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The Role of Parliaments in the Resilience of Non-Democratic Regimes: A Case Study of the Iranian Parliament (Majles)

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Abstract

The new prominence of authoritarianism ushered in a series of new studies that seek to explain the reasons behind the longevity of these regimes. An integral part of these studies is that the institutional arrangements contributed to the survival of autocrats and the maintenance of authoritarian regimes. In particular, they recently began considering the dark side of nominally democratic institutions under authoritarian regimes such as legislatures arguing that they predominantly serve as the means of regime survival. Given these facts, the overall goal of this study is to produce an understanding of the role of parliaments in the survival of authoritarian regimes by focusing on their institutional capacity and related performance. Using the Iranian parliament, Majles, as a case study, the major point of contention in this study are the conditions under which Majles contributed to the resilience of post-revolutionary Iranian regimes. Inspired by the legislative institutionalization approach, three main characteristics are identified to explain the authoritarian legislatures: subordination as opposed to autonomy, exclusiveness as opposed to representativeness and secrecy as opposed to deliberativeness. With respect to these criteria, it is demonstrated that Majles is marked as a subordinated institution, caught between powerful and influential formal and informal institutions. Majles also fell short of meeting the representativeness and deliberativeness identified as decisive criteria in distinguishing authoritarian from democratic legislatures. With respect to the Majles performance, it is shown that Majles has been at the centre of the regime co-optation strategies since the beginning of the Islamic Revolution to encapsulate the loyal oppositions and to exclude those were regarded as outsiders. Majles also acted as the main agent of manipulation of political institutions through its law making function and by this contributed to the stability of the Islamic Republic.

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LIST OF ABBREVIATIONS

ACC, Association of Combatant Clergy

BII, the Builders of Islamic Iran

CE, the Expediency Council

CG, the Council of the Guardians

CPA, Commonwealth Parliamentary Association

ICA, the International Council on Archives

IIPF, the Islamic Iran Participation Front

IPU, Inter-Parliamentary Union

IRGC, Islamic Revolutionary Guard Corps

IRIB, Islamic Republic of Iran Broadcasting

IRP, Islamic Republican Party

MRC, Majles Research Centre

PR, Proportional System

RoP, Rules of Procedure s

SCC, the Society of Combatant Clerics

SE, Southern European

SMD, Single-Member Districts

SOC, the Servants of Construction

WPO, World Public Opinion

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Introduction

Authoritarian regimes have long been with us and still are ruling over much of the world's population, however, they have not attracted adequate scholarly attention. Instead, there is a plethora of literature currently being written on the democratic regimes which are comparatively new and often unconsolidated in most parts of the world. This is partly because of 'democratizing bias'; a tendency in the post-cold war literatures assuming all nondemocratic nations as partial forms of and in transition to democracy. Nonetheless, the resilience or backlash of authoritarianism in several countries around the world over the past two decades revealed that such optimism towards the prospects for democratization is premature. The new prominence of authoritarianism encouraged scholars to draw attention back to the limits of democratic change, the sources of democratic breakdown, and the survival of autocrats. Central to the concern of such scholars is whether institutional arrangements contribute to the survival of autocrats and the maintenance of authoritarian regimes. In particular, they recently began considering the dark side of nominally democratic institutions under authoritarian regimes such as legislatures and political parties arguing that they predominantly serve as a means of regime survival. They put into question the conventional wisdom which views them as mere window-dressing or face-lifting institutions. Instead, they argue that these institutions are strategically designed to foster the survival of autocrats. They contend if such regimes remain underinstitutionalized, their tenure will be curtailed.

Interestingly, the authoritarian regimes have long established various sorts of legislatures. Yet, how exactly they operate within such regimes and more importantly the way they contribute to the change or durability of authoritarian regimes remains an elusive question.

By revisiting the scant extant literature, three different and contrasting approaches can be identified in this regard. These approaches can be placed on a continuum. At one extreme, parliaments are viewed as the most important democratic institutions that can and should contribute to the breakdown of authoritarian regimes in particular in the early stages of democratization and also help the consolidation of democracy in the subsequent stages of this process. By moving along the continuum, one comes across the views of those who argue that parliaments lack the ample power to have an active instance in the transition process. They often termed parliaments as wholly rubber stamps whose main task is to approve the decisions already taken somewhere else. At the other extreme, there is the idea of those who have examined the complicated nature of authoritarian institutions arguing that the legislatures in such regimes serve as a means of regime survival and longevity.

Although each approach has its limits and caveats, the latter approach has gained more popularity and acceptance in the recent years. The existing literature in this regard predominately focuses on the functions or the performance through which parliaments can help autocrats to remain in power. It is argued that authoritarian regimes used legislatures to gain popular legitimacy, manipulate the political institutions through their law making functions and co-opt and accommodate the opponents. In contrast to the literature on the role of legislatures in democratization, this literature largely overlooks the environmental and institutional determinants that shape and influence the parliaments' power and capacity to exercise such performance. In other words, this literature concentrates on how legislatures help the survival of authoritarian regimes while paying scant attention to the conditions under which they can make a contribution to the consolidation of such regimes.

Given these facts, the main contribution of this research is to shed different and more lights on the environmental and institutional determinants of authoritarian legislatures. To

address these aspects of authoritarian legislatures, this research draws on the conceptualizations and operational indicators developed in legislative institutionalization. Inspired by the legislative institutionalization approach, three main criteria for the conceptualization of authoritarian legislatures are identified: the degree to which the authoritarian legislatures are autonomous or subordinate, representative or exclusive and deliberative or secret. In this conceptual framework, the legislatures are posited as a continuum, with authoritarian legislatures greatest in subordination, exclusiveness and secrecy, and democratic legislatures greatest in autonomy, representativeness, and deliberativeness. Having acknowledged the conceptual core of authoritarian legislatures, the next step in this research is to identify operational indicators for the measurement of the concepts. The identification of these indicators proved to be very complicated and frequently conflated. However, a series of commonly used related indicator will be proposed.

Although the research places its main emphasis on the capacity and institutional factors, it does not ignore the merits of a legislature's actual performances in this regard. Among others, the co-optation role of legislatures by which autocrats make concession with opponents by offering rents and policy compromise and also the legislation function through which they manipulate the law in their own advantages especially those laws concerning the main political institutions will be taken into consideration in this research.

