the contradictions in the Majlis’s supervisory mandate. “How is it that the parliament approves the budget for the radio and television network but cannot ask questions about its spending?” asked one, Hassan Ramezaniapour. Another, Elaheh Koolaeeo, went further: “What’s the use of this parliament?” (AP, 17 June 2001). An urgent meeting of the Majlis presiding board was called to debate whether or not to accept the exclusion of state media from the Majlis’s supervisory powers (AFP, 18 June 2001). To the public, reformist MPs continued to present the veto of the debate as an overreach of the powers of the speaker and a violation of those of the Majlis. “MPs have the right to investigate state radio and television,” insisted the IIPF’s Shahrbanou Amani, “and the parliament speaker does not have the right to veto the chamber” (AFP, 18 June 2001). A letter to the presiding board, protesting Karroubi’s move, was also signed by dozens of deputies, led by the prominent female reformist Fatemeh Haqiqat-Joo (AFP, 18 June 2001).

But before the presiding board could meet, and in spite of the insistence of IRIB officials that they were accountable to the Leader alone, Khamenei himself

sanctioned the Majlis's right to investigate IRIB, in response to a letter from Karroubi appealing for clarification. "[I]nvestigation is one of the appropriate means to ensure the health of these departments," he wrote, adding that if the Majlis should refer to the Expediency Council if it encountered obstacles in the course of the investigation.⁷

With the green light from the Leader, on 24 June the reformists' proposal for the establishment of the Parliament Inspection Commission on IRIB's Revenues and Expenses was submitted and passed (Ward 2009:179). As the plan was sent to be debated at the committee level, the Guardian Council submitted a cautionary statement, saying it could not unilaterally go back on its earlier objection to the investigation. "The Council therefore asks the Leader to give it the revision order", it said (AFP, 7 July 2001). Khamenei duly obliged on 7 July (AFP, 7 July 2001), and the commission began its work.

The commission's 228-page report was presented to the Majlis on 7 May 2003. Even with poor cooperation and hugely limited data from IRIB (the broadcaster gave investigators access to only five of its 200 bank accounts), the commission found 525 billion rials (\$656 million) in financial offences including "concealing revenues, insufficient documentation and accounting, and failure to pay customs and duties" (Ward 2009:301; RFERL Iran Report, 19 May 2003). IRIB Chairman Larijani rejected the charges, dismissing the report as "cursory" and "politically motivated," and vowing to turn to the judiciary (Payvand, 10 May 2003). Encouraged by deputies in the Majlis, Karroubi responded angrily in the legislature's open session on 11 May, reminding Larijani that the investigation was mandated by the Leader and the Constitution (Payvand, 11 May 2003, 12 May

⁷ Read the correspondence in full at <http://farsi.khamenei.ir/message-content?id=28212>.

2003). Two days later, also in an open Majlis session, a letter by 172 deputies was read in which the signatories accused IRIB officials of being politically biased and protected by a biased judiciary (Payvand, 13 May 2003). They also called for the Majlis presiding board to investigate the offences. Karroubi urged patience, and appeared to censure the deputies for going too far, saying “Certain comments made at the chamber can create constraints for the management of the Parliament” (Payvand, 13 May 2003). The commission itself meanwhile echoed the deputies’ call for the presiding board to step in, urging it to sue IRIB for violating Article 201 of the Majlis’s bylaws, which requires state institutions to cooperate with investigations (Payvand, 13 May 2003).

Ultimately, Larijani prevailed. The case was referred to the judiciary but it took no action. In October 2003, one deputy, Ali Asqar Hadizadeh, bemoaned that the report had been ignored and speculated that it would not be addressed before the end of the sixth Majlis (RFERL Iran Report, 17 November 2003). The election of a conservative majority in the February 2004 Majlis elections, assisted by biased coverage from IRIB, ensured that it would not be taken up during the seventh.

The reformists’ goal in this episode was to hold IRIB to account. The tool with which they pursued that goal was parliamentary investigation, and the means they used to overcome the obstacles to that investigation were 1) an elite walkout, and 2) appeals to higher authorities.

The reformists registered their objection to Karroubi’s blocking of the debate on the IRIB investigation by leaving the parliament chamber. This was a symbolic, temporary protest, however, rather than the kind of indefinite effective strike we have seen elsewhere. By the next session, two days later, they had taken their seats once more. They then used the media attention that their strike drew to

ridicule the speaker's move and challenge its legitimacy, targeting both the substance of the debate and its consequences. Substantively, they pointed to their right to investigate state affairs as enshrined in Article 76 of the Constitution, and said Karroubi was overstepping his powers by blocking – rather than simply overseeing – proceedings in the legislature. But they also went further, asking what the point was of a legislature that operated in such contradictions. If the Majlis had the responsibility to approve the state broadcaster's budget but could not question it was it anything more than a rubber-stamp parliament? And if it had a mandate to question it (Article 76) but was prevented from doing so, was it not being turned into one? As one deputy put it, "What's the use of this parliament?" (AP, 17 June 2001).

