

THE *VELAYAT-E FAQIH*
BASIS, POWER AND LONGEVITY

Mojtaba Mahdavi

There is no difference between the guardianship of a nation and the guardianship of the immature.

Ayatollah Khomeini¹

[The guardianship of the people is] just as the shepherd leads his sheep, just as the shepherd wants this sheep to graze in a good place.

Ayatollah Khomeini²

The *mostaz'afin* [the oppressed] are wrongly defined as inferiors or [...] vulnerable. They are those who will inherit the earth.

Ayatollah Khomeini³

Marq bar Asl-e Velayat-e Faqih! (Down with the principle of *velayat-e faqih!*)

Marq bar Setamqar / Che Shah Bashe, Che Rahbar! (Down with the oppressor / Whether the shah or the leader!)

Slogans of street demonstrations⁴

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‘*Zan, Zendegi, Azadi*’ (Women, Life, Freedom) is the motto of the democratic social movement in Iran which was sparked by the death in detention of Mahsa Amini, who had been detained by Iran’s so-called morality police on 16 September 2022.⁵ This nationwide progressive movement, ongoing at the time of writing, is largely led by women and others in Iran’s subaltern classes. It has shaken the ideological foundation of the Islamic Republic of Iran, namely the institution of the *velayat-e faqih* (guardianship of the jurist).

The *Zan, Zendegi, Azadi* movement has shown that the *vali faqih* (the clerical Islamist jurist who exercises *velayat* or guardianship)—the Islamist emperor—has no clothes. From the early days of post-revolutionary Iran under Ayatollah Ruhollah Khomeini’s leadership in the 1980s, the ruling Islamists and the discourse of *velayat-e faqih* were challenged by some sections of society. For some intellectuals, women and civil rights activists the *vali faqih* had no clothes of divinity and was not God’s political proxy. In the post-Khomeini era in the 1990s and 2000s more sections of society grasped how naked is the Islamist emperor.⁶ Three turning points challenged the idea of reforming the state through electoral politics and revealed that elections under the *velayat-e faqih* had little or no meaningful impact on the life of ordinary people. The first was the failure to reform the political system under President Mohammad Khatami (1997–2005); the second was the suppression of Iran’s pro-democracy Green Movement in 2009, which formed in response to rigged presidential elections; and the third was the 2021 presidential election, which brought to power the hardliner Ebrahim Raisi. With the mass disqualification of even candidates loyal to the system, the 2021 presidential elections broke the records for the lowest turnout in postrevolutionary Iran’s elections and saw the highest share of protest blank and invalid votes.

Hence, in 2022 the Islamist emperor is naked to many people. It has become clear that the ruling institution of *velayat-e faqih* represents a clerical oligarchy backed by the security-military apparatus—an institutionalized patriarchal autocracy in the name of God and of the poor but in the service of a crony clerical kleptocracy and a predatory state.⁷ The Islamic Republic seems to have betrayed both the sacred and the secular, assaulting the dignity of the values

which inspired many people in 1979 revolution. The Islamic Republic of Iran, in sum, is now a hybrid state comprising a clerico-military oligarchy and quasi-republican institutions, involving semi-totalitarianism, authoritarianism and quasi-elections. The core of Iran's postrevolutionary deep state and the key to the current crisis in the country is the discourse and the institution of *velayat-e faqih*, which has been theorized, institutionalized and routinized since the 1980s.

Like many other Islamist discourses, the *velayat-e faqih* does not represent the Islamic tradition; it rather reinvents the tradition in response to the postcolonial crisis of Muslim-majority contexts. In other words, it is a postcolonial reinvention of Shiite clerical Islam, a highly selective and ahistorical reading of the tradition, which was developed in reaction to the crisis of the Pahlavi regime's autocratic modernization and secularization. Although it was developed in the postcolonial context, the *velayat-e faqih* is an oligarchical, patrimonial and discriminatory discourse. Iran's nationwide quest for dignity, recognition and inclusion is best represented in the progressive slogan of *Zan, Zendeqi, Azadi*. This revolutionary movement reclaims rights for people who have been systematically humiliated and have degenerated into the subaltern majority, ruled by the minority rule of the clerico-military oligarchy.

Thanks to his religious and revolutionary charisma, Ayatollah Khomeini reinvented and institutionalized the discourse of *velayat-e faqih*. With no significant religious or revolutionary charisma, the second *vali faqih*, Ayatollah Ali Khamenei, however, has mostly relied on his conservative peers and the security apparatus. His office, the *beyt*, is now the core of Iran's deep state, sponsored by petrodollars and in charge of massive revolutionary financial conglomerates.

An institutionalized minority rule in the name of god, the *velayat-e faqih* has gradually but constantly materialized its full capacity at the cost of marginalizing the majority and corrupting the emancipatory spirit of the 1979 revolution. Four decades after that revolution, the discourse does not speak on behalf of Iran's subaltern oppressed, the *mostaz'afin*. Khamenei, as the second *vali faqih*, has reinterpreted the concept of *mostaz'afin*, so that it no longer refers to the oppressed but rather to the ruling Islamist oligarchical clique.⁸

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The concept of the subaltern was first coined by the Italian cultural (neo-)Marxist Antonio Gramsci in his *Prison Notebooks*,⁹ and then further conceptualized by postcolonial theorists of 'Subaltern Studies,' such as Ranajit Guha, Homi K. Bhabha, Partha Chatterjee, Dipesh Chakrabarty, and Gayatri Spivak in her 'Can the Subaltern Speak?' Essentially, the subaltern refers to those of low rank, to underclasses, and to the marginalized 'Other' in a variety of social settings. Their voice and their story are neglected and misrepresented under a hegemony of a ruling elite.¹⁰ In this chapter, I use a very broad concept of subalternity by referring to multiple dimensions of cultural, economic, social and political subordination, and systemic disempowerment (*esteza'af*, استضعاف). Informed and inspired by these critical thinkers, this chapter argues that the discourse and institution of *velayat-e faqih* have constantly and systematically aimed to turn the *citizen* into the *subaltern*.

The Islamic Republic is now a 'predatory state,' whose public institutions are subverted to serve the ruling oligarchs.¹¹ The office of the *velayat-e faqih* is fostering and consolidating the predatory nature of the state, and is promoting and protecting the interests of the minority clique of the clerical-security-apparatus alliance over those of the public. In this context, the Islamic Republic's core power structure has turned its people into subalterns and has subordinated them under the hegemonic domination of the ruling oligarchs.¹²

Historicizing the origins of *velayat-e faqih*, this chapter briefly examines its religious-political roots and the discriminatory nature of its discourse. It contextualizes the development of the concept into an institution, highlighting its ever-growing power in the political structure during the first and the second *vali faqih*, Ayatollah Khomeini and Ayatollah Khamenei.

Finally, the chapter suggests that as much as the institution of *velayat-e faqih* is politically powerful, its socio-cultural hegemony has dramatically diminished. The longevity of the institution of *velayat-e faqih* largely depends not on its discursive power but on the clerical-security apparatuses backed by petrodollars within the rentier structure of the Islamic Republic. Iran's civil society has already entered into a post-Islamist condition where all forms of the Islamist state, including the *velayat-e faqih*, have lost their popular consent and

mobilization capacity. Iran's subalterns, the marginalized majority, have already spoken up against the *velayat-e faqih* on numerous occasions including the 2009 Green Movement, new waves of social movements since 2017, and particularly the 2022 *Zan, Zendegi, Azadi* movement, as well as through boycotting or refusing to participate in electoral politics, such as at the 2020 parliamentary and the 2021 presidential elections.

Ayatollah Khomeini: The first and last vali faqih?

Etymologically, the term *velayat* conveys several intricate meanings in the Shia tradition, but is mainly interpreted as meaning guardianship, supremacy or sovereignty. *Velayat* can take different forms, including guardianship over a child, guardianship of the fatwa (religious decree), guardianship in the matter of judgment and of the *hasbiya* (non-litigious matters, including but not limited to the guardianship of orphans). According to traditional Shia Islam, the *velayat-e mutlaqeh*, or absolute guardianship, belongs to God and may be entrusted to the Prophet. Whether and how this guardianship could be continued after the Prophet has been the subject of theological debates among various Islamic schools of thought. In traditional Shia thought, particularly the Imami school, the Prophet's absolute guardianship was transferred to the imams, making any state run by non-imams illegitimate and usurping. According to the Shia Imami school, in the occultation era—which began when Mahdi, the last of the Twelve Imams and eschatological redeemer of Islam, went into hiding in 260 AH (874 CE)—the line of succession and guardianship of the imams continues. Theological debates over the nature and scope of this guardianship continue, and the theory of *velayat-e faqih* is of great significance to these debates. The establishment of the institution of *marja'iyat*, which gave jurists power to take over some of the duties of the Shia imam, contributed to the prominence of the theory of *velayat-e faqih*.¹³

Contemporary Shia political jurisprudence, however, is divided over the meaning, necessity and application of the concept of *marja'iyat*. Many oppose the political authority of jurists. Sheikh Morteza Ansari, the prominent Shia *faqih*, was one of the first to

discuss the political authority of the jurist in his book *Makaseb*, where he argued for the *velayat-e faqih* in fatwa and judgment only, while raising serious doubts about its expansion into the realm of politics. Ayatollah Mohammad Hussein Naeini, who famously supported the 1905 Constitutional Revolution, utterly rejected the political dimension of the *velayat-e faqih*. In his book *Tanbih al-Ummah wa Tanzih Al-Milla* (The Awakening of the Community and Refinement of the Nations), he openly endorsed modern constitutional and representative government. Some others, including Mohammad Hasan al-Najafi and Mullah Ahmad Naraghi, and certainly Khomeini himself, endorsed the political guardianship of the jurists. For Khomeini, the prophet and imams had the responsibility not only to convey the message of Islam but to establish an Islamic political order. The same applies to the *vali faqih*. The most important task of the prophet, imams and the *vali faqih*, he argued, is to implement and execute God's rulings, which would be made possible with the formation of a government.¹⁴

The limited authority of the *vali faqih*, including the right to judge, over fatwas on sharia issues, over the collection of religious funds, and over the handling of *hasbiya* affairs, has long been discussed in Imami *fiqh* (jurisprudence) and is closely related to the institution of *marja'iyat*. However, it was Khomeini who set out in a series of lectures in the 1970s his political theory of *velayat-e faqih*, arguing that the guardianship of the jurist is the basis of the political order in the period of occultation. The jurists are thus the imam's successors in the implementation of government policies and other issues related to the hidden imam. The *vali faqih*, Khomeini argued, is not on a par with the infallible imam in terms of virtue and of religious, moral and scientific character; however, his characteristics, such as justice, piety and devoutness, prevent him from slipping into the abyss of tyranny and self-determination.¹⁵ The core of his theory, in sum, suggests that the *vali faqih* holds the same authority or guardianship as that of the prophet and the imams. By developing the theory of *velayat-e faqih* in the 1970s, 'Khomeini was the first Shiite jurist to open the discussion (*fath-e bab*) of "Islamic government" in a work of jurisprudence.'¹⁶ The theory transformed both Khomeini's intellectual life and, more importantly, traditional Shia jurisprudence.

Khomeini's theory of *velayat-e faqih* was a departure from Khomeini the quietist (1920s–40s) and Khomeini the constitutionalist (1940s–71).¹⁷ Born into a clerical merchant family in Khomein in southwestern Iran, Khomeini achieved prominence among the students of Ayatollah Abd al Karim Haeri (d. 1936) and received the degree of *itjihad* (independent judgment in legal matters) in 1936, and became known as a *marja-e taqlid* (the source of emulation).¹⁸ As a *marja-e taqlid* and a teacher, he did not restrict himself to the conventional teachings and habits of the *madrseh* (the seminary): he offered unconventional curricula in Qom's Feyziyeh seminary by teaching mysticism (*irfan*), philosophy (*falsafeh*), ethics (*akhlaq*), and Islamic law (*sharia*) in the 1940s. Not only was he practicing how to combine *irfan* and politics, but he also was insisting on reconciling two opposing schools in clerical thought: *irfan* and *sharia*.