In order to enrich the understanding on how and under which condition legislatures contribute to the survival of authoritarian regimes, the Iranian post-revolutionary parliament known as *Majles-e Shourai-e Eslami*¹ (Islamic Consultative Assembly) or briefly Majles is an ideal case to study. In contrast to the majority of parliaments under non-democratic regimes,

¹ Before Islamic Revolution Majles was called Majles-e Shouray-e Meli (National Consultative Assembly). From its inception on 7 October 1906, Majles has a comparatively long history; however, for the purpose of the study the post-revolutionary Majles in the periods between 1980 and 2004 was selected for the analysis.

Majles has never been dissolved and its elections have been held uninterrupted for eight consecutive periods since the Islamic Revolution in 1979. Thus, it came to be described by many Western pundits as the liveliest parliamentary forum in the Middle East, surpassed only by the Israeli Knesset. The Majles history of interaction with non-democratic regime should be a good reason for trying to understand better the reasons behind its contribution to regime survival. The Majles experience is interesting also in that Iran has moved toward and away from democracy intermittently in the last three decades. For instance, the victory of the reformers in the sixth Majles came to be considered as testimony to a new wind of democratic change in Iran. However, the two subsequent sessions of Majles (seventh and eighth Majles) signalled the massive backlash of authoritarianism. Dominated by extremely conservative MPs, these sessions were the best exemplars of subordinate and undemocratic parliaments in the post-revolutionary Iran.

To study Majles, some important caveats are in order. First and foremost, studying the Iranian case is problematic in that it has received neither sufficient nor appropriate attention from legislative studies scholars and Iranian political scientists. Majles was neglected by Iranian political scientists mainly because political science in Iran has not kept pace with recent developments in this field. The extant Iranian political scientists placed significantly higher emphasis on political philosophy and history than on political institutions. With such reluctant interest from political scientists, it is understandable why the bulk of research on Majles has been done by public law experts from a legal point of view. More importantly, the secrecy and information constraints as a result of a non-democratic regime created significant obstacle for scholars to analyse any aspect of Iranian politics.² The idiosyncratic

² Barros, Robert. "Secrecy and Dictatorship: Some Problems in the Study of Authoritarian Regimes" C&M, Committee on Concepts and Methods. Working Paper Series, Number: 2. April 2005. On-line at:

characteristic of the Iranian political regime has also made it difficult for legislative studies scholars with a comparative interest to develop a clear knowledge and understanding of the Iranian parliament.³ Finally, the fast moving events in Iran make any research shortly out of date.

The chapters of this research are formulated as follows. Chapter 1 offers a brief review of the potential role of parliaments in regime change and stability in the context of authoritarian regimes by taking a critical look at the extant studies. Revisiting the scant literatures in this regard, it identifies different and opposing approaches ranging from hindering to helping authoritarian regimes. It also takes a quick look at the presence or absence of legislatures in authoritarian regimes in the second half of last century, drawing on the quantitative data. Furthermore, it seeks to clarify some pertinent issues including authoritarian regimes definition and regimes transitional direction. In particular, it considers the institutional determinants influencing the authoritarian survival to make reference to the role of legislatures in this regard.

Chapter 2 predominantly seeks to address the fundamental question of under which condition legislatures can contribute to the resilience of authoritarian regimes. To do so, this chapter seeks to explore and discuss the conceptual criteria and operational indicators of the institutional capacity of authoritarian parliaments. It begins with cursory reviews of the importance and origins of institutionalization approach in legislative studies and critically analyze its applicability to non-democratic regimes. In particular, it proposes a conceptual framework explaining the institutionalization of authoritarian legislatures. The framework is based on three criteria distinguishing authoritarian legislatures from democratic legislatures.

http://www.concepts-methods.org/working_papers/20050421_57_PM%202%20Barros.pdf. Accessed: 29 April 2007.

³ Norton, Philip. "How Many Bicameral Legislatures Are There?" *The Journal of Legislative Studies* 10:4 pp. 1-9 (2004)

It is suggested that the further legislatures go to be characterized as subordinated, exclusive and secret the greater the danger of losing its democratic nature. Finally a series of operational indicators will be identified to measure the authoritarian legislatures.

Chapter 3 provides a detailed exposition of the research questions to be addressed, followed by the methodology. It will explain why the case study is adopted as the main strategy for the research and how the methodology and research problem matches. The main data collection techniques including archival and documented-based methods and elite interviewing are discussed in detail. It also spells out the conceptual framework of the research.

Chapters 4 through 6 elaborate on the contextual and institutional factors which condition and influence Majles by the application of the framework proposed in chapter 2. The chapters are designed to give comprehensive and rich accounts of Majles and its surrounding environment. Descriptive in character, these chapters are extensively based upon archival data including various types of documents (Constitution, parliament roles and procedures, Gazette, annual reports), press statements, speeches and interviews printed in newspapers. The complementary data are also collected through in-depth interviews.

Chapter 7 explores the contribution of Majles to the regime survival in practice by considering its legislative and co-optation roles. Drawing on the extant literature reviewed in chapter 2, it first sketches the co-optation role of Majles by exploring how Majles has been used by ruling clerics as the main platform to encapsulate the loyal opposition and eliminate the radical ones within seven subsequent sessions of Majles. Then to examine its legislative role, three cases of election laws, press laws and political party laws are analyzed. The analysis opens by examining the context within which the laws were originated and evolved, focusing on the centrality of Majles in different stages of making such laws.

The conclusion details the findings and discusses their implications as well as the conclusion that can be drawn from the case study.

Chapter 1: Parliaments and authoritarian regimes change and stability

Introduction

The overarching aim of this chapter is to review the extant literatures on the potential role of parliaments in regime change and stability in the context of authoritarian regimes.⁴ With a cursory review of the relevant literatures, it becomes evident that the issue is placed in the intersection of two different trends of literature: authoritarian regimes analysis and legislative studies. Despite the ubiquitous and significance of legislatures in authoritarian regimes, these two mainstream literatures have not paid adequate attention to the issue. Nor was the linkage between two trends of literature well established. Within authoritarian regime analysis, there is almost a consensus that legislatures are nothing but ornamental institutions and thus hardly deserve to take into consideration. Huntington who first conceptualized political development as institutionalization has never explicitly examined legislatures.⁵ In the most recent literature like Brooker's comprehensive examination of non-democratic regimes the terms like 'institution,' 'legislature,' or 'law' are increasingly absent.⁶ The very popular notion regarding legislatures in authoritarian political systems noted by Levitsky and

⁴ For the sake of brevity, the words non-democratic and authoritarian regimes and also parliament and legislature would be used interchangeably throughout this research.