Doubtless, as far as Karroubi himself was concerned he was simply honouring what he felt was the more fundamental rule that institutions under the direct supervision of the Leader should be immune from investigation. Such deep-cutting questions from the deputies in the Majlis he chaired must have been hard, however. A pragmatist who had built his political career on his ability to work with all sides to get things done, he was now being told that through his own actions he was belittling the Majlis to a mere ceremonial role in which it could get little of substance done at all, and with thus also belittling his own authority as head of that legislature. Beyond the arguments themselves, however, the crucial thing is that Karroubi's decision to block the debate brought into the fore the ambiguity of the status of IRIB's supervision, and whether or not it came directly from the Leader.

The walkout was not a mass one, and those deputies who stayed spent much of the remaining session debating this very question.⁸

Once the question was out in the open, it demanded an answer. It was the imperative for this answer that saw the reformist deputies lobby the Majlis presiding board to review Karroubi's judgement, using their second means of opposition, appealing to higher authorities through petition letters. Ultimately, however, the definitive answer could only come from Khamenei himself, and indeed it did so – in favour of investigation. The reformists had thus forced the country's ultimate arbiter to intervene, and when he did so he broke ranks with a bastion of his support – the IRIB. Moreover, although Karroubi's veto and the subsequent backlash obviously represented a divide in the reformist coalition, they could both claim victory in the Leader's verdict. The deputies got the green light for their investigation, and Karroubi got the thanks of Khamenei for recognising his own limits and seeking the Leader's counsel. The speaker had made a judgment which, when the controversy it provoked became clear, he referred to the due authority. The Islamic Republic's channels of due process, however odd to the external observer, had in this case vindicated both the deputies and the speaker, and advanced the common reformist goal of greater state transparency.

The second petition letter was the one in May by 172 Majlis deputies urging the presiding board to investigate the offences outlined in the report. Although the board obliged, handing over the case to relevant authorities in the judiciary, it was never followed up. The report's allegation that the judiciary was biased ultimately received its affirmation in the issue's deliberate neglect at their hands. The Majlis might have been able to exert more pressure on the judiciary had this happened

⁸ Majlis debate transcript 17 June 2001 [27 Khordad 1380]
http://www.ical.ir/index.php?option=com_mashrooh&view=session&id=2474&Itemid=38

earlier in the Majlis's term. By May 2003 Khatami's twin bills were dominating the agenda, and soon after preparations for the 2004 elections began.

This episode demonstrates several things. Firstly, the legal ambiguities that arise from Iran's dual sovereignty system and which often lead to the effacement of the democratic elements of the state can be clarified. The Majlis can bring such ambiguities into the open through debate, conducted before the public, and the leader, in issuing a final judgement, will not necessarily deny a space for the democratic elements to play out. We should note, however, that although Khamenei lauded the worth of investigations as a tool for ensuring the "health" of state offices, he did not intervene to ensure that the allegations made in the report were followed up by the judiciary. In this instance the figurehead of the tutelary regime gave the democratic elements of the state room to manoeuvre, but in the end they were clearly still subordinate to the undemocratic elements. This means that although the Majlis was successful in its supervisory role in so far as it investigated and brought to light injustices, it was not able to ensure that the perpetrators of those offences were held to account.

Secondly, it demonstrates the strength of the Majlis's investigatory powers. Even with relatively limited data, it was able to produce damning findings. As we saw in this case, damning findings may not translate always into systemic change, but the knowledge generated in the process may shed light on an otherwise little-understood organisation and contribute to the delegitimisation of that institution in the eyes of publics both at home and abroad. Institutions that are more unambiguously under the purview of the Leader, such as the Revolutionary Guard, may still be off-limits, but they are not the only institutions of interest to reformists.

5.3 Re-election

5.3.1 Failure: disqualifications

The 2004 election was the final nail in the coffin of the reformist alliance. The tutelary bodies of the state precluded the prospect of a second legislative majority for the 2nd of Khordad Front by disqualifying thousands of reformist candidates from running. After four years of frustrated attempts to reform the system from within, the reformists were already divided over the viability of their project. The Guardian Council's intervention in this election consolidated the fracture. Some reformists were already calling for a boycott of the elections, to protest their persistent disempowerment at the hands of the hardliners (AFP, 16 October 2003), but the disqualification of candidates endeared many more to this radical position. While some insisted on participating in the elections despite their objections to the vetting process, others judged the competition to be illegitimate and therefore refused to take part. This episode therefore represents not only the failure of the reformists to get re-elected, but also the failure of their alliance as a political actor.

Preparations for the election began in earnest in Autumn 2003. President Khatami met with groups from the 2nd of Khordad Front to discuss election strategy on 2 October, and the alliance's biggest group, the Islamic Iran Participation Front (IIPF), held its own two-day conference on 16-17 October (RFERL Iran Report, 6 October 2003; AFP, 16 October 2003). A month later, the Majlis got the chance to flex its own supervisory muscles, when the reformist deputies rejected the judiciary head's nominees for a vacant seat on the Guardian Council, claiming both candidates were opposed to democratic reforms (AP, 12 November 2003). Unlike the protracted confrontations that would soon follow the rejection of candidates for the 2004 Majlis election, however, this Guardian

Council appointment was quickly settled when the Expediency Council simply overruled the Majlis and accepted the judiciary's nominees.