The young Khomeini's attitude to politics, however, was congruent with the long-established apolitical tradition of the clerical institution, where the clergy largely remained apolitical and deferred to the monarchy. According to the traditional understanding of the doctrine of the *Imamat*, the leadership of the community rests solely with the imam. The twelfth and final imam, who went into hiding or occultation, is the sole legitimate leader of the community, and it is believed that he shall eventually return to establish the rule of Islam.¹⁹ In the meantime, the community of believers is ruled by a ruler without divine sanction and the *ulama* (clerics) guide the community in religious matters. Although a few clerics were politically active after the establishment of the Safavid dynasty, the clerical establishment remained largely apolitical, meaning it never proposed an alternative polity to the ruling authorities. Political quietism in the Shia tradition, writes Hamid Enayat, resembles the pragmatic logic of 'Sunni realism,' meaning that the 'supreme value in politics [is] . . . not justice but security—a state of mind which sets a high premium on the ability to rule and maintain "law and order" rather than on piety.'²⁰

Khomeini remained a quietist cleric so long as Ayatollah Mohamad Hossein Buroujerdi (d. 1961), the Shia religious authority and a strong advocate of clerical quietism who followed Ayatollah Haeri (d. 1936), was alive. When Mohammad Reza Shah replaced his

father and welcomed religious activities to contain communism in 1941, the clerical establishment and the young Khomeini welcomed the new regime's policy and remained quietist.

Khomeini's transition from quietism to constitutionalism was prompted by the fear of secularism undermining the traditional role of the *ulama* in society. As a political activist Khomeini's first public statement came in a book published in 1941. The book, titled *Kashf al-Asrar* (The Discovery of Secrets), was essentially a detailed, systematic critique of an antireligious tract, but it also contained passages that were critical of the antireligious policy of the Pahlavi monarch. In this small polemical book Khomeini attacked secularism, Reza Shah's anticlerical policies, and a group of clergymen who had offended the clerical establishment.²¹ The book became the first statement of Khomeini's views on both constitutionalism and the Islamic state. 'Government,' Khomeini argued, 'can only be legitimate when it accepts the rule of God, and the rule of God means the implementation of the sharia.'²² But Khomeini did not challenge the institution of monarchy and remained a constitutionalist. He sought a supervisory (*nezarat*) role for the *ulama*. This was in accord with Article 2 of the 1906 Constitution, as suggested by Sheikh Fazlollah Nouri, providing for a clerical committee to supervise laws passed by the Majles (the parliament). If on rare occasions the *ulama* criticized the regime, writes Abrahamian, 'it was because they opposed specific monarchs, not the "whole foundation of monarchy."²³ Khomeini the constitutionalist was not an exception; he did not oppose the institution of monarchy. In *Kashf al-Asrar* the form of government was not Khomeini's main concern as long as sharia law was enforced. He argued that 'if we say that the government [*hokumat*] and guardianship is today the task of the *fuqaha* [religious jurists], we do not mean that the *faqih* [jurist] should be the shah, the minister, the soldier or even the dustman.' What it means, he argues, is that the Majles is 'made up of believing *mojtahids* [Islamic scholars with the degree of *itjihad*] who know the divine laws' so that 'they elect a righteous sultan who will not deviate from the divine laws.'²⁴

Ayatollah Buroujerdi's death in 1961 opened the space for Khomeini's involvement in politics and also left the religious institution with no single successor. He seized the moment and

published a collection of rulings on matters of religious practice (*resaley-e towzihol masael*), to be recognized as a *marja-e taqlid*. The shah regime's difficulties with the White Revolution in 1963 gave him the opportunity to emerge as a leading clerical opponent. He attacked the new electoral law enfranchising women as an un-Islamic law and the referendum endorsing the White Revolution as an unconstitutional procedure.²⁵ In *Kashf al-Asrar* Khomeini had argued in 1945 that the clergy should provide legal and moral guidance and not become politically involved. In return, the clergy expected respect for sharia and the clerical establishment. Khomeini's view as a constitutionalist remained unchanged until the 1970s despite the events of 1963.

In the 1970s Khomeini began to change his position by suggesting that the whole institution of monarchy was illegitimate and that Muslims should be ruled by an Islamic government. He stated, 'the Islamic government is constitutional in the sense that the rulers are bound by a collection of conditions defined by the Quran and the traditions of the Prophet. [...] In this system of government *sovereignty originates in God*, and law is the word of God.'²⁶ He developed, through a series of lectures delivered in Najaf in the 1970s, the theory that a just, knowledgeable and faithful faqih, in the absence of the twelfth Shia imam, was obliged to exercise both religious and political power. 'The ruler,' Khomeini argued 'must have two characteristics: knowledge of the law and justice. He must have knowledge of the law because Islamic government is the rule of law and not the arbitrary rule of persons. In this sense only the faqih can be the righteous ruler.'²⁷

Khomeini's theory of the *velayat-e faqih* was a radical departure from the dominant trend in the Shia tradition.²⁸ The theory challenged the conventional Shia doctrine of *Imamate*, which states that the legitimate leadership of the Muslim community belongs to the Prophet and his twelve successors or imams. Khomeini proposed that 'our duty to preserve Islam' by establishing an Islamic government 'is one of the most important obligations incumbent upon us; it is more necessary even than prayer and fasting.'²⁹ He suggested the task of creating an Islamic government that can be justified on the basis of the 'secondary ordinances'

(*ahkam-e sanaviyeh*), where the ‘primary ordinances’ (namely, the sharia laws) are silent or not explicit.³⁰

For Khomeini, the government is an essential component of Islam because the Prophet created an Islamic state. Moreover, sharia law cannot be fully implemented without an Islamic state; Islamic government is the only legitimate tool to put Islamic rules into practice. Muslims cannot live under un-Islamic rule, and the implementation of sharia law cannot be stopped during the Great Occultation: ‘Did God limit the validity of His laws to two hundred years? Was everything pertaining to Islam meant to be abandoned after the Lesser Occultation?’³¹ The just *vali faqih* is the only qualified ruler to undertake this task after the Prophet and the imams.

Khomeini initially stated, ‘Whatever is in [constitutional] accord with the law of Islam we shall accept and whatever is opposed to Islam, even if it is the constitution, we shall oppose.’³² However, he then increasingly came to believe that Islam was under threat from colonialism, ‘and thus shifted his emphasis from the constitution to Islam.’³³ He argued that the Pahlavi regime was bent on destroying Islam because only Islam and the *ulama* can prevent the onslaught of colonialism.³⁴ Khomeini eventually rejected constitutionalism and monarchy: ‘Islam is fundamentally opposed to the whole notion of monarchy,’ he argued, because the latter is one of the most shameful ‘reactionary manifestations.’³⁵

Why and how did the constitutionalist Khomeini become a revolutionary? Why did it happen in the 1970s? He remained in close contact with Iran during his exile years and was deeply influenced by the waves of new ideas and radical trends inside the country. Iranians outside the country also played a part in transforming his views. By the 1970s, he was transformed into a populist and revolutionary ayatollah, and the republic he founded transformed Khomeini the revolutionary into Khomeini the *vali faqih* (1979–87) and eventually into Khomeini the absolute *vali faqih* (1987–9).

For Khomeini the *vali faqih*, Iran’s postrevolutionary state could only be an Islamic republic based on his theory of *velayat-e faqih*, merging his theory of clerical oligarchy with (and maintaining its hegemony over) republican institutions.³⁶ The president of the Islamic Republic is ranked next to the *vali faqih*, and the Majles

shares its legislative authority with the Guardian Council and the Expediency Council, whose jurist members, chair and most other members are appointed by the *vali faqih*. The *vali faqih* also controls many institutional ‘extended arms,’ such as revolutionary and religious foundations (*bony’ad*) not accountable to republican institutions.³⁷ Khomeini the *vali faqih* turned the postrevolutionary state into a hybrid clerical oligarchy, a polity with popular elections—thus, consent—and the repressive apparatus of ideological, military and economic control—thus, coercion.

In the late 1980s and towards the end of the Iran-Iraq War (1980–88), the Islamic Republic faced a number of systemic economic, ideological and political crises. Thus the ‘emphasis on Islam, war, revolutionary discourse, and the persona of Khomeini were insufficient for governing Iran.’³⁸ The response to these crises was manifested through the further institutionalization of the *velayat-e faqih*, turning Khomeini into an absolute (*mutlaqeh*) *vali faqih*. This transformation was exemplified in the issues of factional politics, the ceasefire in the Iran-Iraq War, and the succession.³⁹

First, the hybrid nature of the Islamic Republic highlighted divisions and factional politics. The traditional right-wing, supported by the *bazari* merchants and the conservative clergy, ‘wanted strict implementation of shari’a in the sociocultural spheres.’⁴⁰ The revolutionary elites, by contrast, ‘supported state-sponsored redistributive and egalitarian policies.’⁴¹ Ayatollah Khomeini initially chose a policy of ‘dual containment,’ trusting both conservatives and revolutionary elites.⁴² However, from December 1987 until his death in June 1989, he clearly supported the revolutionary camp, aiming to institutionalize his absolute authority. In January 1988 Khomeini provided the state ‘with the authority to not only intervene in the economy but the right to use its discretion to suspend even the pillars of Islam.’⁴³ He made it clear that ‘the [state] that is a part of the absolute vice-regency of the Prophet of God is one of the primary injunctions ... of Islam and has priority over all other secondary injunctions, even prayers, fasting, and *haj*’.... The government is empowered to unilaterally revoke any shari’a agreement.’⁴⁴

Second, in the summer of 1988 Khomeini accepted the ceasefire in the Iran-Iraq War and demonstrated his absolute authority in

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several ways. The Iranian opposition group then based in Iraq, the Mojahedin e Khalq (MEK), attacked Iranian forces after Iran accepted the ceasefire with Iraq. In response, the Islamic Republic not only defeated and killed the Mojahedin's forces on the battlefronts, it also executed several thousand jailed political opponents in the prisons.⁴⁵ Next came Khomeini's fatwa against Salman Rushdie for his novel *The Satanic Verses*, escalating political tension between Iran and the West. Finally, Ayatollah Hussein-Ali Montazeri, Khomeini's loyal student and the only high-ranking cleric who supported his theory of *velayat-e faqih*, was expected to succeed him. However, Montazeri's critique of the regime's new reign of terror in the summer and autumn of 1988 led Khomeini to ask for his resignation, thus purging the only ayatollah loyal to the theory of *velayat-e faqih* and facilitating the future revision of the constitution and the position of the *vali faqih*.⁴⁶

Third, according to the 1979 constitution, only someone who is a grand ayatollah and a prominent *marja-e taqlid* holds the required theological qualifications to be the *vali faqih*. However, no leading grand ayatollah believed in Khomeini's interpretation of *velayat-e faqih*; nor did any have the personal and political charisma required for the office. Hence, Ayatollah Khomeini ordered the revision of the 1979 constitution, facilitating the selection of a new *vali faqih* from the middle-ranking clerics loyal to his theory. In doing so, article 109 of the 1989 amended constitution made a clear distinction between the position of the *marja-e taqlid* and that of the *velayat-e faqih*. The constitution also removed the theological need for the *velayat-e faqih* to also be a *marja-e taqlid*. Moreover, in the amended constitution the *vali faqih* holds absolute power (the phrase *mutlaqeh* was added to Articles 107–110), transferring the task of coordinating the three branches of government from the president to the *vali faqih*. In sum, if for Ayatollah Khomeini the Islamic state is authorized to unilaterally revoke sharia to ensure its own existence, the state is also entitled to revise the constitution and Khomeini's theory of *velayat-e faqih* to ensure the survival of the Islamic Republic. Ayatollah Khomeini died on 3 June 1989, but the regime he established survived and the Assembly of Experts appointed Ali Khamenei as the new *vali faqih*.⁴⁷