⁵ Having clarified the Huntington' idea, Gasiorowski notes: "Huntington's argument about the importance of institutionalization also applies under authoritarian regimes, but consociationalism, party system structure, electoral rules, and the type of executive system are largely irrelevant and therefore presumably have little effect..." . See Gasiorowski, Mark. "Economic Crisis and Political Regime Change: An Event History Analysis." *American Political Science Review* 89:4: 882–897. (1995) p. 883

⁶ Brooker, Paul., *Non-Democratic Regimes: Theory, Government, and Politics*, St. Martin's Press: New York. 2000

Way⁷ is that they are not a major “arena of contestation”. Similarly, legislative scholars largely neglected or ignored parliaments in a non-democratic context. In fact the majority of legislative studies literature focused on the U.S. Congress or in the context of consolidated democracies. Although there have been a number of researches on legislatures in Latin America, Asia and Africa in recent years, these works exclusively focus on democratizing or democratized countries in these regions.

The limited literature on the role of parliaments in regime transition under authoritarian regimes posits different and opposing approaches ranging from contribution to the democratization to authoritarian regime survival. This is the main theme of this chapter. However, before proceeding to the main theme, it is necessary to clarify some pertinent issues including authoritarian regimes definition and regimes transitional direction. Of importance to this study is to explore the determinants of democratic consolidation and authoritarian regime survival. Among different factors contributing to the longevity of a political regime, the institutional determinants will be reviewed here because of their importance in understanding the role of legislatures in the transitional process. Once these introductory issues are reviewed, the chapter turns to the main point: the role of parliaments in regime change and durability under authoritarian regimes. Different arguments and approaches in this regard will be unfolded in detail throughout this chapter.

To summarize, the chapter is organized as follows: it begins with offering some insights on the authoritarian regimes and autocratization including the definition of authoritarian regimes, direction of regime transitions and its institutional determinants. In the light of dichotomous and continuous definitiona, the authoritarian regimes are defined. In particular it

⁷ Levitsky, Steven and Lucan A. Way, "Linkage and Leverage: How Do International Factors Change Domestic Balances of Power?" in Electoral Authoritarianism: The Dynamics of Unfree Competition, ed. Andreas Schedler Boulder, CO: Lynne Rienner Publishers, .2006. p84

is discussed that political regimes can move both towards and away from democracy. Drawing on the quantitative data, this chapter also reviews the presence and absence of legislatures in authoritarian regimes in the second half of last century. The large portion of the chapter is devoted to the central theme of the research; the role of parliaments in regime change and durability under authoritarian regimes.

Authoritarian regimes and autocratization

Authoritarian regimes definition

As with many concepts in social science, the definition of political regimes is neither easy nor straightforward. Those scholars who have sought to define political regimes have taken into consideration different issues to offer vigorous definitions. Among others, they raised the issue of whether political systems should be defined in terms of kind (dichotomous concept) or degree (continuous concept) whether democratic and authoritarian regimes can be conceptualized as distinct categories or as two ends of a continuum⁸. The definition of authoritarian regime will be unfolded in light of this distinction.

Authoritarian regimes as a distinct concept

Many of the classical definitions offered of authoritarian regimes are best placed within this category. Such definitions are characterized by a distinctive line to classify authority structures and identify institutional alterations in such regimes. In earlier definitions of this kind a distinction between totalitarian and authoritarian regimes was apparent⁹, the former defined as deeply pervading society through ideological leadership, mobilization efforts, and intolerance of autonomous organization, while the latter is more pluralistic and predictable in nature. Given that relatively few totalitarian regimes exist in the contemporary world, the term totalitarian regime grew obsolete. In this classical definition the main criteria for definition is the organization and bases of support in authoritarian regimes. Apart from the traditional distinction between totalitarian and authoritarian regimes, the subsequent studies

⁸ Collier, David, and Robert Adcock. "Democracy and Dichotomies: A Pragmatic Approach to Choices about Concepts." Annual Review of Political Science 2, 537-565 (1999)

⁹ For instance see Arendt, Hanna The Origins of Totalitarianism. London: Andre Deutsch. Baumann, ([1951] 1986) and also Friedrich, Carl J., and Zbigniew K. Brzezinski. Totalitarian Dictatorship and Autocracy. 2nd ed. Cambridge: Harvard University Press. 1965

have identified a wide range of nondemocratic regimes. For instance, Linz and Stepan¹⁰ have put forward the authoritarian typology by identifying the types of “post-totalitarianism” and “sultanism” to portray communist totalitarianism. Chehabi and Linz¹¹ advanced different types of personalist rulers termed as sultanism. Bratton and Van de Walle¹² added neopatrimonialism to this classification. The predominance of military regimes in the developing world gave rise to the study of these regimes. O’Donnell distinguishes the main subgroups of military regimes as bureaucratic-authoritarianism.¹³ Although these typological strategies offer useful insights to the understanding of authoritarian regimes, they are put into question in that they are not applicable to a broad range of cases in different periods. As Snyder and Mahoney argued Linz and Stepan’s insights are “idiosyncratic” and “apply to just one country.”¹⁴ As a result, in new definitions scholars attempted to base the classification on a more comprehensive basis. For instance, drawing in part on the work of Samuel Huntington, Geddes identifies personalist, military, and single party regimes as three main classifications of authoritarian regimes. She also includes “amalgams” or hybrids of these three generic types. Her classification is largely on the basis of differences in “control over access to power and influence rather than formal institutions.”¹⁵ Hadenius and Teorell¹⁶, however, focus on the different ways in which autocrats hold on to power: monarchies that involve hereditary succession, military regimes that use or threaten the use of force, and electoral regimes that

¹⁰ Linz, Juan, and Alfred Stepan. Problems of Democratic Transition and Consolidation. Baltimore, MD: Johns Hopkins University Press. 1996.