From 13-19 December, over 8,000 people registered for the 2004 Majlis election. The Guardian Council's provincial supervisory committees rejected the credentials of 336 candidates who had been appointed as electoral agents by local governors linked to the Interior Ministry (RFERL Iran Report, 22 December 2003). Reformists interpreted this early intervention as an attempt by the Guardian Council to discourage public participation in the elections. For example, Shiraz Majlis deputy Jalil Sazgarnezhad wrote in the 21 December edition of the Sharq newspaper: "The conservatives claim that they want people to vote, but they are trying to recreate the low turnout of the February 2003 municipal council elections, which saw conservative candidates carry the day" (RFERL Iran Report, 5 January 2004). In response, Interior Minister Abdolvahed Musavi-Lari said the rejections jeopardised the possibility of holding elections in Isfahan and Luristan provinces (RFERL Iran Report, 5 January 2004).

The full extent of the disqualification of the candidates emerged on 11 January 2004, when the Guardian Council announced that some 3,600 (around 44 percent of) Majlis hopefuls had been rejected (AFP, 12 January 2004), including 84 Majlis incumbents.⁹ Most of them were reformists, though the stated reasons for their disqualifications ranged from charges of disloyalty to the republic or to Islam, to allegations of drug abuse (RFERL Iran Report, 12 January 2004). The Interior Ministry stepped up its rhetoric from the prior threat not to hold elections in two particular provinces to a refusal to enforce the "illegal" disqualifications altogether, thus casting the entire electoral process in doubt (AFP, 12 January 2004). For their

⁹ See also 'Elections in 2004', Iran Electoral Archive
http://www.sssup.it/iear_iranian_election_history

own part, on 11 January the Majlis deputies began a sit-in in the Majlis building in response to the Guardian Council's announcement (AFP, 14 January 2004). The first night involved 70 deputies, but the number would swell to over 100 over the three weeks for which it continued (The Guardian, 12 January 2004). Speaking to the press, the protesting deputies said: "We will resist this silent coup d'état, and stand our ground until illegally disqualified candidates are reinstated and fair elections are held" (Ehsani 2004). Throughout the sit-in the state broadcaster (IRIB) effectively imposed a blackout on coverage of the protest. Other than for satirical purposes, IRIB covered it only in the course of open Majlis sessions that it is constitutionally required to broadcast (RFERL Iran Report, 16 February 2004).

Vice-President Mohammad Satarifar called on the entire government to resign if it could not reverse the disqualifications, saying: "If the government considers it cannot meet its obligation to protect the rights of citizens and organise free elections, staying in office is not an option" (AFP, 12 January 2004). Eight cabinet ministers and all 27 of the country's provincial governors also threatened to resign if the crisis was not resolved (AFP, 12 January 2004). They were bolstered by resignation threats from the Majlis itself (RFERL Iran Report, 12 January 2004). Khatami vowed to stand up to the council, citing his constitutional authority as the regime's most senior individual after the leader (AFP, 12 January 2004), but urged the Majlis deputies, the majority of whom had staged a walkout of the 11 January session in protest, to stay calm (RFERL Iran Report, 12 January 2004).

Khatami began consulting with the leader, the Guardian Council Secretary Ayatollah Ahmad Jannati, and the Majlis Speaker Mehdi Karroubi over the issue (RFERL Iran Report, 12 January 2004), but Khamenei chose to let the drama play out. "Once all the legal steps have been exhausted," he said, "if we arrive at a

sensitive situation that demands a decision, then there can be no doubt that I will intervene and give my opinion” (AFP, 12 January 2004).

In a speech to the Majlis on 14 January, Karroubi attacked the Guardian Council on its own terms, challenging the judgment that candidates’ Islamic or revolutionary credentials were inadequate. “In one province they even rejected a prayer leader. Most of those rejected for not respecting Islam are well-known people, war veterans or people who have had martyrs [of the 1979 revolution or the Iran-Iraq war] in their family” (AFP, 14 January 2004). In the same session one reformist deputy, Ahmad Moradi, announced his resignation in protest at the disqualifications (AFP, 14 January 2004). January 14 also saw Khatami appeal to the protesting deputies to end their sit-in, but to no avail (RFERL Iran Report, 19 January 2004).

Khamenei finally intervened the same day, telling the Guardian Council to reinstate the incumbent Majlis deputies who had been disqualified (RFERL Iran Report, 19 January 2004). “They were qualified previously, and now, you should qualify them on their previous status,” he wrote to the council’s secretary Ayatollah Ahmad Jannati. “Where there is doubt, base your judgment on authorizing the previous status. This applies to the deputies who had been qualified in the previous terms” (RFERL Iran Report, 19 January 2004). In a statement the following day, the protesting deputies welcomed Khamenei’s instructions, but their de facto spokesman, IIPP leader Mohammad Reza Khatami highlighted that their grievance was with the entire vetting process, not just the disqualification of incumbents (RFERL Iran Report, 19 January 2004). Soon after, Khatami published an open letter of his own, urging the council to follow Khamenei’s directive (RFERL Iran Report, 26 January 2004).

It did so, but only in part. On 20 January one of the council's jurists, Abbas Kadkhodai, said that 200 disqualifications had been overturned, but this did not include any of the incumbent deputies (RFERL Iran Report, 26 January 2004). The following day Interior Minister Abdolvahed Musavi-Lari said he had provided the council with a list of those whose candidacy was approved in previous elections, but in spite of that, "we have not seen any move from the Guardians Council in keeping with the eminent leader's remarks" (RFERL Iran Report, 26 January 2004).