Ali Khamenei as the Vali Faqih: The routinizer of the religious-political conglomerate, and the head of the deep state

The main challenge after Khomeini was to institutionalize or, using Max Weber's phrase, to achieve the 'routinization' of Khomeini's charisma.⁴⁸ The Assembly of Experts, knowing well that the senior ayatollahs distrusted Khomeini's theory of *velayat-e faqih*, dropped the *marja-e taqlid* requirement so that Khomeini's position could be inherited by middle-ranking clerics loyal to Khomeini's doctrine. They quickly appointed *hojjatoleslam* (authority on Islam) Ali Khamenei, a middle-ranking cleric who was neither a senior religious jurist, nor a *marja-e taqlid*, nor at the time even a generally accepted ayatollah. Khamenei had no charismatic personality, in Weber's terms, to be 'awakened' or 'tested.' Khomeini's charisma was not transferable to a successor. Charisma, as Weber argues, 'can only be "awakened" and "tested"; it cannot be "learned" or "taught."' ⁴⁹ Ayatollah Khomeini was 'a unique product of unique historical circumstances' and thus 'irreplaceable.' It was 'Khomeini who made the institution of the *velayat-e faqih* powerful, not the other way around.'⁵⁰

Given his lack of both personal charisma and strong clerical credentials, Khamenei was perceived to be at most first among equals. Hence, unlike Khomeini, who depended on his own charismatic authority, Khamenei was dependent on his conservative peers and the revolutionary-security apparatus of the Islamic Revolutionary Guard Corps (IRGC). The succession problem was handled by assigning absolute power to the office of *velayat-e faqih*, filling the personal charismatic gap on the part of Khomeini's successor.

According to Milani, Khamenei's 'lack of an independent base of support was the critical factor in his selection as the *faqih*; he did not seem threatening to the rival factions. Aware of his shortcomings, Khamenei in the early stage of his rule stayed above factions.'⁵¹ Nonetheless, because he lacked the required charisma, he favored the conservatives with whom he shared attitudes, and he was indebted to their support. The conservatives in exchange insisted that Khamenei, although not a *marja-e taqlid*, remained above the leading clerics, whom they obliged to obey the *vali faqih*'s political rulings.⁵² A leading conservative cleric, Ayatollah Ahmad Azari-

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Qomi, once made this explicit: ‘The powers delegated to the leader in the constitution are the [extension of the] monopoly of the leader in his duties and responsibilities, and do not impose restrictions on his power.’⁵³

The conservatives pushed for a new interpretation of Article 99 of the constitution, suggesting that the authority of the Guardian Council be extended from supervising and observing elections to judging candidates’ eligibility. In 1991, having amended the election law accordingly, the Majles also made absolute loyalty to the new *vali faqih* a necessary condition for running in future elections.

Moreover, under Khamenei’s *velayat-e faqih*, the state-sponsored merchant class expanded the scope of its traditional trade in the oil, carpet and pistachio industries. The state apparatus in general, and the revolutionary foundations in particular, were instrumental in consolidating state-sponsored mercantile capitalism. All powerful and parallel revolutionary-financial institutions run by the conservatives were exempted from taxation and public inspection. They also received state subsidies and patronage, resulting in the ‘development of a two-tier economic system.’⁵⁴ Such institutions as the Foundation of the Dispossessed (Bonyad-e Mostazefin), which dominated some 40 per cent of the Iranian economy, remained beyond the control of public inquiry.

Furthermore, in post-Khomeini Iran, Khamenei’s lack of charisma made him a ‘weaker partner of the post-Khomeini diarchy.’⁵⁵ Political authority was divided between the president and the *vali faqih*. This ‘dual leadership seemed quite appropriate for the emergent system of post-charismatic, collective clerical rule.’⁵⁶ Khamenei, however, managed gradually and smoothly to change the balance of power in favor of his office, becoming the stronger partner of the power structure in the late 1990s. He extended his formal and informal powers, including through his appointees and personal representatives at various political, financial and religious institutions. The number of offices and institutions controlled by the office of the *velayat-e faqih* significantly increased in the post-1989 period. As Boroujerdi and Rahimkhani argue, ‘Khamenei’s religious and charismatic liabilities forced him to rely more and more on “power institutions.”’ In other words, ‘whereas Khomeini used his

charisma to consolidate the office of the supreme leader, Khamenei strengthened this office through bureaucratic aggrandizement, reliance on security forces, and informal politics.⁵⁷

Despite several attempts by his conservative aides, Said Amir Arjomand argues, Khamenei neither succeeded in assuming Khomeini's 'traditional juristic authority'—the position of a grand ayatollah and a major or sole source of emulation (*marja'iyat*)—nor did he acquire the title of imam inside Iran. Hence, his status of *marja'iyat* and his position as imam were recognised only by non-Iranian Shia communities abroad. Inside Iran, Khamenei initiated a systematic bureaucratization and reorganization of the religious seminaries (*hawza*) of the city of Qom, the most important religious seminaries inside Iran. The goal was to control the financial resources of the seminaries, extending Khamenei's surveillance over them and standardizing the syllabi to favor his own students.⁵⁸ 'Khamenei realized that he needed to dilute the power of rival Shiite *ulama* to bolster his own standing. One way to marginalize the Shiite hierocracy was to extend his bureaucratic and financial control over the religious institutions.' Hence, in 1995, the Supreme Council of Religious Seminaries of Qom (Showra-ye 'Ali-ye Howze-ye Elimiyeh-ye Qom) was created to monitor, modernize and 'standardize the content of the curricula' and to supervize and bureaucratize the seminaries. 'Today, most of the 228 to 270 residential seminaries (*madresehs*) in Iran follow the educational curriculum' set up by the Supreme Council of Religious Seminaries of Qom.⁵⁹

In addition, the systematic expansion of the office of the supreme leader in post-Khomeini Iran can be seen in 'the bureaucratization of the Friday Prayer institution'; the monitoring of the country's more than 70,000 mosques through organizations such as the Islamic Propaganda Organization; the supreme leader's 'personal representatives to each of Iran's thirty-one provinces' and to 'a number of foreign countries (Iraq, Pakistan, Syria, the United Arab Emirates, and the United Kingdom);' and, most important of all, his access to 'substantial governmental and special funds' through 'parastatal institutions such as Foundation for the Dispossessed (Bonyad-e Mostazefin).'⁶⁰

THE SACRED REPUBLIC

Khamenei's 'economic muscle' is of special significance in showcasing how his authority works. 'The combined budget of four important formal institutions (Headquarters of the Armed Forces' General Command, Expediency Council, Guardian Council, and the Islamic Republic of Iran Broadcasting) is less than half of the budget of one single social welfare organization, the Imam Khomeini Relief Committee (IKRC).'⁶¹ The IKRC 'assists more than four million Iranians with service,' including the elderly, women-headed households, and the rural poor. The Imam Reza Foundation (Astan-e Qods-e Razavi) is another parastatal organization controlled by the supreme leader with 'an annual budget of \$2 billion, mostly from the alms given by pilgrims.'⁶² Another example of the supreme leader's extended financial arm is the Executive Headquarters of Imam's Directive (Setad-e Ejrayi-e Farman-e Emam), Iran's 'second largest economic cartel' next to the IRGC, with '\$40 billion' assets.⁶³ Revolutionary foundations or '*bonyads* own some 20 percent of the asset base of the Iranian economy and contribute 10 percent to the country's GDP.'⁶⁴

Iran's post-revolutionary parastatal organizations controlled by Khamenei 'receive large subsidies, often are exempted from taxation, and are not subject to parliamentary supervision' or 'financial audits.' In other words, 'Iran's vast religious machinery is oiled'⁶⁵ and the provision of 'social welfare programs has become an important instrument of social control.'⁶⁶ It is only in this context that one can understand the rise of Mahmoud Ahmadinejad in 2005 and Ebrahim Raisi in 2021. Both are products of the deep state: the state-security apparatus and the office of the *velayat-e faqih*.

The *velayat-e faqih* under Ayatollah Khamenei is institutionally more powerful but discursively has degenerated from its original position in the Khomeini era. The deep state's oligarchical discourse of *velayat-e faqih* was once represented in the ideas of theologian-philosophers Mortaza Motahari and Ayatollah Montazeri, but the banner has passed to ultraconservative hardliners such as Ayatollah Mesbah Yazdi and panegyrist (*maddahs*) who openly promote superstitions in the name of god.

The *maddah* in contemporary Iranian history emerged after the Safavid period (1501–1722); *maddahs* were generally looked

down upon or rebuked by clerics for their exaggerations and unsubstantiated remarks about Islamic religious figures and events. However, *maddahs* have found a different role in the twenty years since the mid-1990s. Khamenei's rule has gradually but systematically empowered *maddahs* over the traditional cleric establishment. They have been deployed to generate political support and legitimacy for Khamenei's rule and in return they have achieved wealth, fame and authority even above the traditional clerics. More specifically, *maddahs* and their extensive networks were utilized to boost Khamenei's fragile religious legitimacy, independently of the traditional clerical establishment. Moreover, some *maddahs* utilise networks of thugs to silence critical clerics and dissidents. In recent years, *maddahs* and their thug supporters have repeatedly raided the homes of critics such as Ayatollah Hossein Ali Montazeri, Ayatollah Yousef Sanei, Ayatollah Musa Shobiri Zanjani and Ayatollah Abdullah Javadi Amoli. Lastly, this state-sponsored institution of *maddahs* have constantly promoted superstition, mobilizing the public to serve Khamenei's political and ideological goals.⁶⁷

In sum, the routinization and bureaucratization of charisma, as well as the nature of the succession of the supreme leadership, brought some significant changes which protected the conservatives' ideological and material interests. First, religious power shifted from the institution of the *velayat-e faqih* to the traditional religious seminaries. However, at the same time, Khamenei extended his bureaucratic and financial control over these religious institutions, and the political authority of the *vali faqih* remained over and above the religious authority of the *marja-e taqlid*.⁶⁸ Secondly, political power was centralized in the office of the *velayat-e faqih* and in the more conservative faction of the state. As such, the office of the *velayat-e faqih* came to be dominated by the politically authoritarian and ideologically traditional conservative faction. Thirdly, conservatives gained more control over the economy through the parastatal organizations controlled by the office of the *velayat-e faqih*.

Khamenei the absolute vali faqih: Extra-legal decrees; 'The Second Step of the Revolution;' and the abandonment of the mostaz'afin

The *velayat-e faqih*, argues Ayatollah Khamenei in his treatise, *Resaleh*,⁶⁹ implies the government of a just jurist, and is one of the pillars of the Shia Imami doctrine with roots in the Shia doctrine of Imamate. Hence, promoting discord and division among Muslims about the legitimacy of the *velayat-e faqih* is not permissible. Islam, he argues, is the religion of governing and managing the affairs of society. Hence, Islamic society must have a guardian to rid the Islamic *ummah* (community) of its nemeses and protect Muslims, to establish justice among them, to prevent oppression and marginalization of the weak, and finally to provide the means for cultural, political and social progress and prosperity.