¹¹ Chehabi, H. E., and Juan Linz. (eds.) Sultanistic Regimes. Baltimore, MD: Johns Hopkins University Press. 1998.

¹² Bratton, Michael, and Nicolas Van de Walle. 1997. Democratic Experiments in Africa: Regime Transitions in Comparative Perspective. New York: Cambridge University Press.

¹³ O’Donnell, Guillermo. 1979. Modernization and Bureaucratic-Authoritarianism: Studies in South American Politics. Berkeley, CA: Institute of International Studies.

¹⁴ Snyder, Richard and James Mahoney “The Missing Variable: Institutions and the Study of Regime Change,” Comparative Politics 32:1, 103–22. (1999)

¹⁵ Geddes, Barbara, “What do we know about Democratization after Twenty Years?,” Annual Review of Political Science, Vol. 2 (1999).p,123

¹⁶ Hadenius, A., & Teorell, J. Pathways from authoritarianism. Journal of Democracy, 18:1, 143–156. (2007)

can be further distinguished by the degree of party competition permitted in national-level elections. Alternatively, Cheibub et al¹⁷ argue that the way in which governments are removed from power set the distinction between democracies and authoritarian regimes. They noted “Monarchs rely on family and kin networks along with consultative councils; military rulers confine key potential rivals from the armed forces within juntas; and, civilian dictators usually create a smaller body within a regime party—a political bureau—to co-opt potential rivals.”¹⁸

Authoritarian regimes as a continuous concept

Although the continuous or degree approach has gained increasing popularity in comparative democratization, its application to the authoritarian regimes has not been free from challenges. For one thing, the dominance of democratic thinking appears as a significant barrier to adopt this approach in defining the authoritarian regimes. In fact, in most definitional debates the departure point and fundamental concept is democracy. Non-democratic regimes are seen as residual categories of democracy and often defined in terms of what they are *not* rather than what they *are*. Yet, to say that these regimes are non-democracies scarcely captures their complexity. To address this challenge, some scholars focus on the fundamental concept of authoritarianism and instead enumerate a variety of regimes with adjectives attached to authoritarianism rather than to democracy. For instance Linz¹⁹ argues that many democracies lack the minimum standards of democracy and thus the application of democracy title to them is nonsense. Instead, he suggests the terms of ‘electoral authoritarianism’, or ‘centre authoritarianism with subnational democracy’. Levitsky and

¹⁷ Cheibub, José Antonio, Jennifer Gandhi, and James Raymond Vreeland. “Democracy and Dictatorship Revisited.” Public Choice 143: 1-2, 67–101. (2010)

¹⁸ Ibid, p 70.

¹⁹ Linz, Juan. Totalitarian and Authoritarian Regimes. Boulder, CO: Lynne Rienner, 2000.

Way²⁰ focus on the fundamental concept of authoritarian and coin the term of ‘competitive authoritarianism’, as a diminished variant of authoritarianism. Diamond²¹ puts forth a more ambitious and wide-ranging attempt in regime classification. He regards “hybrid regimes” as those regimes which are neither fully democratic nor “politically closed authoritarian.” Then depending on the degree of competitiveness within them, he classifies hybrid regimes as “competitive authoritarian” or “hegemonic electoral authoritarian,” leaving a residual category of “ambiguous regimes.”

In general, there are several objections to continuous definitions. First of all, as Diamond admits, these definitions “are offered more in an illustrative than a definitive spirit.” The exact institutional or procedural criteria are not determined explicitly. Nor is any effort made to offer a classification of countries in different periods. After all, these definitions place groups of countries at different intervals along a single continuous (quantitative) dimension rather than drawing on actual categorical regime traits (based on the qualitative differences between authoritarian regimes).

An important conclusion can be drawn from the above definitional challenges is that both dichotomous and continuous definition contribute to the knowledge to make sense of authoritarian regimes. Dichotomous definition in particular gave rise to the identification of diverse authoritarian regime typologies while continuous definitions draw on the fact that there exist a range of intermediary types between full democracy and absolute dictatorship. However, these definitions and classifications as they stand are nothing but rough sketches. In order to understand better a particular authoritarian regime the idiosyncratic character of it must be taken into account.

²⁰ Levitsky, Steven, and Lucan Way. ‘The Rise of Competitive Authoritarianism’. *Journal of Democracy* 13:2, 51–65 (2002).

²¹ Diamond, Larry. ‘Thinking About Hybrid Regimes’. *Journal of Democracy* 13: 2, 21–34 (2002)

Democratization and autocratization

The global proliferation of democratic rule increasingly became the subject of academic interest after the overthrow of the Portuguese and Spanish dictatorships in mid-1970s, an event which ushered in the so-called ‘third wave’ of democracy in the world history.²² The transition toward democratic regimes that started in Southern European countries spread to other non-democratic countries in Latin America, Africa, Asia, and Eastern Europe so that by the middle of 1990s, there were more 120 democratic countries comprising roughly 60 per cent of the whole independent countries around the world²³. In an influential book *The Third Wave*, Huntington²⁴ defines democratic transition or democratization as a group of transitions from non-democratic to democratic regimes that take place within a stipulated period of time and that extensively outnumber transitions in the reverse direction to authoritarian regime during that period. He refers to three such waves in contemporary history: the first was 1828–1926; the second 1943–1962; and the third 1974–1989. He also notes that each wave was thwarted by a period of democratic ‘reversals’ in which democratic countries were collapsed and authoritarian regimes were re-established. The inter-war and war years were examples of periods when the world witnessed an immense reversal in democratization, whilst the years shortly after war saw a dramatic increase in the number of democracies. More significantly, however, during the third wave the number of countries moving toward democracy has unprecedentedly increased.

²² Huntington, Samuel. *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press. 1991.