Meanwhile Khatami tried to calm speculation about his own – and mass – resignations. A newspaper that ran a story purporting to quote the president promising to resign if the crisis was not solved was told to publish a public retraction. Turning to the issue of other reformists' resignations, Khatami insisted: "Abandoning the scene does not mean anything. We either all leave together or all stay together . . . We all stay, God willing" (RFERL Iran Report, 19 January 2004).

As the 30 January deadline for the Guardian Council to release its final list of candidates approached, the pressure mounted. In a last ditch attempt to assert their legislative powers, the reformists in the Majlis passed two emergency amendments to the election law. The first amendment protected incumbent deputies from disqualification unless they had a criminal conviction, and the second limited the criteria for disqualification to Iran's common law, effectively excluding vague charges such as failure to respect Islam (AFP, 25 January 2004). The legislation was predictably vetoed by the guardians (RFERL Iran Report, 2 February 2004), and instead of preparing an amended version the 80 protesting Majlis deputies issued a statement reiterating their resignation threat. "If the Guardians Council does not abide by the law the election will not have any legitimacy," they wrote,

warning that if the law was not obeyed “we will resign as deputies and will not participate in the elections” (AFP, 27 January 2004). The number of reinstated candidates had by now risen to 400, but that number still did not include any of the incumbents (AFP, 27 January 2004)

As back-room negotiations continued between the leader and the heads of the executive, legislative and judicial branches, the government made public its own threat that it might refuse to hold the election (AFP, 27 January 2004). The resignation threats also mounted, as 125 deputies offered their resignations to the Majlis speaker on 1 February, prompting him to appeal for the leader to intervene once more (AFP, 1 February 2004).¹⁰ Such a show of unity was distinctly lacking in the executive branch, however. After meeting with provincial governors, the Interior Minister announced on 28 February that under the circumstances it would be impossible to organise a “free and fair” election for the scheduled date of 20 February, and wrote a letter to the Guardian Council requesting that the vote be postponed (RFERL Iran Report, 2 February 2004). On the very same day, however, Khatami vowed to hold the elections on time, announcing that “To shut down the elections means to shut down democracy, and God does not want such a thing for our people” (RFERL Iran Report, 2 February 2004).

But just days later, after meeting with some of the protesting deputies, Khatami and Karroubi met with the Leader and pleaded with him to delay the election in order to allow time for more disqualified candidates to be reinstated (RFERL Iran Report, 9 February 2004). Khamenei declined, but the press reported that he offered a compromise, suggesting that the (reformist-inclined) Ministry of Intelligence and Security (MOIS) act as the final arbiter of candidates’ eligibility.

¹⁰ A list of the names of those who offered their resignations is available here: <http://www.payvand.com/news/04/feb/1004.html>.

By 5 February, the MOIS had approved 600 candidates, but the Guardian Council had accepted only 51 of these, prompting Khatami and Karroubi to write to the Leader to complain that his orders were not being carried out (RFERL Iran Report, 9 February 2004). Rather than picking sides, Khamenei's reply urged unity in spite of the manifest divisions, in effect endorsing the status quo. The Majlis deputies wrote a letter to the same effect on 17 February, telling the Leader that the conditions were "neither free nor fair, so the dignity of the Islamic Republic should not be tarnished by holding the elections".¹¹

Meanwhile, on 4 February the Leader had issued a veiled threat of his own towards those reformists who had offered their resignations. "Refusing to shoulder the burden of responsibility by threatening to resign or by any other means," he said, "is contrary to the law and forbidden by Sharia" (RFERL Iran Report, 9 February 2004). The protesting deputies got the message, and called off their sit-in the following day (RFERL Iran Report, 9 February 2004).

When the Guardian Council published its final candidate list on 10 February. It ultimately accepted 5,625 out of 8,164 prospective candidates (RFERL Iran Report, 16 February 2004). In the wake of the disqualifications saga, however, many more withdrew. The incumbent deputies who had submitted their resignations, however, were to be disappointed, when their political protest was thrown out on a technicality. The Majlis Speaker Mehdi Karroubi pointed out to them that, according to Article 95 of the Majlis bylaws, mass resignations that deliberately deprive the legislature of the quorum necessary to continue proceedings are unacceptable (RFERL Iran Report, 16 February 2004). The bylaws also require resignations to be debated one by one.

¹¹ See the full text of the letter here:
http://www.bbc.com/persian/iran/story/2004/02/040217_mps_letter_to_leader.shtml

By that point the IIPF had already announced that it would boycott the election, as had the Mujahedeen of the Islamic Revolution Organisation (Sāzmān-e Mojāhedin-e Enqelāb-e Eslāmi-ye Irān - MIRO), and the Militant Clerics Association (Majma'e Ruhāniyun-i Mobārez) (RFERL Iran Report, 12 January 2004). "This election is not legal and fair," IIPF Secretary-General Mohammad Reza Khatami told a press conference on 2 February, "and nothing has been changed in the last few weeks although many efforts have been made in this regard" (AP, 2 February 2004).¹² He stopped short of calling for a public boycott, however, saying that "We will announce our decision to the public, and the people will decide for themselves" (AP, 2 February 2004). Karroubi and his Association of Combatant Clerics, however, chose to participate under the banner of the small "Coalition for Iran" alliance. "We consider these elections to be unfair, but have decided to take part because our participation is more productive than our absence," Karroubi said (AFP, 16 February 2004). Throughout the run-up to election day on February 20, Khatami and Karroubi encouraged people to vote, while also criticising the Guardian Council's supervision of the election (RFERL Iran Report, 23 February 2004).