As for the scope and domain of the *vali faqih's* authority, he argues that all Muslims must obey the orders and decrees of the *vali faqih*. No one is allowed to oppose on the pretext that he is more qualified. The *vali faqih's* rulings, unless explicitly temporary, will be in effect continuously unless the new *vali* rules otherwise. If the opinion of the *vali faqih* is different from that of other jurists and *mojtahids* on issues pertinent to the administration of the country and the public interests, such as defending Islam and Muslims against infidels, the *vali faqih's* opinion is superior and should be obeyed. However, with respect to purely personal matters, the opinion and fatwas of other *mojtahids* can be followed.

For Khamenei, the authority and decisions of the *vali faqih* in cases related to the public interests of Islam and Muslims take precedence and rule over the powers and decisions of the people. This includes the right to manage and control mass media by the *vali faqih*, since mass media should be used to serve Islam and Muslims. As will be shown in the following paragraphs, Ayatollah Khamenei's extra-legal decrees, or *ahkaam hokoomati* (this is the plural of *hokm-e hokoomati*), clearly demonstrate his absolutist vision of governance.

It is worth noting that it was the first *vali faqih*, Ayatollah Khomeini, who initially issued a number of extra-legal decrees to consolidate his absolute rule and to protect the survival of the state he founded. One of the most significant extra-legal decrees, as discussed earlier,

was his January 1988 *hokm-e hokoomati*, arguing that the Islamic state is one of the primary requirements of Islam and has priority over all other secondary requirements, including prayers, fasting and haj (pilgrimage), and that the state is authorized to unilaterally revoke any sharia ruling to protect the interests of Islam.⁷⁰

Khamenei's *ahkaam hokoomati*

The constitution of the Islamic Republic of Iran is replete with contradictions. Among these, the most flagrant can be found in Chapter 3, where Articles 19–42 call for the respect of people's fundamental rights, while Articles 57 and 110 bestow absolute power upon the supreme leader or *vali faqih*. The result of such fundamental contradictions is paralysis in the political system, which periodically becomes glaring. The *vali faqih* often issues an *hokm-e hokoomati*, or an extra-legal decree, to exercise his power. The term was coined by Mehdi Karroubi in 1997, who had just been elected as the speaker of parliament. The following cases provide some examples of Khamenei's extra-legal decrees.

After the reformists' victory in the parliamentary election of 1997, the *vali faqih* issued a public order preventing the Majles from passing a bill aiming at reforming the Press Law to the less restrictive version of 1985.⁷¹ Further, in 2005 he intervened in the forming of policies in response to Article 44 of the constitution, paving the way for the apparent privatization of public industrial sectors. These policies, however, in reality diminished the welfare policies of the Islamic Republic and facilitated quasi-privatization (*khosulati-sazi*) by selling public property to the inner circles of the state and strengthening the financial power of the noble-born new class (*agha-zadeh*).⁷² In 2012, MPs called President Ahmadinejad to the Majles for questions, in order to exercise their power of impeachment. The *vali faqih*, however, while confirming the MPs' concerns, issued another extra-legal decree asking them to 'put an end to the process and not insist on their demands.' Another *hokm-e hokoomati* was issued in 2014 during the parliamentary review of the Joint Comprehensive Plan of Action (JCPOA), Iran's nuclear deal with the five permanent members of the UN Security Council (plus Germany). The deal was expected to face strong opposition from many conservative

lawmakers, but the bill passed abruptly after it became clear that Speaker of Parliament Ali Larijai and the Secretary of Iran's National Security Council Ali Shamkhani had had a meeting with Asghar Hejazi, a high-ranking staff-member of the *vali faqih's* office. The *vali faqih* had conveyed his approval of the JCPOA to the MPs.⁷³ In 2018, the *vali faqih* gave permission to Sadeq Larijani, then-chief justice, to form new extra-legal special courts to deal with financial crimes 'swiftly and justly.'⁷⁴ In the same year, during growing economic hardship and the fall of the national currency, the *vali faqih* ordered the National Development Fund to receive a decreased share from annual oil revenue.⁷⁵ In 2019, two days after Iran abruptly raised gas prices to offset its budget deficit and following nationwide protests, the *vali faqih* privately banned MPs from proposing bills addressing the gas price. Also in 2019 the *vali faqih* decreed that 2.22 billion dollars be taken from Iran's National Development Fund and given to the military.⁷⁶ He also confirmed President Rouhani's request to withdraw 1 billion euros from the National Development Fund to be spent on expenses stemming from the COVID-19 pandemic.⁷⁷ In his televised speech on 8 January 2021, Khamenei issued one of his most controversial extra-legal decrees: '[I]mporting American or English vaccines to the country is prohibited. I have said this to the officials, and I am now announcing this publicly. [...] They are not trustworthy or reliable. I don't know; perhaps they wish to test a vaccine on other nations to see if it works or not.'⁷⁸

Khamenei's anti-Westernism reached a new level when he suggested that Americans might have produced COVID-19. Addressing the Iranian nation in a televised speech on the Nowruz and the Eid al-Mab'ath on 22 March 2020, Khamenei said:

[Y]ou Americans are accused of having produced the virus. I do not know how legitimate that accusation is, but when such an accusation exists, [...] your medication might become an instrument for further spreading the disease. [...] [I]t is said that some forms of the virus have been created especially for Iran through their familiarity with Iranian genetics.⁷⁹

Moreover, on the eve of the country's presidential election on 16 June 2021, Khamenei announced: 'We are now among the five or

six countries in the world that can produce the COVID-19 vaccine, and we have good infrastructure in this field [...]. This shows our nation's capability.'⁸⁰

The harsh truth, however, is that his anti-Americanism, coupled with a naïve and nativist discourse promoting independent resilience, resulted in a disastrous public health policy, which may have cost tens of thousands of lives due to the lack of an effective vaccine. In addition to President Donald Trump's brutal sanctions regime, which hurt ordinary people in Iran, Khamenei's *hokm-e hokoomati* served the systemic corruption and the shadow economy associated with the religious-political conglomerate of the deep state. The individuals and institutions associated with the office of the *velayat-e faqih* received and wasted tens of millions of dollars of the national budget to manufacture a local COVID-19 vaccine in a country which required immediate vaccination and which lacked the infrastructure required for manufacturing a local vaccine.

'The Second Step of the Revolution'

On 11 February 2019, the fortieth anniversary of the 1979 revolution and the institutionalization of the *velayat-e faqih*, Khamenei issued a comprehensive statement titled 'The Second Step of the Revolution' in which he provided a blueprint of the kind of self, society, state and civilization he envisions, grounded on his Islamist aspirations. The second step of the revolution is the phase of 'self-development, society-processing and civilization-building.' Some of the key phrases in his statement include 'new Islamic civilization;' 'jihadi management strategies inspired by Islamic faith;' 'resistance to the U.S. and Zionists' domination;' and 'resistance throughout the region.' His specific advice was organized around seven key points: 'science and research,' 'spirituality and morals,' 'economy,' 'justice and [the] fight against corruption,' 'independence and freedom,' 'national dignity in foreign relations and defining the borderlines in relations with the enemy,' and 'lifestyle.' The key concepts operative in this advice included 'scientific jihad,' the 'nasty and spiteful enemy,' 'preventing [the] influence and domination of foreigners,' the 'resistance economy' and 'the Western lifestyle.' The last paragraph of Khamenei's statement best represents his vision

for shaping and monitoring society. It clearly demonstrates how the discourse of anti-Westernism continues, at the time of writing, to serve the hegemony of the clerical oligarchy and the *velayat-e faqih* at the expense of the further marginalization of Iran's subalterns. It shows how the power and material interests of a ruling minority religious-political conglomerate and the deep state are privileged in Iran under Khamenei.

The West's attempts to promote the Western lifestyle in Iran have caused a lot of irreversible moral, economic, religious and political detriments to our country and our nation. Countering these attempts requires a comprehensive and intelligent jihad that again here you, the young individuals, are expected to carry out.⁸¹

Abandoning the oppressed: A revisionist concept of *mostaz'afin*

Just one week after the 2019 November demonstrations (a series of nationwide civil protests, mainly by the urban poor and middle class against increases in fuel prices of 50–200 per cent) Khamenei presented a new and revisionist interpretation of the concept of *mostaz'afin*, which refers to Iran's subaltern oppressed. 'The oppressed are misunderstood,' Khamenei argued, 'the oppressed are wrongly defined as inferiors or [...] vulnerable, but it means those who will inherit the earth.'⁸² Khamenei's revisionist view was a response to the disenchantment, discontentment and disillusionment of the vast majority of the working class, the middle-class poor, and other disposed classes who were once considered the backbone of the 1979 revolution. The class of the oppressed, the *mostaz'afin* and Iran's subalterns, have increasingly become marginalized and excluded from the public decision-making process since Khamenei became supreme leader and in particular in the 2010s. Instead, a revolutionary noble born 'new ruling class' backed by a rentier and crony mercantilist capitalism—a neo-liberalism in the name of god and with Islamist characteristics—is taking advantage of economic, political and religious resources. This new ruling class—who in Khamenei's view has inherited the power and supports the *vali faqih*—is taken to represent the *mostaz'afin*. It is with such an

arbitrary and irresponsible interpretation of the oppressed that the Mostaz'afan Foundation can easily destroy houses or claim ownership over entire villages.

The ruling capitalist oligarchs are increasingly empowered. The former chief justice Ebrahim Raisi, who was Khamenei's most loyal and subservient candidate in the June 2021 presidential election and was duly elected president, held his first election meeting at the Tehran Chamber of Commerce. This institution bargains with the government on behalf of state-sponsored investors, businesses and industrial organizations. During the meeting, Raisi defended 'privatization' and 'the market-based economy' and criticized 'the command economy' and the government's interference in economic affairs.⁸³ In particular, he defended Khamenei's recommended policies in regard to article 44 of the constitution, arguing that 'the problems are with the implementation' and not the principle itself, and that 'the privatization must continue.'⁸⁴ Likewise, in his first election session Raisi argued, 'every obstacle that slows down the private sector activities must be removed.'⁸⁵ Raisi's reference to 'privatization' and 'the market-based economy' are buzzwords for further consolidation of the policy of diminishing social services, strengthening the *khosulati* (privatized) economy, and empowering the ruling oligarchs while marginalizing the suppressed subaltern majority.

The Islamic Republic's support for 'structural adjustment' and 'privatization' in the post-Khomeini era is known. Reducing public services and expanding the 'free market' have been part of the economic policies of successive governments since the presidency of Rafsanjani (1989–97). The privatization of the banking sector and the expansion of financial institutions during the Khatami administration (1997–2005), and the removal or reduction of subsidies—for example, through the 'targeted subsidies' policy under Ahmadinejad (2005–13)—are just a few examples of 'structural adjustment.' One of the most important chapters of this new macroeconomic orientation under the supervision and support of *Vali Faqih* Khamenei took place in November 2009, when the government unexpectedly tripled the price of gasoline overnight and then shot hundreds of protesters in the street in response to unprecedented nationwide

protests. Similarly, the protests of November 2019 under President Rouhani (2013–21) in dozens of cities and towns marked another turning point in the political discourse of the Islamic Republic and its abandonment of the *mostaz'afin*. Hussein Nejat, a top security figure in the IRGC, described the *mostaz'afin* as 'inferior, marginalized and illiterate' classes who are a security threat and a new stronghold of the opposition.⁸⁶

The fragility and the longevity of the velayat-e faqih: Critiques from within

The doctrine of the *velayat-e faqih* has never been settled in Shia theology. Wide-ranging, often conflicting interpretations have been accorded to the notion by different Shia authorities. Ayatollah Khomeini's doctrine of *velayat-e-faqih* has been vigorously challenged by religious scholars who, as grand ayatollahs and *marja-e-taqlids*, rank equal to him in the Shia religious hierarchy. The doctrine has also been challenged by many modern religious and political thinkers outside of the seminary.