²³ Diamond, L. *Developing Democracy: Toward Consolidation*, Baltimore, MD: Johns Hopkins University Press. (1999) pp, 24-29

²⁴ Huntington, Samuel. 1991. Op cit. p 115

Democratization

As democracy flourished in various parts of the world, scholars began to predict the demise of many enduring autocrats. Influenced in part by Huntington's third wave of democratization thesis, the so called school of transitology emerged and became dominant from the early 1990s. The theoretical foundation of this school had been developed some ten years previously, and had focused on the fascism in Europe and the military dictatorships in South America prior to the mid 1980s. The concepts and methods utilized in relation to those processes were adopted or modified to explain the new wave of changes. The aim of transitology is to explain political change from authoritarian to democratic regimes through predictable stages or along a consistent path. As O'Donnell and Schmitter²⁵ put it, the countries in transition usually follow a "three-part process of democratization consisting of opening, break-through, and consolidation". Against this theoretical background, the bulk of this writing assumes that there is a definite end towards which countries in transition are inevitably moving. In practice, this school has evident normative consequences among academics as well as policy makers: a tendency to see more and more states democratize. It has also been a basis of confusion between understanding of democratization and making policy for democratization promotion programmes. In the late 1980s, at the height of the 'third wave' of democratization, which coincided with the fall of the Berlin Wall, Francis Fukuyama²⁶ went further and announced an 'end of history'- by which he meant that the breakdown of communism in Eastern Europe gave rise to 'an unabashed victory of economic and political liberalism' over its rivals. But with the passage of years it became apparent that triumph of democracy is hardly inevitable.

²⁵ Guillermo O'Donnell and Philippe C. Schmitter, Transitions from Authoritarian Rule: Tentative Conclusions About Uncertain Democracies, Baltimore: Johns Hopkins University Press. 1986

²⁶ Fukuyama, Francis "The End of History?" The National Interest, 3-18. (1989)

Authocratization

By the mid-1990s, however, democratic consolidation appeared threatened in a number of countries and the spread of democracy seemed halted, leading scholars to ask whether authoritarian backlash spelled the end of the third wave. Carothers²⁷ argued that the three-part process of democratization consisting of opening, break-through, and consolidation hardly runs so smooth in reality. More importantly, he observed that most transitory countries do not fit in this black and white picture and instead they are caught somewhere in the middle.

By the turn of the twenty-first century the world once again witnessed the resurgence of democratization. The new wave started with the downfall of Slobodan Milošević in Serbia and reached its height in the wake of ‘colour revolutions’ of 2003–2005 in the former Soviet Union. Whether this should be regarded as a new wave of democracy (fourth wave) or a belated extension of the third wave depends upon how one classified this trend in terms of time frame and political dynamics. Some scholars have argued against the notion of waves.²⁸ The subsequent events including the 2003 Rose Revolution in Georgia, 2004–2005 Orange Revolution in Ukraine and 2005 Tulip Revolution in Kyrgyzstan increasingly raised the prospect of further democratic revolts on at least a regional scale, possibly setting an example outside of the former Soviet Union which might be culminating to a global ‘rainbow of revolutions’. However, the optimism about the prospects for democratization proved to be premature. In a short few years, with the powerful backlash of authoritarianism, the world slid into a democratic recession. Democracy was thwarted or increasingly stifled in several countries, including Nigeria, Russia, Thailand, Venezuela, and, most recently, Iran and

²⁷ Carothers, Thomas, “The end of the transition paradigm.” *Journal of Democracy* 13:1 (2002)

²⁸ Kuzio, Taras “Democratic Breakthroughs and Revolutions in Five Postcommunist Countries: Comparative Perspectives on the Fourth Wave”, *Demokratizatsiya*, 16:1 (2008)

Afghanistan. To be sure, Freedom House's annual survey²⁹ of political rights and civil liberties in 2009, reported that for four subsequent years the most regions experienced stagnation while sub-Saharan Africa and the non-Baltic former Soviet Union experiencing the most decline.³⁰ This has been accounted for a growing sense that this new wave of democracy has reached the high-water mark and has begun to recede. The recent reverse changes in regime transition especially since the onset of the third wave of democratization has spawned new interest in the way political regimes move either towards or away from democracy rather than focusing only on the transition toward democracy. This encouraged scholars to recognize that the process is susceptible to be reversed and backtrack as well. "Autocratization" was coined as an opposing terminology for democratization.³¹ In this sense, one should not expect that one of the two typical directions of regime change to be teleological or given. This begs other significant questions: Which conditions do determine the direction of regime transition? Why have some countries remained stable while other undergone dramatic changes? The next section attempts to address partly these questions by focusing on the institutional arrangement of regimes.

Institutional arrangements and regime change and durability

Having acknowledged that regimes are moving toward and away from democracy, the second crucial issue is the degree to which these fragile new democratic regimes are durable or consolidated. This concern gave rise to the sub-discipline of "consolidology" and the popularity of democratic consolidation concepts among academic scholars.³² Consolidation

²⁹ Freedom in the world, Annual Freedom House Survey, on-line at www.freedomhouse.org accessed 09/12/2009 and also Puddington, Arch "The 2008 Freedom House Survey: A Third Year of Decline," *Journal of Democracy* 20:2 (2009)

³⁰ Ibid

³¹ Siaroff, Alan, *Comparing Political Regimes: A Thematic Introduction To Comparative Politics*. Peterborough, Ontario: Broadview Press. (2009), p.311

³² Munck, Gerardo L. "The Regime Question: Theory Building in Democracy Studies." *World Politics* 54:119–144. (2001)

was initially identified by O'Donnell³³ as a resistance to the decline or slow death of democracy that ultimately leads to a *democradura*. These arguments were mainly attempted to address the fundamental question of when new democracies can be free from the threats of democratic collapse. As Di Palma³⁴ put it, "at what point ... can democrats relax?" In Linz's³⁵ classical notion, consolidation is largely described by the "only game in town" metaphor which consider attitudes and behaviours. This initial notion of regime stabilization was adopted and redefined by subsequent scholars. Among others, Schedler³⁶ elucidates five different usages of the same term. The crucial factor in consolidology debates is the ability of institutional arrangement to make democracy governable and thus more stable. Przeworski et al³⁷ for instance note that "democracies survival does in fact depend on their institutional systems". The institutional foundations of democratic consolidation spawned a diverse array of literature. The dominant approach employed in such literature termed "Patterns of Democracy" approach relying on large-scale statistical comparisons over time and space and looking at macro-level constitutional factors.³⁸ A fundamental theme raised is that these trends of literature are to examine which system is more desirable for democracy. To address this issue some scholars argue that parliamentarism provides the best institutional prospects for democratic stability.³⁹

³³ O'Donnell, Guillermo. "Transitions, Continuities, and Paradoxes." In Scott Mainwaring, Guillermo O'Donnell, and J. Samuel Valenzuela, eds. Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective. Notre Dame, IN: University of Notre Dame Press. 1992.

