

## Pols 2 – Pinnell

### Iran: Central Institutions

#### Central Executive and Legislative Institutions

Iran follows a largely *theocratic* form of regime. It is important to stress that Iran's political system is based on institutionalized control by religious leaders. Policy is meant to establish religious goals and norms, although the real success of this varies in the Iranian case.

There is also a sharing of power between elected leaders (religious and secular) and appointed leaders (religious and secular). This system limits popular control, as the most powerful positions are not elected.

Changes to the political system over time have given state institutions overlapping powers and spheres of influence; this means, as one observer puts it, Iran actually has "multiple centers of power" that may collide with each other, creating stalemates between institutions or altering policy in ways not originally intended.

The *executive branch* of Iran is split between the powers of the Leader and the President. The *Leader* is effective head of state, combining both religious and temporal authority in a lifetime position. This position has supreme authority over:

- ◆ All areas of policy (can propose and suspend legislation, and call for referenda);
- ◆ Command of the armed forces;
- ◆ Choice of candidates for president;
- ◆ Major appointments to positions such as the heads of the military branches, the head of the judiciary (Chief Justice), and the directors of the radio and television broadcasting agencies.

The Leader is appointed by the *Assembly of Experts*, a directly-elected body of 86 clerics who serve eight year terms. The Assembly is elected by the public, but candidates are vetted by the ulama and the Leader before elections.

The *President* is actually closer to a head of government in this system. This position is directly elected, and the president may serve up to two four-year terms. The president's powers include:

- ◆ Appointing a *Cabinet of Ministers*;
- ◆ Managing the state budget;
- ◆ Initiating legislation within the parliament;
- ◆ The president also serves as the primary foreign policy representative abroad and formulates much of the policy at home; but the Leader is the final word on any foreign policy changes.

While this was intended to be a secular position, this position was also dominated by clerics until the 2000s, when Mahmoud Ahmadinejad served as president. The current president (Hassan Rouhani) is also a cleric.

The *legislative branch* of Iran's system is primarily made up of the unicameral parliament, or *Majlis*. Members of this body are directly elected from multimember districts and serve four-year terms. The powers of the Majlis include:

- ◆ Initiating and passing legislation;
- ◆ Approval of particular government members (such as Cabinet members);
- ◆ Approval of the state budget.

- ◆ The Majlis can remove Cabinet ministers with a vote of no confidence, but not the president.

The policymaking process in Iran is based in the Majlis, but other bodies also influence this process. The *Council of Guardians* is in charge of verifying the coherence of law with Islamic legal principles (*sharia*) and the constitution. The Council is split between six secular lawyers nominated by the Chief Justice and approved by the legislature, and six clerics appointed by the Leader. If the Council finds a piece of proposed legislation incoherent with political or religious principles, it can send it back to the legislature for revision; if the two bodies cannot agree, another body, the *Expediency Council*, reviews the matter and mediates between the two bodies between deciding the issue. This council is completely staffed by the Leader, so his principles usually dominate the eventual decision.

Many of these institutions reflect a trend in Iranian politics of competition between interests within the central government, leading to deadlock; a need to balance interests leads to institutional change. The Expediency Council was created by Khomeini through a 1989 revision of the constitution after religious interests in the Council of Guardians and more secular interests in the Majlis continued to deadlock on legislation; the new body was meant to review legislation and issue decisions “in the best interests of the new regime.” In 2005, after the presidency and Majlis became very conservative, the leader of the Expediency Council (a liberal) convinced the Leader to issue a letter giving the Council supervision over all three branches of government, a measure designed to balance out conservative and liberal voices.

Another important element of the Iranian system is overlapping or parallel institutions. There is a regular army, and then there is the Revolutionary Guard, a second army that rose out of the Revolution and the Iran-Iraq War. There are social services provided by the state, and services provided by the Basij, or youth philanthropic organizations. There are multiple state police forces. Both the president and the Leader have their own bureaucracies, whose policies often overlap or conflict. Why so many similar agencies? Two reasons: first, after the revolution new agencies were created outside the older ones to serve as revolutionary bodies that would eventually be integrated into the government or replace these forces (which did not happen), and the multiplicity of interests within the government.

### The Judiciary and Rule of Law in Iran

The *judiciary* in Iran stems from the Chief Justice, an appointee of the Leader who in turn appoints the Head of the Supreme Court, the Chief Public Prosecutor, and the lawyers in the Council of Guardians. To ensure the coherence of law with both religious and constitutional principles, the *Council of Guardians* is the equivalent of a constitutional review body. The *State Supreme Court* is the highest court and is divided into 33 branches, each court having two judges. These judges apply both legal code and legal precedent (so, a mixed system) to cases. Cases and precedents are reviewed by the Assembly of the Supreme Court, which is the body of the judges for the branches. The Supreme Court as a whole has the ability to review presidential conduct and impeach the president, and review conduct of lower courts. The Iranian legal system is an inquisitorial one, with the judge serving multiple roles as both prosecutor, mediator and often jury. Iran has a strict penal code with high punishments for crimes; currently, this country has the highest death penalty rate for criminal convictions after China.

Iranian law is based on *sharia*, or the religious law as outlined in the Koran and interpreted by clerics. It is important to note that these interpretations can vary over time, so

changes may occur in spite of the consistent text. Many legal professionals in Iran are also clerics, particularly the majority of judges, and decisions are made with both religious and legal justification.

The religious legal principles in Iran have codified many differences in civil, political and social rights between various groups, particularly in terms of gender and religion. Women and men are both legally required to adhere to Islamic dress etiquette in public, and can be arrested for infringements. Women are given the legal status of ½ of a man in terms of personal injury or death cases, and the testimony of a man is equal to two women. Religious discrimination is legal in Iran, particularly for the second largest sect (the Bahai's), who are unable to publicly exercise much of their religious practices. Unless religious principles are reinterpreted by clerics within the policymaking apparatus and the courts, law is rarely changed. Reinterpretation can create huge changes if codified; for example, divorce was not a right given to women until a cleric reinterpreted the ability for divorce to be discussed and negotiated during drawing of marriage contracts.

Observance and enforcement of the law does vary, however; expedience often limits enforcement, and there are ways to circumvent the system. Law after the revolution excluded women from much of public life, but the Iran-Iraq War convinced the state that allowing women to work outside the home was necessary to keep the republic going. Today, women make up most of the university population in Iran and while recent changes in university policies are keeping them out of many fields such as engineering, they are still welcome in the workplace. Restrictions on mass media are often circumvented by approaching different agencies for support; if you lose a license in one place, another may give you one. If you can't get your music distributed because the Ministry of Information will not approve it, you can approach the Leader's Bureau of Cultural Affairs to see if they will.

The overlapping institutions of Iran's political system may be helpful in dealing with restrictive laws and state repression, but this also has a dark side. Duplication of police forces means that while one group may tolerate your behavior, another may detain you. For this reason, while the authoritarian system in Iran is scattered and not cohesive in terms of repression, it is dangerous in terms of organizational chaos, which can be exploited by interests within the state.