In the early days of the revolution many viewed the Islamic Republic as an umbrella term under which diverse socio-political forces against corruption, discrimination and oppression were united. However, for others it only meant the rule of jurisprudence and jurists. During the process of the drafting the new constitution by the Assembly of Experts for the Constitution (*Majles-e Khobregan-e Qanoon-e Asasi*), there were significant differences between the draft prepared by the interim government of the liberal Muslim Prime Minister Mehdi Bzargan (and approved by the Revolutionary Council) and what was later approved by the assembly. The main dispute was over the meanings of the Islamic Republic and the role of the *vali faqih*. It soon became clear that the assembly would assign a unique and overarching role to the *vali faqih* by including the doctrine of *velayat-e-faqih* in the constitution. It is known that the progressive revolutionary cleric and the Muslim democrat Sayyid Mahmoud Taleghani demonstrated his opposition, implicitly or explicitly, to the inclusion of the doctrine of *velayat-e faqih* in the new constitution; he passed away before it was ratified. Another Muslim democrat and

Taleghani's colleague, Ezatollah Sahabi, also voiced his opposition to the inclusion of this doctrine. In his speech to the Assembly of Experts, Sahabi argued that

Our debate about the meaning of *velayat-e-faqih* in a democratic government resembled the dispute between the ideas of the *mashrouteh* [constitutionalism] and the *mashrou'ah* [rule of the shari'a law] in the 1905 Constitutional Revolution. The question then was whether a democratically elected government is religiously legitimate? Does Islam sanction such a political system? Ayatollah Mohammad-Kazem Khorasani and Ayatollah Mohammad-Hossein Naini put an end to this dispute in favor of the democratic government. The question has been answered once, and if we ask the same question, we are repeating the past...⁸⁷

Sahabi added that 'the government is all about law-making, law enforcement, and adjudication; *velayat-e-faqih*, however, deals mostly with jurisprudential interpretations [...] and does not necessarily mean *faqih*'s direct involvement in the realm of politics.' For Sahabi, the *faqih*'s areas of expertise 'are not enough to govern a polity. A more comprehensive set of traits and qualities is needed for one to not be corrupted when he is in power.' Although Sahabi asked the assembly to spend more time on this topic, the majority rushed to include it as Article 5 of the new constitution. Sahabi continued to voice his opposition to this doctrine on other occasions even after the doctrine was included in Article 5 of the constitution: 'The Iranian people voted in majority for the Islamic Republic; this means the teachings of Islam are channeled and implemented through democratic means.' However, he argued, 'forging an absolute power in the name of Islam cannot be accepted as no one is infallible.' *Velayat-e faqih* would make Islam into a state and this is the 'beginning of a decline for Islam.'⁸⁸ In a modern political system, Sahabi indicated, a democratic government is accountable to parliament and derives its legitimacy from the people, 'but in the proposed system of *velayat-e-faqih*, the *vali-e faqih* would not be held accountable while he can interfere free-handedly in all aspects and all three branches of the government.' This governing system 'with two cores and imbalance between responsibilities will collapse ultimately.'⁸⁹

From the same tradition of Muslim democrats, Iran's Freedom Movement (*Nehzat-e Azadi-e Iran*) first published a statement and then an eighty-one-page detailed critique of the principle of absolute *velayat-e faqih* in 1986.⁹⁰ This is probably one of the first relatively comprehensive critiques from within the country published during the life of the founder of the theory, Ayatollah Khomeini.

In series of articles on the contraction and expansion of religious knowledge (*qabz va bast-e te'urik-e Shariat*), the philosopher-theologian Abdulkarim Soroush (b. 1945) provided a sophisticated critique of the doctrine of the absolute *velayat-e faqih* in the late 1980s and early 1990s. He laid out a foundation of an epistemic pluralism in the postrevolutionary religious discourse. Any understanding of religion, he argued, is human and time-bound; it is neither sacred nor absolute, and religion is defined by its human 'religious experience.' For Soroush, clerics, like other 'professional groups,' hold a corporate identity, 'a collective identity and shared interest,' and thus possess no divine authority.⁹¹ Soroush's new theology (*kalam-e jadeed*) was in effect a theological challenge to the official religious discourse and the clerical class, meaning the theory of *velayat-e faqih*. Soroush made it clear that religion is not confined to its formal interpreters. Islam is larger than the *ulama's* clerical Islam and richer than the *fiqh*, or jurisprudence. For Soroush, 'the idea of democratic religious government' would shift the center of power from the *velayat-e faqih* to civil society and would transform the religious oligarchy into a democratic polity.⁹²

Similarly, Mohammad Mojtahed Shabestari (b. 1936), a critical theologian and hermeneutist, draws on Western philosophy and religious hermeneutics to offer a critical theory for rethinking religion in modern times. In *A Critique of the Official Reading of Religion* Shabestari examined the possibility of multiple readings of Islam and the rationalization of religious discourse, while challenging the legitimacy of the concept of *velayat-e faqih*. Any reading of religion is historically and culturally contingent, Shabestari argued, and no understanding of religion is ever sacred, absolute and final. Khomeini's reading of Islam and his proposed concept of *velayat-e faqih*, the argument implies, is only one of its many possible readings, which has no particular advantage. The doctrine of the *velayat-e*

faqih, the argument implies, violates people's democratic rights and justifies a totalitarian control of society by a theocratic government.⁹³ Moreover, in *Reflections on the Human Reading of Religion*, Shabestari applied a hermeneutic approach to Islamic studies, arguing that religious rules are determined by their historical and social contexts and thus that governments cannot be based on religious norms. He refuted the main tenets of official jurisprudential Islam, according to which Islam has universal economic, political and legal regimes.⁹⁴ For Shabestari, Islam has not mandated a particular form of government, yet Muslims can come up with a rationalist interpretation of Islam, which concurs with democracy. He then argues that nothing intrinsic to Islam is inherently democratic or undemocratic, but Muslims as social agents determine the democratic or authoritarian thrust of Islam. For this reason, 'Muslim democracy' is a more appropriate term than 'Islamic democracy.'

Robust and rigorous debates about the religious legitimacy of the doctrine of *velayat-e faqih* have also taken place inside the religious seminary. These ideas have been theorized on two grounds. The first theory, known as the *velayat-e entesabi faqih* (the appointed guardianship of the jurist), proposes a divine legitimacy. The second theory assigns the *velayat-e faqih*'s legitimacy to the people's choice; known as the *velayat-e entekhabi faqih* (the elected guardianship of the jurist), this theory was first proposed by Ayatollah Hossein Ali Montazeri.

In the 'appointed theory,' as discussed earlier, the legitimacy of the government and of the *vali faqih* in the occultation period arises from the *faqih*'s appointment by the infallible imam. Hence, the political system derives its legitimacy from the *vali faqih* and not the other way around. All three branches of state, as argued by the major advocate of the appointed theory, Mesbah Yazdi, derive their legitimacy from the approval and consent of the *vali faqih*.⁹⁵ Yazdi and others such as Abdullah Javadi Amoli (in his *On Revelation and Leadership*) argue that the people's opinion and choice do not give any legitimacy to the *vali faqih*: people must discover the *vali faqih*. In Amoli's words, 'whatever is the reason for the Imamate, the same is the reason for the necessity of *velayat-e faqih* in the occultation period.'⁹⁶ For Yazdi, the theory of *velayat-e-faqih* is religiously

sanctioned with a long history from the time of the early Shia imams, and whenever the community cannot refer to the imam himself an erudite *faqih* familiar with jurisprudence should take a lead.⁹⁷

The ‘selected theory’ of *velayat-e faqih*, however, suggests that in the absence of the Shia imam, it is up to people to choose a jurist as their leader. Numerous works have been written in this field, including *Velayat-e Faqih, the Rule of the Righteous* by Nematullah Salehi Najafabadi and, more importantly, *Studies in Velayat-e Faqih* by Ayatollah Hossein Ali Montazeri. The latter (1922–2009) first criticized the absolute *velayat-e faqih* in November 1987, July 1988, and early 1989 during Ayatollah Khomeini’s leadership. In the post-Khomeini era and under Khamenei’s leadership, he explicitly challenged the absolute *velayat-e faqih* and advocated an elected, constitutional and accountable *vali faqih*, that is *velayat-e entekhabi-e moqayadeh* (constitutional elected jurisprudence). He also advocated the *faqih*’s supervisory rule (*nezarat-e faqih*), instead of his guardianship and leadership. For Montazeri, *velayat-e faqih* did not mean that ‘the leader is free to do whatever he wants without accountability’; the *vali faqih* ‘we envisaged in the constitution,’ he argued, ‘has his duties and responsibilities clearly defined. His main responsibility is to supervise.’⁹⁸

In his four-volume work in Arabic, *Dirasat fi vilayat al faqih al-dawlah al-Islamiyah* (On Velayat-e Faqih in the Islamic State), Ayatollah Montazeri offered a theological justification of the theory of *velayat-e faqih*. However, in his later work, *Resaleh-ye hoqouq* (*Treatise on Law*), Montazeri explicitly challenged the absolute *velayat-e faqih* and advocated the people’s rights.⁹⁹ For Montazeri, since the Prophet and the imams never claimed to operate beyond the law, they were also held accountable and subject to criticism by members of the early Muslim community. Hence the *vali faqih*’s authority is limited to the will of the people, and he does not have absolute power to rule over the community. In his last public speech, Ayatollah Montazeri boldly argued that one is not obliged to defend the Islamic Republic at any cost; the survival of the Islamic state in itself is not religiously sanctioned. The Islamic state exists to implement and materialize Islamic values and if it violates such values it has lost its legitimacy.¹⁰⁰

Mohsen Kadivar (b. 1959), Montazeri's disciple, has challenged Ayatollah Khamenei's religious credentials, calling him an unqualified *vali faqih*.¹⁰¹ Reviewing Khamenei's life before and after the revolution prior to his appointment as the *vali faqih*, he argues that Khamenei was mostly an eloquent public preacher or political activist and never had the opportunity to pursue his religious seminary education. Hence, his appointment, which should have required the mastery of jurisprudence, or *ijtihad*, was constitutionally unjustified. In the period before the revolution, during which he was imprisoned three times for a total of thirteen months and exiled for ten months, Khamenei also translated a book titled *Peace of Imam Hassan* and wrote another book entitled *Outline of Islamic Thought*. His only work related to jurisprudence until 1978 is a forty-page article titled 'Four main books of Rejal.' He was known for his revolutionary interpretations of the Quran and Imam Ali's *Nahj al-Balaghah* but not for work in the field of jurisprudence. Khamenei, Kadivar argues, has not been acknowledged as a *mujtahid* by any of his teachers, of which the most important ones were Ayatollah Mohammad Hadi Milani (d. 1975), Ayatollah Khomeini himself, and Ayatollah Sheikh Morteza Haeri Yazdi (d. 1985). Khamenei did not claim absolute *ijtihad* before the revolution, nor did anyone consider him an absolute *mujtahid*; he confessed in writing that he was a follower of Ayatollah Khomeini.¹⁰²

After the revolution, from 13 February 1979 to 5 June 1989 when he assumed the office of *velayat-e faqih*, Khamenei served in a number of top positions, including as a founding member of the Islamic Republican Party, a member of the Revolutionary Council, a representative of the Revolutionary Council in the Ministry of Defense, a deputy of the Ministry of Defense, a member of the Supreme Defense Council, an imam of Friday prayers, a member of the Islamic Consultative Assembly, a member of the Assembly of Experts in the first term, and a president and member of the Constitutional Review Council. These were mostly executive, managerial and military roles, and did not specifically require the mastery of jurisprudence. Hence, before his appointment as the *vali faqih*, he was not viewed as a *mujtahid* among either officials or the public.