³⁴ Di Palma, Giuseppe.. To Craft Democracies: An Essay in Democratic Transition. Berkeley: University of California Press. 1990. p, 140.

³⁵ Linz, Juan J. 1990. "The Perils of Presidentialism." Journal of Democracy 1:1, 51–69. p,78

³⁶ Schedler, Andreas. 1998. "What Is Democratic Consolidation?" Journal of Democracy 9:2, 91–107.

³⁷ Przeworski, Adam, Alvarez, Mike, Cheibub, Jose., Limongi, F "What makes democracies endure", Journal of Democracy, 7:.1, pp.39-55(1996), p 48

³⁸ McGann, Anthony J. "Social choice and comparing legislatures: Constitutional versus institutional constraints" The Journal of Legislative Studies 12:3 & 4 (2006)

³⁹ Stepan, Alfred and Cindy Skach, "Presidentialism and Parliamentarism in Comparative Perspective," The Failure of Presidential Democracy: Comparative Perspectives, Ed Juan J. Linz and Arturo Valenzuela, Vol. 1 . Baltimore: Johns Hopkins University Press. 1994.

As with the discussion associated with the consolidation of democratic regimes, a crucial issue to the study of authoritarian regimes is the survival of autocrats or the maintenance of authoritarian regimes.⁴⁰ To address this challenge a vast body of literature emerged. Some studies rely largely on the societal interests and collective actors to understand the change and continuity of authoritarian regimes.⁴¹ Others draw on different strategies consistently used by autocrats to ensure their longevity including the use of force to repress the opposition or the propagation of public legitimating ideologies to win the hearts and minds of peoples.⁴² An emerging body of literature has begun to focus on the institutional arrangements contributing to the maintenance of authoritarian regimes. The initial studies mainly take into account institutions that are distinctively authoritarian, such as the party state, the military junta, the secret police and different sorts of machinery of propaganda while the recent studies have shifted their attention to those institutions that tend to associate with democratic regimes, such as legislatures, constitutional courts, multiparty elections, non-state media, and federalism.⁴³ The underlying argument is that because the repression and use of force is costly and in some instances ineffective, the autocrats have no choice but to accommodate opposition and make concessions to induce cooperation from outsiders. These concessions take the form of the distributions of rents or policy compromise. The policy compromise in particular should be made through a series of institutional forums. Nominally democratic institutions like legislatures and political parties serve as the best institutional arrangement for this purpose.⁴⁴ Given these facts, the related scholars argue that these institutions are the

⁴⁰ Bueno de Mesquita, Bruce, James Morrow, Randolph Siverson, and Alastair Smith. The Logic of Survival. Cambridge, MA: MIT Press. 2003

⁴¹ Boix, Carles Democracy and Redistribution Cambridge, UK: Cambridge University Press. 2003

⁴² Haber, Stephen, "Authoritarian government," The Oxford Handbook of Political Economy, eds. Barry R. Weingast and Donald A. Wittman New York: Oxford University Press, 2006.

⁴³ Schedler, Andreas, "The New Institutionalism in the Study of Authoritarian Regimes" APSA 2009 Toronto Meeting Paper. (2009). On-line at SSRN: <http://ssrn.com/abstract=1451602>

⁴⁴ Ghandi, Jeniffer, Political Institutions Under Dictatorship. Chapters TBA. Cambridge University Press.2008

result of strategic choices and have an impact on the survival of autocrats. They contend if such regimes remain underinstitutionalized, their tenure will be curtailed.⁴⁵ The most prominent challenge to this discussion is that although the existing literature maintain that nominally democratic institutions in dictatorships help authoritarian survival, they were not able to clearly explore how they do so, why the same results could not be accomplished without them, and why they are adopted in some cases but not others. Yet the most significant conclusion drawn is that institutional arrangements do matter both in the longevity of autocrats and consolidation of democracy. In the light of this argument it is plausible to raise the question of if and to what extent parliaments do matter in this respect. However before getting into this discussion it is important to consider the existence of parliaments in these regimes. The next section deals with this concern by drawing on the quantitative data.

⁴⁵ Gandhi, Jennifer & Przeworski, Adam. "Authoritarian Institutions and the Survival of Autocrats." Comparative Political Studies, 40:11, 1279-1301 (2007)

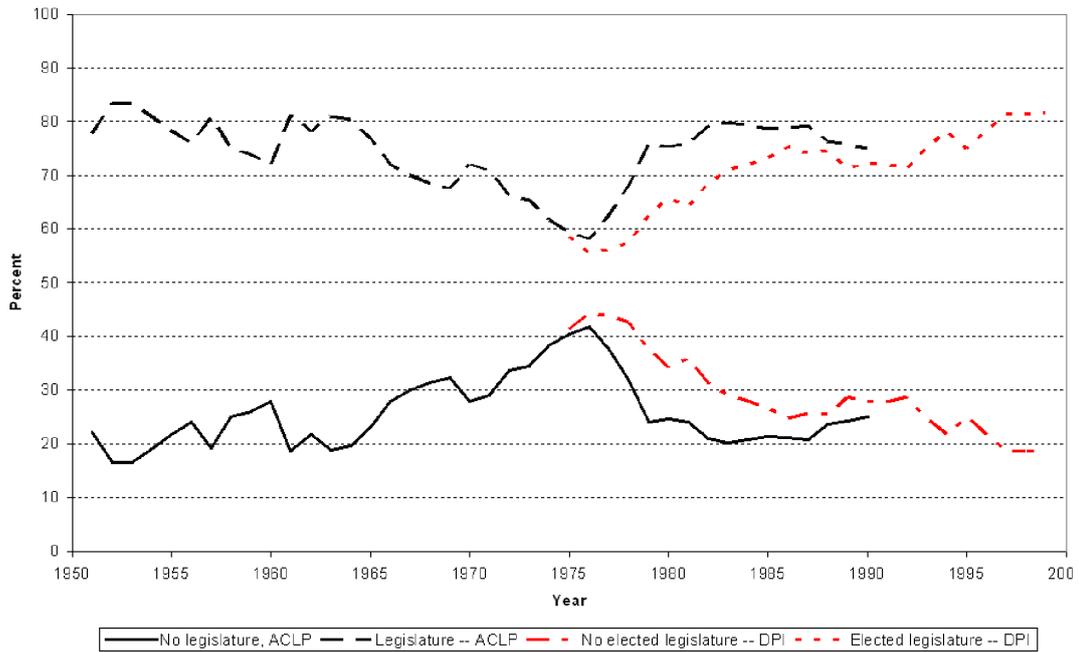
The presence and absence of parliaments in authoritarian regimes