The election campaigning period ran from 12-18 February, with voting taking place on the 20th. By the 25th, the Majlis website reported that in the first round, conservatives won 156 seats, reformists 25, independents 31, and religious minorities five. Turnout was 51 percent, and less than 30 percent in the capital Tehran – one of the lowest figures in Iranian history (RFERL Iran Report, 1 March 2004, 23 February 2004). In the second round, held on 7 May 2004, conservatives

¹² A video of the press conference is available here: <https://www.youtube.com/watch?v=hJTWuS-8fGM>.

won 37 more seats, reformists eight and independents 12 (AP, 8 May 2004), giving the conservatives firm control of the incoming seventh Majlis.

In the two months between the election and the end of the sixth Majlis's term, some reformists in the Majlis intensified their criticisms. With electoral success out of reach and little time to debate new legislation, they had little to lose by using their platform to criticise the tutelary elements of the regime. One deputy, Ali Akbar Mousavi Khoeini, sparked scuffles in the chamber when, on 7 March, he asked: "Was the performance of the supreme leader and bodies under his control compatible with honesty, prudence and fairness in the recent sham legislative elections?" (AP, 7 March 2004). The Assembly of Experts is the body mandated by the Constitution to choose the Leader's successor and to supervise his performance while in power. As Khoeini noted, however, the assembly has only ever taken up the first of these duties. The speaker, Karroubi, also intensified his criticism of the Guardian Council. Addressing the council's secretary Ayatollah Jannati on 25 April, he said: "Have the courage to say [the disqualifications] were subjective and political. [...] We shall repeat for the rest of our lives that in these elections, the rights of certain people were violated ... and you must answer for it" (RFERL Iran Report, 3 May 2004). Another deputy, Behzad Nabavi, said in his April resignation speech that "Our problems are not with reforming the constitution, but with the real power structure, and without any changes to it nothing can be solved by reforms to the constitution" (AFP, 18 April 2004). He too dared to advocate the implementation of limits on the Leader's power, saying "The leader is not above the constitution" (AP, 18 April 2004).

Dealing with reformist resignations such as Nabavi's took up the majority of the outgoing Majlis's time. Ultimately, just four resignations were accepted.

Reformist Fatemeh Haqiqatjou's was the first, on 23 February (AP, 23 February 2004). Mahmud Yeganli's was accepted on 7 March and Mohsen Armin's on 14 March (RFERL Iran Report, 15 March 2004, 22 March 2004). Rajabali Mazrui's was rejected on 14 April on the grounds that his position on the budget committee should not be left empty (RFERL Iran Report, 19 April 2004).

The means of opposition used by the reformists in this episode were fourfold: 1) strike, 2) resignation, 3) appeals to the Leader, and 4) parallel legislation.

The sit-in was a form of strike, in so far as it was an organised, mass refusal to work. During the 24 days that it lasted, parliamentary sessions were only held on January 22 and 24,¹³ meaning that for over three weeks the Majlis was effectively brought to a standstill. Strikes typically have two intended audiences – the 'employer' whose work is interrupted in order to voice a grievance, and the public, whose opinion is courted in a bid to leverage influence on the 'employer' regarding that grievance. Hence workers do not simply down tools and negotiate directly with their employer, but organise accompanying demonstrations in public places and hold public press conferences to articulate their demands to a wider audience. The Majlis deputies' protest was covered by the Iranian press but its negligence by the state broadcaster (IRIB) denied it a valuable outlet of exposure, a disadvantage which was compounded by IRIB's active ridicule of the protesters through satirical programming. By forcing the suspension of the Majlis's proceedings, and with it IRIB's constitutional obligation to broadcast the sessions, the protesters gave up their access to the biggest media organisation in the country.

¹³ See the parliamentary record for the Sixth Majlis, http://www.ical.ir/index.php?option=com_mashrooh&term=6&Itemid=38.

The second strike, threatened but ultimately not carried out, was the reformist threat to refuse to hold the election. This was in theory well within their power, since the organisation of elections falls under the mandate of the Interior Ministry, which was controlled by the reformists under Khatami's government. But the Ministry weakened the credibility of its threat by inconsistently stating its authority. On 12 January it said it would not hold the elections, but on 28 February it requested that the Guardians Council postpone the election (RFERL Iran Report, 2 February 2004). If it were serious about its threat to not hold elections, what difference would their scheduled date make? Moreover, why would it seek to change this date when the very organisation with the authority to do so (the Guardian Council) was the body with which it was engaged in a dispute over the legitimacy of those elections? In the midst of a face-off between the reformists and the Guardian Council, in other words, this reformist-controlled institution submitted to the latter's authority at the very same time that it challenged it.