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In addition to the sophisticated discursive challenge to the theory and practice of the *velayat-e faqih*, the institution has been challenged by a massive structural and demographic transformation of Iran's civil society. The unintended consequences of the postrevolutionary state have gradually empowered and enlightened citizens, and undermined the intellectual, political and social foundations of the *velayat-e faqih*. Multiple social movements of women, students, workers, the middle class and other social groups have shown their deep disillusionment and disenchantment with the clerical oligarchy of the *velayat-e faqih*. From the reformist movement in 1997 to the 1999 student movement, the many faces of women's movements, workers' movements, and the protests of the middle-class-poor in 2009 and 2017–22, Iran as a nation and a political cultural have largely entered into a post-Islamist condition where the patrimonial and oligarch discourse and institution of *velayat-e faqih* has lost its social base, and therefore has increasingly relied on the security apparatus and the petrodollar of a rentier political economy.

For the first time in the Islamic Republic, the public and the reformist elites openly challenged the authority and legitimacy of the *vali faqih* during the popular democratic Green Movement in 2009. In his statement, known as a working draft of the 'Covenant of the Green Movement,' Mir-Hossein Mousavi advocated the separation of 'religious institutions and clergymen from the state,' although he acknowledged the 'presence' of religion in the future of Iran. He 'opposes the use of religion as an instrument and coercing people into an ideology.' People wanted nothing short of 'popular sovereignty.'¹⁰³ Similarly, Mehdi Karroubi questioned the authority of *Vali Faqih* Khamenei. In his last public speech in support of the Green Movement, Ayatollah Montazeri boldly argued that the regime was neither Islamic nor a republic; it was a mere dictatorship.¹⁰⁴

The discourse and institution of *velayat-e faqih*, in sum, is socially fragile due to Iran's profound discursive, structural and demographic transformations. Although politically and institutionally relatively strong, the doctrine of *velayat-e faqih* seems to have no future in Iranian civil society. The *Zan, Zendegi, Azadi* movement has profoundly empowered civil society: the brutal suppression and killing of ordinary people—including teenagers and women—

revealed that the *vali faqih*, the Islamist emperor, far from being god's proxy on earth, has no cloth of divinity and no ethics, and is deeply hypocritical with respect to social justice and caring for the poor.

The longevity of the *velayat-e faqih*, however, remains subject to the complexity of the political system, where the minority ruling clique has managed to maintain its domination due to the strength of the deep state (headed by the *vali faqih*) and the security apparatus, the crisis of leadership and organization on the part of the democratic opposition, the rentier political economy, and the unfavorable global structure of power in which a military threat and economic sanctions target the real engine of democratization from below, the ordinary people.

Conclusion

This chapter has examined the basis, power and longevity of the discourse and institution of *velayat-e faqih* which dominates postrevolutionary Iran. The doctrine's religious basis is extremely contentious. The *velayat-e faqih* is a particular clerical Shia theory of an Islamist state developed in a postcolonial Muslim context. Like other discourses of Islamism, it is not simply an authentic representation of a tradition; rather, it is a politically charged reinvention of tradition, a highly selective and constructed discourse, a symptom of Muslim postcolonial conditions, and a reaction to autocratic secularization. As shown, the doctrine was developed and theorized by Ayatollah Khomeini under the shah's autocratic modernization, and was institutionalized and routinized in the postrevolutionary context.

As the core of the postrevolutionary state, the office of the *velayat-e faqih* enjoys enormous political, military and financial power. Under Khomeini the *velayat-e faqih's* power was largely derived from Khomeini's own revolutionary and religious charisma as well as the semi-totalitarian nature of the state he founded in the first decade of the postrevolutionary polity. With no or limited religious and revolutionary charisma, his successor Ayatollah Khamenei, however, has mostly relied on his conservative peers and the security-military apparatuses, backed by petrodollars and the rentier structure of the state. This second *vali faqih* has bureaucratized, routinized and

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institutionalized the office of *velayat-e faqih*, turning his office, the *beyt*, into the headquarters of Iran's deep state, in charge of multi-mega revolutionary financial conglomerates. His extended military and financial arms have contributed to the rise of conservative presidents Mahmood Ahmadinejad and Ebrahim Raisi. The office of *velayat-e faqih* and its associates managed to suppress the 2009 Green Movement, marginalized the reformist faction, and brutally crushed waves of anti-state demonstrations in 2017–22. At the time of writing it remains to be seen the extent to which the current magnificent revolutionary movement of *Zan, Zendegi, Azadi* will be suppressed.

Ayatollah Khamenei's detailed agenda for the future of the nation in the 'second step of the revolution' and the 'engineering' of the 2020 parliamentary and 2021 presidential elections suggest that he strategizes for the longevity and hegemony of the deep state both during his life and in his absence. The elephant in this room of well-engineered and carefully calculated scenarios for the longevity of the *velayat-e faqih*, however, is the dynamic of Iran's civil society. Frustrated and suppressed, civil society in Iran is deeply disheartened with the *velayat-e faqih* as the core of Iran's deep state. In the aftermath of the 2009 Green Movement, the hidden nature of this deep state has been revealed to the majority. The nationwide movement of *Zan, Zendegi Azadi* is a clear example of Iran's radical socio-cultural and demographic transformation. Iran's Islamism of *velayat-of faqih* is discursively and socially exhausted, if not dead. At the time of this writing, the clerical oligarchy of *velayat-e faqih* is openly challenged not only by the educated middle class but more importantly by the *mostaz'afin*, or Iran's subaltern oppressed. It has become clear to the subaltern majority that the *velayat-e faqih* is not simply a symbolic religious-political discourse or institution; rather, it is a manifestation of a systemic violation of the people's dignity, which has institutionalized multilevel discriminations and exclusions. Iran's subaltern is subordinated, and the *velayat-e faqih* has turned the majority into the religious, cultural, gender, economic, ethnic and political subaltern. Informed and inspired by Frantz Fanon's notion of 'the wretched of the earth,'¹⁰⁵ and Ali Shariati's concept of *mostaz'afin*, one could argue that the marginalized majority in Iran,

or the Other, has now turned into the *wretched* and *mostaz'afin*. Iran is thus a nation whose rights, dignity and, to use Axel Honneth's concept, 'recognition'¹⁰⁶ have been undermined.

The *velayat-e faqih's* longevity is complicated and involves multiple levels of analysis. The discourse of *velayat-e faqih* is socially fragile and frustrated, but politically coercive and institutionally robust. As shown before, the fragility of this discourse and institution is largely due to the disenchantment of Iran's civil society with the idea and practice of *velayat-e faqih*. The doctrine of *velayat-e faqih* is an anachronical phenomenon in contemporary Iran. Iran's discursive, structural and demographic transformations are well advanced of the patrimonial and oligarchic nature of the hegemonic political system. Iran's post-Islamist social condition, in other words, does not project a promising future for the legitimacy of the doctrine of *velayat-e faqih*. The *velayat-e faqih's* political longevity, however, may rest on the suppressive institution of the deep state, comprising Ayatollah Khamenei's *beyt* and the military-security apparatuses of the IRGC, as well as the rentier structure of the political economy. Moreover, as mentioned earlier, the leadership and organizational crises of the democratic opposition, and the unfavorable global structure of power could contribute to the longevity of the political hegemony of the *velayat-e faqih*. More specifically, military threats and economic sanctions, which are conducive to the securitization of the public sphere, empower the ruling oligarchs and hurt the ordinary people, the main agents of democratic changes from within.

Iran's discursive, structural and demographic paradigmatic shifts at the societal level, and the fragility of the ruling coalition at the state level, may contribute to a cautious optimism for a post-*velayat-e faqih* Iran. In the post-Islamist social condition of contemporary Iran,¹⁰⁷ we may follow Antonio Gramsci's approach towards societal change and remain hopeful of the triumph of the 'optimism of will' over the 'pessimism of intellect.'

42. ~~‘Legislation or Interpretation of the Law?’ Khabar Online (6 May 2021), available at <https://bit.ly/3n3SgPi> (last accessed 15/12/22).~~
43. ~~‘What percentage of Iranians watch Iranian television and what percentage watch satellite channels?’ Khabar Online (25 April 2021), available at <https://bit.ly/3D5E9yp> (last accessed 15/12/22).~~
44. ~~‘Iran’s Twitter Revolution,’ *The Washington Times* (16 June 2009), <https://bit.ly/3qpFnkL> (last accessed 15/12/22).~~
45. ~~Mike Butcher, ‘As Iran throttles its internet, activists fight to get online,’ TechCrunch, 5 October 2022, available at <https://bit.ly/3Cn4E45> (last accessed 4/1/2023).~~
46. ~~‘Top Sites in Iran,’ Alexa, previously available at <https://bit.ly/3DaGkRp> (website now retired).~~
47. ~~Pargoo and Akbarzadeh, *Presidential Elections in Iran*, 39.~~

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1. Ruhollah Khomeini, quoted in Alireza Shomali, *Thoughtlessness and Decadence in Iran: A Sojourn in Comparative Political Theory* (New York: SUNY Press, 2019), 166.
2. Ruhollah Khomeini, *Imam Khomeini’s Book* (صحیفه امام خمینی), Vol 12, n.d., 509, available at <http://bit.ly/3F93T0c> (last accessed 22/12/15).
3. Ali Khamenei, ‘What is the Real Meaning of “Mostaz’afin” in the Quran?’ Khamenei.ir. (29 November 2019), available at <https://khl.ink/f/44276> (last accessed 15/12/22).
4. Another slogan is: ‘Khamenei Ghateleh / Velayatesh Bateleh’ (Khamenei is a murderer / His guardianship is invalid). People chanted these slogans in multiple street demonstrations of the post-2009 Green Movement and particularly in January 2017, November 2019, summer 2020, July 2021, as well as the Movement of *Zan, Zendegi, Azadi* (Woman, Life, Freedom) which is ongoing at the time of writing.
5. Earlier versions of some sections of this chapter were published in the following works: Mojtaba Mahdavi, ‘Charismatic Authority in a Hybrid State: Reading Max Weber and Beyond in Postrevolutionary Iran,’ in *The Routledge Handbook of Persian Gulf Politics*, Mehran Kamrava (ed.) (London: Routledge, 2020), 292–307; Mojtaba Mahdavi, ‘Ayatollah Khomeini,’ in *The Oxford Handbook of Islam and Politics*, John L. Esposito and Emad El-Din Shahin (eds) (Oxford: Oxford University Press, 2013), 180–201.
6. For more discussion of the rise and crisis of Khomeinism and its core idea of the *velayat-e faqih*, see Mojtaba Mahdavi, ‘The Rise