Parliaments under authoritarian regimes have been largely marginalized and at times suspended or completely dissolved by military junta, strong parties and monarchs. It is also widely argued that the overwhelming dominance of external institutions and apparatus left these parliaments little room to manoeuvre. These facts, however, are not in contradiction to the ubiquity of legislatures in such regimes. In fact, the historical evidences suggest that legislatures have long existed and do still exist under such regimes throughout the world. Figures 1 and 2 represent the number and the percentage of authoritarian regimes with and without legislatures throughout the world between 1951 and 1999. Two databases were employed to determine the distribution of legislatures in authoritarian regimes: the Przeworski *et al.*'s⁴⁶ Political and Economic Database known as ACLP and Keefer's⁴⁷ Database of Political Institutions (DPI). The former database traces the continuity and change of authoritarian regimes with and without legislatures between 1951 and 1990. The latter construct the same trend between 1975 and 1999. Given that Przeworski *et al.*'s dataset does not include oil-exporting countries, Keefer's dataset offers an alternative list of these authoritarian regimes.

⁴⁶ Keefer, Philip. DPI2000: Database of Political Institutions. Washington, DC: Development Research Group, The World Bank. 2002

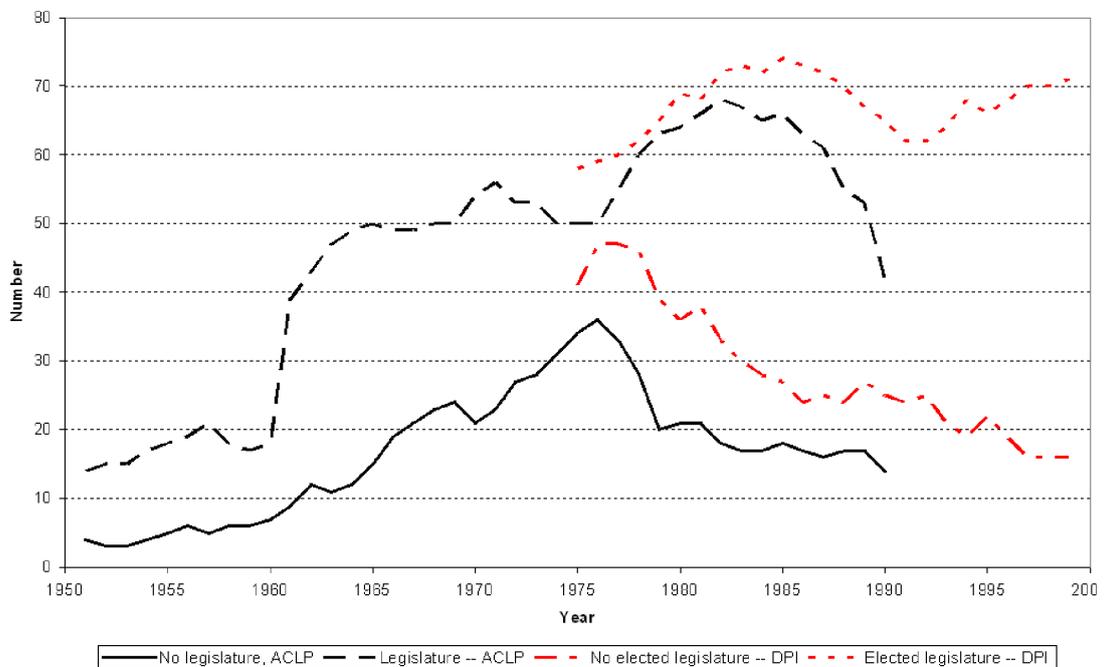
⁴⁷ Przeworski, Adam, Michael E. Alvarez, Jose Antonio Cheibub, and Fernando Limongi. Democracy and Development: Political Institutions and Well-Being in the World, 1950-1990. New York: Cambridge University Press. 2000

Figure 1: the percentage of authoritarian regimes with and without parliaments between 1950 and 1999



Source: Przeworski *et al.* (2000) for 1955-1974 and Keefer (2002) for 1975-1999.

Figure 2: the number of authoritarian regimes with and without parliaments between 1950 and 1999



Source: Przeworski *et al.* (2000) for 1955-1974 and Keefer (2002) for 1975-1999.

The number of authoritarian regimes increased gradually from around 40 in 1951 to a height of 108 in 1978. Then the world witnessed a decline in authoritarian regimes to about 90 by 1999. Coincided with the process of decolonization in the early 1960s, authoritarian regimes without legislature grew abruptly. The growth of authoritarian regimes without a legislature was slow for about fifteen years but once again they increased considerably until the mid 1970s as in 1976 there were 47 authoritarian regimes without a legislature. But by the early 1980, there were around seventy authoritarian regimes with legislatures.

Despite the growth in the number of authoritarian regimes, the ratio of authoritarian regimes without a legislature to authoritarian regimes with a legislature has been surprisingly stable between the years under study. As presented in Figure 1, an average of 70 to 80 percent of all authoritarian regimes have had elected legislatures. Only during the 1970s did this percentage decrease to less than 60 percent, however shortly after that there is a considerable growth in the number of authoritarian regimes without a legislature.

Table 1: transition toward and away from democracy

	Become authoritarian after independent		Transition to authoritarianism		Authoritarian regime	
	With legislature	Without legislature	With legislature	Without legislature	Abolish legislature	Establish legislature
1955-59	3	1	1	2	2	4
1960-64	20	1	3	6	6	5
1965-69	7	0	1	7	5	12
1970-74	2	1	0	4	13	16
Total 1955-74	32	3	5	19	26	37
1975-79	1	0	2	0	0	0
1980-84	0	0	6	0	0	0
1985-80	0	1	2	0	0	0
1990-94	2	0	4	0	0	0
1995-99	0	0	1	0	0	0
Total 1975-99	3	1	15	0	0	0

Source: Przeworski *et al.* (2000) for 1955-1974 and Keefer (2002) for 1975-1999.