In both strikes, the rank-and-file reformist deputies were denied the support of their leader, President Khatami. On the day that the sit-in started, Khatami called for the deputies to end it and was ignored (RFERL Iran Report, 19 January 2004). And on the very same day that the interior minister declared that holding the elections on time would be impossible, Khatami said: "To shut down the elections means to shut down democracy, and God does not want such a thing for our people" (RFERL Iran Report, 2 February 2004). With their charismatic leader publicly coming out in opposition to their actions, the credibility of the lower-ranking reformists took a knock, and the integrity of the reformist coalition once again strained.

The second reformist means of opposition was to resign, or to threaten to resign. This was a tactic of both pressure and protest. The reformists saw the 2004 election contest as illegitimate, and by raising the prospect of a sudden vacuum at the heart of national politics they hoped to pressure the Guardian Council into restoring its legitimacy by backtracking on the disqualifications. Their threatened resignations were also a tactic of protest, in so far as they represented a refusal to participate (and thus legitimise) and illegitimate process.

By the end of this episode, the list of those who had offered their resignations spanned from local government to Majlis deputies and the cabinet, including vice-presidents. Although this at first glance indicates an impressive vertical coordination among the reformist coalition's various strata of governance, the strength of unity within each level weakened as one followed the chain upwards. The resignations included 27 out of 27 (100 percent) provincial governors, 125 out of 290 (43 percent) Majlis deputies, and eight out of 24 (33 percent) cabinet members. In other words, unity was strongest among the lowest-profile reformists, whose resignation – while important – would have been of the least consequence to the state's tutelary bodies.

The one man who might have been able to close these gaps and consolidate this bloc of objecting reformists, Khatami himself, was critical of those who resorted to resignation. As his allies' resignations stacked up, the president's wishful declaration that "We either all leave together or all stay together" only served to demonstrate the lack of authority he had over them, and widen the gulf within the reformist camp (RFERL Iran Report, 19 January 2004). Moreover, the one state official more powerful than the president – the Leader – had also come

out in harsh criticism of those threatening to resign, describing it as a religious crime.

I have described how the apparently united front of reformists threatening to resign was in fact much weaker than it appeared. But even the unity that had been mustered – however disparate – backfired in the end. The Majlis deputies’ attempt to resign en masse and bring the legislature to a standstill with a symbolic act of non-participation was blocked on a technicality, since the Majlis bylaws ban actions that would deprive the legislature of a quorum. If the tutelary elements of the Iranian state benefit from reformist participation in the political system to shore up its legitimacy, the refusal to give or the decision to withdraw this participation is thus one of the reformists’ strongest weapons. In this episode, however, in a twist of bitter irony, it was at the very point that they tried to withdraw their participation that they found they were in fact obligated to sustain it. Having risen to prominence on a platform of advocacy for the rule of law, they could hardly dispute the rules of their own institution. In the end, only four of the deputies’ 125 resignations were accepted, and none of the other officials who had threatened to do the same kept their word.

The third means of opposition was to appeal to the Leader for intervention. These appeals were both direct (in that the Leader’s intervention was explicitly requested) and indirect (in that it was necessitated through the deliberate escalation of the situation). First I deal with the indirect encouragement. Recall that Khamenei had warned on January 12, “if we arrive at a sensitive situation that demands a decision, then there can be no doubt that I will intervene and give my opinion” (AFP, 12 January 2004). The Majlis deputies had begun their sit-in the previous day. Between the Khamenei’s warning and his intervention on January 14, several

factors contributed to increasing the sensitivity of the situation, and thus forcing the Leader's hand. Firstly the deputies appeared to have won the support of Karroubi, the speaker, who disputed the Guardian Council's assessment of would-be candidates' revolutionary and Islamic credentials. Secondly one of the deputies became the first to offer his resignation over the issue. And Thirdly Khatami's attempt to persuade the deputies to call off their strike failed. In other words, the pressure from the Majlis was increasing, fed by dissenting voices in other branches of government, while the prospects of containing that pressure – for example through the requests of Khatami, the reformist leader – were decreasing. The Leader is unlikely to have forgotten that the last time the work of the Majlis was impeded through protest like this was in 2002 over the Hussein Loqmanian case. There too, the deputies had begun to protest but it was only when Karroubi joined them that it brought the legislature to a standstill.

The reformists' direct appeals to the Khamenei came only after he had made his initial intervention, in which he ordered the Guardian Council to reinstate those who had been approved in the past, including the incumbent deputies. The reformists' appeals were prompted by the Guardian Council's refusal to carry out the Leader's orders, despite the provision by the Interior Ministry of the information necessary to do so. They warned the Leader that his directive was not being heeded, and asked that the the election be postponed to allow more time for his orders to be carried out. Three explicit appeals were reported by the press: Karroubi's after 125 deputies offered their resignations on 1 February; Karroubi and Khatami's joint appeal on 4 February for the election's postponement; and the appeal of the Majlis deputies on 17 February, also for the election's postponement. All of these appeals were rejected.