- of Khomeinism: Problematizing the Politics of Residence in Pre-revolutionary Iran,’ in Arshin Adib-Moghadam (ed.), *A Critical Introduction to Ayatollah Khomeini* (Cambridge: Cambridge University Press, 2014), 43–68; and Mojtaba Mahdavi, ‘Ayatollah Khomeini,’ in John Esposito and Emad El-Din Shahin (eds), *The Oxford Handbook of Islam and Politics* (New York: Oxford University Press, 2013), 108–201.
7. This sentiment is evident, for example, in one of the slogans of university students in Tehran in early October 2022: ‘Poverty, Corruption and Injustice; shame on this Autocracy’ (فقر و فساد و بی‌داد، ننگ بر این استبداد).
 8. In a passage quoted at the beginning of this chapter, Ayatollah Khamenei presented a new interpretation of the word ‘oppressed’: ‘The *mostaz’afin* are wrongly defined as inferiors or [...] vulnerable. It means those who will inherit the earth.’ Khamenei, ‘What is the Real Meaning of “Mostaz’afin” in the Quran?’
 9. Antonio Gramsci, *Subaltern Social Groups: A Critical Edition of Prison Notebook 25*, edited and translated by Joseph A. Buttigieg and Marcus E. Green (New York: Columbia University Press, 2021).
 10. See Ranajit Guha and Gayatri Chakravorty Spivak (eds), *Selected Subaltern Studies* (Oxford: Oxford University Press, 1988); Gayatri Chakravorty Spivak, ‘Can the Subaltern Speak?’ in Cary Nelson and Lawrence Grossberg (eds), *Marxism and the Interpretation of Culture* (Urbana: University of Illinois Press, 1988), 271–313; Dipesh Chakrabarty and H. Bhabha (eds), *Habitations of Modernity: Essays in the Wake of Subaltern Studies* (Chicago: Chicago University Press, 2002); Walter D. Mignolo, *Local Histories/Global Designs: Coloniality, Subaltern Knowledges, and Border Thinking* (Princeton: Princeton University Press, 2000).
 11. See Mehrdad Vahabi, ‘Introduction: a symposium on the predatory state,’ *Public Choice* 182 (2020), 233–42; and Mehrdad Vahabi and Naser Mohajer, ‘A Critical Reflection on Neoliberalism,’ *Critique: Journal of Socialist Theory*, 48:4 (2020), 461–503.
 12. I have been inspired by Hashem Aghajari’s interpretation of the term subaltern in the postrevolutionary context. Hashem Aghajari, ‘A Selection of Hashem Aghajari’s Speech in Clubhouse,’ (3 August 2021), available at <https://t.me/SecularRepublic4Iran> (last accessed 16/12/22).
 13. The doctrinal basis for *marja’iyat* has been traced back in part to the hadith from Prophet Muhammad, who is reputed to have said ‘the ulama are the inheritors of the prophets.’ Ja’far al-Sadiq, the sixth

- imam and founder of the Imami school of jurisprudence, reputedly confirmed the jurist as the leader of the Islamic community. He says, ‘Whoever of you is the narrator of our hadith and knows the discipline and halal and haram, accept him as a judge and ruler, for I have made him the ruler of you.’ See Sheikh al-Hurr al-Amili, *Wasa‘el al-Shia*, Vol. 18 (Qom: Manshurat Dhawi l-Qurba, 2008), 99.
14. Ruhollah Khomeini, *Velayat-e Faqih, Islamic Government* (Tehran: Institute for Collection and Publication of Imam Khomeini’s Works, 2011), 49.
 15. Khomeini, *Velayat-e Faqih, Islamic Government*.
 16. Said Amir Arjomand, ‘Authority in Shiism and Constitutional Development in the Islamic Republic of Iran,’ in *The Twelver Shia in the Modern Times: Religious Culture and Political History*, Rainer Brunner and Werner Ende (eds) (Brill: Tuta Pallace, 2001), 301.
 17. This section of the chapter is mostly based on sections of Mojtaba Mahdavi, ‘Ayatollah Khomeini,’ in *The Oxford Handbook of Islam and Politics*, John L. Esposito and Emad El-Din Shahin (eds) (Oxford University Press, 2013), 180–201.
 18. Hamed Algar, *Islam and Revolution: Writings and Declarations of Imam Khomeini* (Berkeley: Mizan Press, 1981), 14.
 19. According to the Shia tradition, the occultation of the last Shia imam had two phases: the shorter phase and the complete occultation. During the first phase (874–941 CE), four special deputies (*nuvvab-e khaas*) were in direct contact with the imam. After the death of the last deputy, the *ulama* have claimed to be the general deputies (*nuvvab-e aam*) of the imam.
 20. Hamid Enayat, *Modern Islamic Political Thought* (Austin: University of Texas Press, 1982), 11.
 21. The book was a direct response to an attack on the clerical establishment in a pamphlet called *Asrar-e Hezar Saleh* (Secrets of a Thousand Years), written by Ali Akbar Hakamizadeh, the editor of the magazine *Homayon*. Hakamizadeh and his colleagues, including Ahmad Kasravi, were strongly disappointed with the religious establishment and its reactionary approach. See Baqer Moein, *Khomeini: The Life of Ayatollah* (New York: Thomas Dunne Books), 60–1.
 22. Khomeini, *Kashf al-Asrar* (Tehran: Nashr-e Safar, 1941), 291.
 23. Ervand Abrahamian, *Khomeinism: Essays on the Islamic Republic of Iran* (Berkeley, CA: University of California Press, 1993), 20, citing Khomeini, *Kashf al-Asrar*, 185–8, 226.
 24. Khomeini, *Kashf al-Asrar*, 185, quoted in Daniel Brumberg, *Reinventing Khomeini: The Struggle for Reform in Iran* (Chicago: University of Chicago Press, 2001), 58.

25. Abrahamian, *Khomeinism*, 10. In response the shah sent paratroopers to attack the Feyziyeh *madreseh*, the religious seminary where Khomeini taught. The school was ransacked, Khomeini himself was arrested, and some students died. For Khomeini, this event showed the regime's hostility towards Islam and the clerical establishment. Khomeini was released from prison in 1964 and soon denounced the shah's tyrannical regime as being subordinate to US interests in Iran. When legal immunity was granted by the shah to American personnel for offences committed on Iranian territory, Khomeini furiously condemned this policy as humiliating to Muslims in their own country. Khomeini was again arrested in 1964 and sent into exile in Turkey and then to Najaf, Iraq's most important Shiite shrine city.
26. Khomeini, 'Islamic Government,' in Algar, *Islam and Revolution*, 55.
27. *Ibid.*
28. Although Khomeini's interpretation of the theory of the *velayat-e faqih* was new, the concept was not new to the Shia tradition. For an insightful discussion see Farhang Rajaei, *Khomeini on Man, the State and International Politics* (Lanham, MD: University Press of America, 1983).
29. Algar, *Islam and Revolution*, 5.
30. *Ibid.*, 124.
31. *Ibid.*, 42.
32. Huzeh-e Elmiyeh, *Zendeginameh-e Imam Khomeini* (A Biography of Imam Khomeini) (Tehran, n.d.), 95.
33. Hossein Bashiriyeh, *State and Revolution in Iran, 1962–1982* (London: Croom Helm, 1984), 59–60.
34. Ayatollah Khomeini, *Khomeini va Jonbesh: Majmueh-ye Nameha va Sokhanraniha* (A Collection of Khomeini's Letters and Speeches) (Tehran: n.p. 1352/1974), 58–60, 68–9.
35. Ruhollah Khomeini, 'October 31, 1971, The Incompatibility of Monarchy with Islam,' in Algar, *Islam and Revolution*, 202.
36. This section is largely based on my earlier work published in Mojtaba Mahdavi, 'Charismatic Authority in a Hybrid State: Reading Max Webber and Beyond in Postrevolutionary Iran,' in *The Routledge Handbook of Persian Gulf Politics*, Mehran Kamrava (ed.) (London: Routledge, 2020), 292–307.
37. Mahdavi, 'Charismatic Authority in a Hybrid State: Reading Max Webber and Beyond in Postrevolutionary Iran,' 292–307; and Mojtaba Mahdavi, 'Iran, Islamic Republic of,' in *The Oxford Encyclopedia of Islam and Politics*, Emad El-Din Shahin (ed.) (New York, NY: Oxford University Press, 2014).

38. Mehdi Moslem, *Factional Politics in Post-Khomeini Iran* (Syracuse, NY: Syracuse University Press, 2002), 72.
39. Mahdavi, 'Iran, Islamic Republic of.'
40. Moslem, *Factional Politics*, 48. The Society of Combatant Clergy (Jāme'eh Rūhānīyat-i Mubāriz) and the Allied Islamic Society (Jam'īyāt-i Mo'talefeh-i Islami) supported the conservative faction of the Islamic Republic of Iran's regime.
41. The Mujāhidīn of the Islamic Revolution Organization (Sāzmān-i Mujāhidīn-i Enghilāb-i Islami) and the Society of Combatant Clerics (Majma'-i Rūhānīyūn-i Mubāriz) supported the revolutionary faction of the regime. The central committee of the Islamic Republican Party, until its dissolution in 1986, was more inclined towards the revolutionary faction and less to the conservatives. They believed that primary Islamic ordinances (*aḥkām-i awaliyeh*), derived from the Quran and the Tradition of the Prophet (the *sunnah*), were insufficient and therefore Muslims living in modern times needed to issue secondary ordinances (*aḥkām-i sānaviyeh*). See Moslem, *Factional Politics*, 48.
42. Moslem, *Factional Politics*, 65.
43. Ibid., 74; Mahdavi, 'Iran, Islamic Republic of'; and Mahdavi, 'Ayatollah Khomeini,' 187–8.
44. *Ettela'at*, 14 April 1988, quoted in Moslem, *Factional Politics*, 74.
45. Ervand Abrahamian, *Tortured Confessions: Prisons and Public Recantations in Modern Iran* (Berkeley, CA: University of California Press, 1999).
46. Mahdavi, 'Iran, Islamic Republic of.'
47. Mahdavi, 'Iran, Islamic Republic of.'
48. For Weber, charisma is routinized by three mechanisms: hereditary rule; modern law; and the transfer of the leader's power to the traditional office or ruling institution. See Max Weber, *Economy and Society: An Outline of Interpretive Sociology* (Berkeley, CA: University of California Press, 1978), 246–54 and 1121–1122. The latter corresponded to the case of post-Khomeini Iran.
49. Max Weber, *On Charisma and Institution Building* (Chicago: University of Chicago Press, 1968), 58.
50. Mohsen Milani, *The Making of Iran's Islamic Revolution: From Monarchy to Islamic Republic* (London: Routledge, 1994), 225.
51. Ibid., 224.
52. Asghar Schirazi, *The Constitution of Iran: Politics and the State in the Islamic Republic*, trans. John O'Kane (London and New York: I. B. Tauris, 1997), 78–111.

53. Ayatollah Ahmad Azari-Qomi, quoted in Moslem, *Factional Politics*, 100–101.
54. Ali M. Ansari, *Modern Iran Since 1921: The Pahlavis and After* (London: Pearson Education, 2003), 245.
55. Said Amir Arjomand, *After Khomeini: Iran under his Successors* (New York, NY: Oxford University Press, 2009), 178.
56. *Ibid.*, 37.
57. Mehrzad Boroujerdi and Kouros Rahimkhani, 'The Office of the Supreme Leader: Epicenter of a Theocracy,' in *Power and Change in Iran: Politics of Contention and Conciliation*, Daniel Brumberg and Farideh Farhi (eds) (Bloomington, IN: Indiana University Press, 2016), 135.
58. Arjomand, *After Khomeini*, 175–7.
59. Boroujerdi and Rahimkhani, 'The Office of the Supreme Leader,' 142.
60. Boroujerdi and Rahimkhani, 'The Office of the Supreme Leader,' 143–4.
61. *Ibid.*, 146.
62. Ali A. Saedi, 'The Accountability of Para-Governmental Organizations (Bonyads): The Case of Iranian Foundations,' *Iranian Studies* 37, No. 3 (2004), 483.
63. Boroujerdi and Rahimkhani, 'The Office of the Supreme Leader,' 149.
64. Arang Keshavarzian, *Bazaar and State in Iran Politics of the Tehran Marketplace* (New York: Cambridge University Press, 2007), 168.
65. Boroujerdi and Rahimkhani, 'The Office of the Supreme Leader,' 146.
66. Mahmood Messkoub, 'Social Policy in Iran in the Twentieth Century,' *Iranian Studies* 39, No. 2 (2006): 251.
67. In return, *maddahs*, particularly those who have performed in Khamenei's commemoration ceremonies, have been bestowed some power in the Iranian political arena and have at times enjoyed judicial immunity. *Maddahs* such as Mansour Arzi, Mahmoud Karimi, Saeed Hadadian and Meysam Matiei have been allowed to swear at the president, to take up arms in the streets, and to turn their supporters against political and religious figures. Mansour Arzi, a prominent *maddah* who performs annually at Khamenei's office, cursed publicly at the former president Akbar Hashemi Rafsanjani, at Esfandiar Rahim Mashaei (the chief of staff and a close ally of another former president, Mahmoud Ahmadinejad) and even at Ayatollah Naser Makarem Shirazi, a high-ranking Shia cleric. Mahmoud Karimi allegedly shot his gun in the street but the trial decided in his favor. Meysam Matiei recited a few lines during the Eid al-Fitr prayer publicly ridiculing Hassan Rouhani, the then-president.