This was a rare moment in which the reformists' demands coincided with those of the Leader, the highest political authority in the country. Though Khamenei did not go so far as to sanction the calls of some reformists for the repeal of the entire vetting process, both he and the deputies were demanding the reinstatement of the incumbent deputies. But even this supreme ally was not enough to ensure success for the reformists in the face of the tutelary Guardian Council. It would be simplistic, however, to conclude that it was simply the council's intransigence that doomed the reformists' interests in this episode. Khamenei was aware that his orders were being ignored, and was reminded in writing by Khatami and Karroubi. But instead of criticising the Guardians and forcing their compliance, he wrote a vague reply that urged the president and speaker to foster unity for the elections – with the clear implication that their complaints were having the opposite effect.

The fourth means of opposition was parallel legislation. Just as in the torture bill episode, when the reformists in the Majlis found their interests blocked by the Guardian Council, it tried to bypass the obstacle by pursuing legislation of a different name but which had the same or similar effect. Unlike in the torture bill episode, however, this legislation was purely domestic, rather than international, and its content was of no consequence for pending international trade deals. The Guardian Council thus had nothing to lose in rejecting in law what they had already rejected in the course of the election preparations.

The ultimate decision of some reformist groups to boycott the election was certainly a gesture of protest, but effectively represented a resignation to the failure of opposition, rather than a means of opposition. It was not a means of political participation, but a refusal to participate in a process perceived to be illegitimate,

after all means of rescuing its legitimacy had been exhausted. The decision to boycott the election was however related to one means of opposition that the reformists explicitly declined to adopt: public mobilisation. IIPF Secretary-General Mohammad Reza Khatami, who in other episodes analysed in this paper was the first to call for contentious issues to be settled by public referenda, this time shied away from involving the public. At the very press conference in which he announced the IIPF's boycott, he declined to call the public to join them, insisting that "the people will decide for themselves" (AP, 2 February 2004). The key environmental difference between his previous calls for referenda and this final one was the level of unity within the reformist coalition. Although previously differences had indeed emerged and strained relations, the 2004 election posed a more fundamental challenge. By its nature as a contest between individual political factions acting independently or in groups, the election naturally forced all factions to strategically reconsider their existing alliances and whether or not they could (or should) be sustained. In the 2004 election, senior figures in the 2nd of Khordad Front were united in their conclusion that the contest was unfair, but divided on the crucial question of whether or not, in light of that, to participate. Reza Khatami would have known that a call for a public boycott would be a call for a boycott of his high-profile reformist colleagues, including his brother in the presidency, who, although embattled, remained popular. The 2nd of Khordad Front thus suffered a double blow: it was so divided that it had no choice but to suspend its existence as a collective political actor, but the groups of which which it comprised were still connected enough by association that the protest actions of one group were necessarily limited by the others. The collapse of the coalition was encapsulated in the aftermath of the election, when Karroubi, one of the reformists' most prominent

officials throughout the sixth Majlis, was appointed both to the Expediency Council and as an advisor to the Leader.

Comparing the strikes in this episode with that over the Loqmanian issue, one can observe several things. First of all, it appears that a high-profile leader makes a strike more successful. The deputies who performed a Majlis walkout over the disqualifications lacked the support of Karroubi, and earned the outright opposition of Khatami. Secondly, strictly speaking mass resignation is not a feasible means of direct action, due to the Majlis bylaws. The only way around this would be if the Majlis presiding board were willing to overlook the violation, as the speaker effectively did in the case of the walkout over Loqmanian's case, which also deliberately sabotaged the quorum. Thirdly, the amplified effect of mass resignations (as opposed to individual ones) can easily be diminished if the faction pursuing them is not united. As in the case of strikes, the reformists failed in this respect because although they were united at the level of the deputies, the 'higher-value' figures either refused to join their cause, or outright condemned it.

With regard to the Leader, it appears that he can be forced to act if a) a crisis shows signs of escalating and b) attempts to de-escalate it have been unsuccessful. His intervention, however, is not as definitive as we would expect it to be. In a further 'fixing' of the rules of the game, tutelary bodies such as the Guardian Council can get away with not obeying his orders, by procrastinating or addressing them indirectly, while reformists cannot. If the Leader deems that further insisting on his directives' implementation could be detrimental to the overall stability of the regime, he will readily overlook such affronts to his authority.

CHAPTER 6

CONCLUSION

This thesis has examined how reformist politicians in Iran advance their interests in the face of resistance presented by the country's tutelary institutions. Rather than analysing Iranian politics from society to state, or vice versa, it has done so with a focus on the point at which they intersect, the Majlis, on the premise that this institution is both a) accountable to the people and b) mandated to hold other elements of the state to account.

With regard to legislation, my analysis showed that when tutelary institutions resist or block reformist laws, pressure can be applied to salvage a favourable outcome by internationalising the issue. The timing of the legislation can be made to coincide with moments of intense contact between Iran and foreign nations who have an interest in this particular aspect of domestic policy. If the fate of a contentious bill can be tied to a comparatively uncontentious issue such as trade, reformists and the tutelary institutions can claim a shared winset. Secondly, the pursuit of parallel (international) law discredits arguments of cultural relativism by demonstrating to the tutelary powers that certain international norms have been accepted by the public's representatives, and exposing the tutelary guardians to international criticism.

Conversely, reformists weaken their position when they attempt to apply pressure through disorganised resignation threats, or threats to the Leader. Courting the tutelary institutions with a conciliatory discourse can also be counterproductive, if the guardians express their thanks with words alone. That is not to say, however,

that a confrontational discourse would be more effective. Whilst no guarantee of success, a disinterested discourse that emphasises continuations with the Islamic Revolution and the Constitution is a valuable defence against the charge of betrayal of the Revolution's principles. Such a discourse attempts to preemptively reduce conflict with the tutelary institutions by effectively presenting the Majlis and the government as themselves tutelary in character.

With regard to supervision, we saw that reformists have several tools and their disposal. Firstly, the Article 90 Committee is an effective investigatory body. The access and official legitimacy that it has means that its data, although limited, is unlikely to be collected by any other organisation. It is also a powerful awareness-raising tool for drawing attention to particular injustices that might otherwise go unnoticed, let alone investigated. The amplifying power of single case studies was also demonstrated in the immunity episode, which showed that extreme case studies that set precedents mobilise more support than widespread, but less extreme, instances of the same problem.

Some tools of opposition are less unambiguously beneficial, however. Direct actions such as elite walkouts can exert huge pressure on the regime, but only if they are large, organised, and risk a prolonged political crisis. Secondly, the Leader can be an ally if he is approached with measured language, and he is more likely to lend support to reformists in the event of concessions from the hardliners, and the cost of him doing so is reduced in the event of concessions from hardliners, since this recalibrates the contested power balance over which he must arbitrate. And finally, the reformists can 'force' the Leader to intervene by seeking clarification of an ambiguity over which there exist fundamentally different

interpretations, but there is of course no guarantee that he will weigh in on their side.

With regard to re-election, we saw that mass resignation is not an effective means of opposition to the decisions of tutelary institutions. Collective, direct actions were more successful in the sixth Majlis when they were spontaneous and had the support of senior figures, as in the Karroubi-led walkout over the Loqmanian case. Secondly, although pressure can be applied on the leader to intervene in favour of the reformists, that is no guarantee that his ruling will be implemented.

The common thread is the attempt to apply pressure on in order to raise the cost of tutelary interference. In each manifestation, whether linking domestic affairs to international affairs, highlighting state injustices, or resorting to non-participation, the reformists leveraged their relatively limited platform within the Majlis to extend their reach far beyond its walls. Where this succeeds, it coopts otherwise hostile elites into acquiescing in the practice of a more democratic politics. Where it fails, it highlights the deliberate resistance to that shift on the part of tutelary institutions, and invites comparisons between the legitimacy claimed by those institutions and the legitimacy claimed by the popularly elected Majlis and presidency.

The relationship between tutelary institutions and elected ones is therefore not a one-way relationship of suppression of the latter by the former. It is a dynamic one that, in line with the New Institutionalist framework outlined in section 2.2, is made visible through their interaction, leaving its “own imprint on political outcomes” (Thelen and Steinmo 1988:9). Unlike in the case of military tutelary regimes, in which, by virtue of their source, tutelary interventions come

with the implicit threat of violence that could suspend whatever civilian governance remains in place, Iran's civilian tutelary apparatus is interwoven with its elected institutions. We saw in the example of the twin bills that the law-making process brings these two poles into a highly formalised dialogue – albeit of course with a power imbalance. In this sense Iran's tutelary regime is more akin to a high court in a polyarchy than a military council that defends its prerogatives through decrees forced through a state of emergency. The deficiency in this analogy is of course that this is a high court to which everything – not just the most fiercely disputed cases – is referred.

Another common point is that the reformists' victories were partial. They sought a torture bill, but got someone else's – which was not enforced. They proved claims of corruption in the state broadcaster, but no one was held accountable. They won the support of the Leader on the disqualifications issue, but their candidates were still not reinstated. They upheld the principle of parliamentary immunity, but where the judiciary has stepped back, the Guardian Council has advanced, for example this year retroactively disqualifying a Majlis deputy who had previously been approved and elected (Erdbrink 2016). When the reformists came to power, unchecked optimism about what they could achieve was as reductive as the unchecked pessimism that accompanied their decline. Victories are possible, but partial. The gains they made could only have been consolidated with the cooperation of the judiciary and the Guardian Council, both unelected institutions whose key figures are appointed by the Leader. Until that cooperation is forthcoming, reformist efforts to advance accountability and the rule of law will not make substantial progress. The one person who fully achieved their overarching

political aim during the Sixth Majlis was the Leader himself, whose foremost practical interest is in ensuring the stability of the regime as a whole.

It goes without saying that the tutelary institutions of any hybrid regime will obstruct democratically inclined reformist movements where those movements do not serve their interests. The Iranian case adds two important qualifiers – one positive and one negative. First, those interests can be made to converge, by linking contentious issues to consensus ones. Hence the internationalisation of the torture bill episode made trade conditional on steps to confront torture, and the elite walkout over Loqmanian's imprisonment made the continuing stability of the political system conditional on respect for parliamentary immunity. Secondly, short of dismantling the tutelary institutions, any successes achieved in this manner will not be consolidated as long as those institutions refuse to cooperate in their continued implementation and observation. The kind of substantive reform raised in the opening sentence of this thesis would require a change in the power relationship between political actors. One will never know whether the modest victories of the reformists from 2000-2004 might, if allowed to take root, have facilitated such a change. But clearly the hope that they could do so is what gives Iran's reformists the incentive to continue trying to defy the odds that are stacked against them.

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