68. Ayatollah Mohamad Yazdi, a prominent conservative cleric and then-chief judge, clearly argued that ‘the leader should be guided only by the Quran, the *Hadiths*, and the Prophet’s teachings. The vote of the people cannot overrule the representative of the Prophet.’ Ayatollah Mohammad Yazdi, *Iran Times* (25 May 2001).
69. Ayatollah Ali Khamenei, *Resaleh*, published on his website: <https://khl.ink/f/27304> (last accessed 19/12/22).
70. *Ettela’at* (9 January 1988), quoted in Moslem, *Factional Politics*, 74.
71. ‘Readout of the Leader’s Hokm-e Hokoomati Concerning the Press Reform Bill,’ Fars News Agency (6 June 2010).
72. Also in 2005, during the presidential election, after the Guardian Council disqualified two reformist candidates (Mostafa Moein and Mohsen Mehralizadeh), Khamenei ordered the council to reconsider its final list of approved candidates.
73. ‘Differences Between the Majles and *Keyhan* Concerning the Leader’s Role in Approving the JCPOA,’ BBC Persian (18 October 2015), available at <https://bbc.in/3bZ2SJ5> (last accessed 19/12/22).
74. ‘Iran’s supreme leader approves special corruption courts,’ Radio Farda (11 August 2018), available at <https://bit.ly/3qxvpOp> (last accessed 19/12/22).
75. ‘Conditions Set by the Leader of the Revolution for Reducing the Development Fund,’ Fars News Agency (15 December 2020).
76. ‘Iran to give an extra 2 billion Euros to military from reserve fund,’ Radio Farda (10 December 2019), available at <https://bit.ly/3n2WF4T> (last accessed 19/12/22).
77. ‘Agreement of the Leader of the Revolution for Withdrawal of 1 Billion Euros from the Development Fund,’ Tasnim News (6 April 2020), available at <https://bit.ly/3qpnwu3> (last accessed 19/12/22).
78. ‘Video: The Import of American and British Vaccines are Banned,’ Iranian Students’ News Agency (8 January 2021), available at <https://bit.ly/3kqZWJU> (last accessed 19/12/22).
79. Khamenei’s televised speech on 22 March 2020, available at [khamenei.ir: https://khl.ink/f/45227](https://khl.ink/f/45227) (last accessed 19/12/22).
80. Khamenei’s televised speech on 16 June 2021, available at [khamenei.ir: https://khl.ink/f/48061](https://khl.ink/f/48061) (last accessed 19/12/22).
81. ‘Announcing the “Revolution’s Second Phase” to the People of Iran,’ Khamenei.ir (11 February 2019), available at <https://khl.ink/f/41673> (last accessed 19/12/22).
82. ‘What is the Real Meaning of “Mostaz’afin” in the Quran?’ Khamenei.ir (29 November 2019), available at <https://khl.ink/f/44276> (last accessed 19/12/22).

83. 'Jihadi Management Will Transform the Country into an Economic Powerhouse,' Mehr News (26 May 2021), available at <https://bit.ly/306oFf3> (last accessed 19/12/22).
84. Ibid.
85. Ibid.
86. It is worth mentioning that Ebrahim Raisi, as the chief justice, was a member of the Supreme Economic Coordination Council appointed by Khamenei, along with the then-President Hassan Rouhani and Speaker of the Parliament Ali Larijani. He was complicit in the decision to increase the price of gasoline. Raisi began his tenure as chief justice with widespread propaganda about the fight against corruption. The campaign continued with the convictions of several government officials, but ultimately was limited to these few convictions. Despite this publicity about the fight against corruption during Raisi's tenure as chief justice, Iran's corruption ranking dropped again and several cases of possible corruption remain obscure, including in the Tehran municipality under Mohammad Baqer Qalibaf (the former mayor of Tehran and the current speaker of parliament), in the IRGC Cooperative Foundation, as well as the case of Babak Zanjani. Not surprisingly, Iran's ranking in the annual Corruption Perception Index, prepared by Transparency International, has consistently dropped in recent years: see <https://www.transparency.org/en/countries/iran> (last accessed 06/01/23). For a collection of reports (in Persian) on Babak Zanjani's alleged crimes and his court cases see Khabar Online at <https://bit.ly/3WL6QKS> (last accessed 06/01/23).
87. Mohammad Rezaei, 'Social Change,' in *Tenth Year Remembrance of the Deaths of Ezzatollah Sahabi and Hoda Saber*, Lotfollah Meisami, et al. (eds) (Tehran: n.p., 2021), 33–4.
88. Ibid., 36.
89. Ibid.
90. Mohsen Kadivar, 'The First Critique of Absolute Velayat-e Faqih,' available at <https://kadivar.com/15808> (last accessed 06/01/23).
91. Abdolkarim Soroush, 'On Freedom of Clergy,' *Kian*, April–May 1995, quoted in Daniel Brumberg, *Reinventing Khomeini: The Struggle for Reform in Iran* (Chicago: University of Chicago Press, 2001), 205.
92. Abdolkarm Soroush, 'The Idea of a Democratic Religious Government,' *Reason, Freedom and Democracy in Islam: Essential Writings of 'Abdolkarim Soroush*, in Mahmoud Sadri and Ahmad Sadri (eds) (New York: Oxford University Press, 2000), 127–8.
93. M. Mojtahed Shabestari, *A Critique of the Official Reading of Religion* (Tehran: Tarh-e No, 2000).

94. M. Mojtahed Shabestari, *Reflections on the Human Reading of Religion* (Tehran: Tarh-e No, 2004).
95. Mohammad Taqi Mesbah Yazdi, *Islamic Government and Velayat-e Faqih* (Tehran: Nashr, 2008), 161.
96. Abdullah Javadi Amoli, *Advice, Questions, and Answers*, Vol. 2 (Tehran: Moaref, n.d.).
97. During the rule of Imam Ali, Yazdi argues, he appointed his deputies to rule over different parts of the Islamic community. The *velayat-e-faqih* is like these directly-appointed deputies of imams. Also, in the time of later Shia imams who did not rule directly, the Shia community was advised not to refer to the political authority, who unrightfully had usurped the power from the imam. Instead, the imam asked the community to turn to his representatives with distinct religious and political qualities. For Yazdi, the following hadith from Imam Sadiq is the oldest legitimate hadith to support his interpretation of the theory of *velayat-e faqih*: ‘whoever of you is the narrator of our hadith and discerns our lawful and unlawful, and is well-informed and knows our rules, accept him as a judge, for I have made him your ruler. So, whenever he gives a ruling and they do not accept it, they disregard God’s command and reject us, and whoever rejects us, rejects God, and rejecting God is infidelity.’ Moreover, in *المقنعة (Muqna)*, Sheikh Mufid specifically says that ‘in the age of the twelve imams’ absence (occultation), the wise and eminent just Shiite jurists can take charge of all the affairs that are under the guardianship of the infallible imam.’ See Mesbah Yazdi, ‘Background to the Theory of *Velayat-e Faqih*,’ available at Yazdi’s website at: <https://bit.ly/3D6tYd7> (last accessed 06/01/23).
99. ‘Montazeri’s speech in Keyhan,’ 4 December 1997, quoted in Brumberg, *Reinventing Khomeini*, 238.
99. Hossein Ali Montazeri, *Resaleh-ye hoqouq* (Tehran: Saraie, 2004).
100. Hossein Ali Montazeri, ‘Responses to Questions on the Green Movement,’ 1 December 2009, published by Khordad88.com
101. From Mohsen Kadivar’s book, published on his website: <https://bit.ly/3D83Puv> (last accessed 19/12/22).
102. According to Kadivar, Khamenei himself writes about his education: ‘I started studying *dars-e khraj* with the late grand Ayatollah Milani. For two years and a half, I attended his lectures on *kharej-e fiqh* till 1337 A.H. when I left for Qom [...] There, I attended imam’s [Khomeini’s] lectures as well as those of Ayatollah Agha Morteza Hajj Sheikh and the grand Ayatollah Boroujerdi.’ Regarding Ayatollah Morteza Haeri Yazdi’s lectures, he writes: ‘He was not very eloquent, but I liked him.’

- His students gradually dwindled, and there were only two of us left.’ Neither Ayatollah Milani nor Ayatollah Haeri Yazdi has confirmed the *ijtihad* of their young student. He was not even known as a prominent student of his teachers. Again, see Mohsen Kadivar’s book published on his website: <https://bit.ly/3D83Puv> (last accessed 19/12/22).
103. Mir-Hosseini Mousavi, ‘Bayanya 18 Mir-Hosseini Mousavi wa manshur sabz’ (The 18th Statement by Mir-Hosseini Mousavi and the Green Charter), Kaleme, June 2010, available at <https://bit.ly/309Nnev> (last accessed 19/12/22).
 104. Jaras, ‘Akhrin sokhanranie ‘amuma rahbar ma‘nuwa jonbesh sabz Ayatollah al-‘azimi Montazeri’ (The last public address by the spiritual leader of the Green Movement, Ayatollah Montazeri), February 2010, previously available at <https://bit.ly/3krA9kw>, link no longer active.
 105. Frantz Fanon, *The Wretched of the Earth* (New York: Grove Press, 1963).
 106. Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (Cambridge: Polity Press, 1995).
 107. Mojtaba Mahdavi, ‘Post-Islamist Trends in Postrevolutionary Iran,’ *Comparative Studies of South Asia, Africa and the Middle East* 31, No. 1 (2011), 94–109.

6. ~~THE PRESIDENCY~~

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2. ~~Siavush Randjbar-Daemi, *The Quest for Authority in Iran: A History of The Presidency from Revolution to Rouhani* (London: Bloomsbury, I. B. Tauris, 2017), 65–6.~~
3. ~~Mohsen M. Milani, ‘The Evolution of the Iranian Presidency: from Banisadr to Rafsanjani,’ *British Journal of Middle Eastern Studies* 20 (1993), 83–97.~~
4. ~~Ibid., 91.~~
5. ~~Ibid., 93.~~
6. ~~Firoozeh Papan-Matin, ‘The Constitution of the Islamic Republic of Iran (1989 Edition),’ *Iranian Studies* 47 (2014), 159–200.~~
7. ~~Ibid.~~
8. ~~Mahmoud Pargoo and Shahram Akbarzadeh, *Presidential Elections in Iran: Islamic Idealism Since the Revolution* (Cambridge: Cambridge University Press, 2021), 11.~~