Table 1 shows in further detail the number of transitions to authoritarian regimes after independence or from already sovereign countries which were democratic. The number of

transitions between authoritarian regimes with and without legislatures is also presented in Table 1. It can be witnessed that the majority of regime transitions happened before 1975. After independence, 35 countries moved toward authoritarian regimes from 32 established parliaments while another three did not. This average is reversed in the countries that shifted from democratic to authoritarian. 19 countries abolished legislatures while only 5 countries kept legislatures after shifting from democracy to authoritarian regimes. Within authoritarian regimes 26 autocrats established legislatures and 37 lost them. After 1975, however, the changes are few and far between. The numbers of legislatures in authoritarian regimes remained stable, only a few countries become authoritarian regimes with legislatures after independence, and most regime transitions toward authoritarianism resulted in authoritarian regime with legislatures (15 cases).

This quick review of the quantitative data on the presence and absence of parliaments in authoritarian regimes reveals several interesting findings. First, at the time of independence, authoritarian regimes with legislatures are more likely to emerge than authoritarian regimes without legislatures. It is in part because of the fact that most autocrats inherit a variety of pre-existing organization and institutions. As Schedler⁴⁸ notes they “will be selective in accepting, modifying, or transforming given structures of rules and power”. The democratic breakdowns represented an opposing result as the numbers of authoritarian regimes without legislatures outweigh those with legislatures. Another interesting conclusion to be drawn is that democratic breakdowns before 1975 resulted largely in authoritarian regimes without legislatures but after 1975, all authoritarian regimes have been shown to keep the inherited legislative institutions from former democratic regimes. The numbers of elected legislatures have also increased considerably compared to the unelected legislatures.

⁴⁸ Schedler, Andreas, “The New Institutionalism in the Study of Authoritarian Regimes.” *APSA 2009 Toronto Meeting Paper*. (2009) Available at SSRN: <http://ssrn.com/abstract=1451602>, Last accessed: 29/012 2009. p, 9

By now it is evident that institutional arrangements like parliaments do matter in regime change and stability and that both authoritarian and democratic regimes have long established different sort of parliaments. In the following the main point of the study will be made: if and how do parliaments contribute to the regime change and stability. Three different approaches identified by revisiting the literature will be discussed in detail in the next sections.

Parliaments as ornamental institutions

The conventional wisdom posits legislatures as ornamental or wholly rubber stamp organizations with very little, if any, influence in regime change and stability. This approach is reflected in the earlier studies taking into consideration the parliaments in non-democratic regime particularly those in newly independent nations. These studies often portray parliaments as exclusively dependent variables or extremely subordinated institutions. They increasingly focus on the dominant role of the cultural and political environments in the establishment and survival of viable legislatures. Riggs⁴⁹, for example, starts with the contexts under which legislatures originate and obtain "salience" and "durability." He discusses the emergence of "constitutive systems" composed of three interdependent components: one or more national elected assemblies, an electoral system designed to select its members, and a party system. He identifies different ways through which these three elements interact with one another and then proposes a classification of "constitutive systems" based upon the system's relationship with the bureaucracy. He argues that "constitutive systems" with legislatures of varying degrees of salience and durability produce different patterns. To demonstrate the different possibilities, Riggs undertook case studies of the evolution of constitutive systems in ten Southeast Asian nations. Based on this framework and case studies, he arrives at the conclusion that elements such as the nature of the indigenous culture, geography, levels of industrialization, urbanization, and social mobilization "do not seem to be as highly correlated with the kind of polity that emerges or the roles assumed by elected assemblies as the structural mode of genesis. [In Southeast Asia, a] basic factor affecting the genetic mode seems to be the policies followed by imperial rulers

⁴⁹ Riggs, Fred W. "Legislative Origins: A Comparative and Contextual Approach." International Studies Association, Occasional Paper No. 7. Pittsburgh, PA: International Studies Association. 1975. pp 34-37

in dealing with their dependencies"⁵⁰. Apart from its complicated terminology, the main point Riggs's full model made is that the circumstances under which new nations come to independence shape and influence increasingly the type of legislative structure and the way it operates. By the same token, Sisson and Snowiss⁵¹ note that viable legislative institutions necessitate a supportive ideology including constitutionalism and individual rights. In newly independent nations where "parliamentary institutions are either borrowed or inherited from colonial regimes, supportive ideologies are not likely to be well-developed". In the absence of such conditions or a supportive ideology, Sisson and Snowiss argue, legislatures in these states will be viable as long as they can serve the interest of dominant classes. Weinbaum's⁵² study on the parliamentary institutions under authoritarian regimes in Iran, Turkey, and Afghanistan is distinguished from former studies in that it tends to address the conditions that can lead toward or away from legislative viability. He argues that a transformed legislature might be conditioned by one of several events: an abrupt expansion or contraction in executive powers, a radical modification in the configuration of parliamentary parties, a revision in formal constitutional procedures, a change in societal norms regarding the legislature, a change in the level of support accorded to the legislature by attentive publics. Weinbaum's work has much to do with Riggs's as both emphasize the overwhelming dominance of party and executive power over legislatures. As with Sisson, he also highlights the significance of societal norms. However, Weinbaum fails to find a link between the different factors that he identifies. In general his idea is in conformity with Riggs and Sisson as he summarizes the status of legislatures as, "especially modifications in their decisional

⁵⁰ Ibid, p. 57

⁵¹ Sisson, Richard and Leo M. Snowiss. "Legislative Viability and Political Development," in Lloyd D. Musolf and Joel Smith, eds., Legislatures in Development. Durham, NC: Duke University Press. 1979.

⁵² Weinbaum, Marvin G. "Classification and Change in Legislative Systems: With Particular Application to Iran, Turkey, and Afghanistan," in G. R. Boynton and Chong Lim Kim, eds., Legislative Systems in Developing Countries. Durham, NC: Duke University Press. 1975.

and integrative capacities, were the results of events elsewhere in the political system and largely beyond their control".⁵³ This predominant notion considering parliament as subordinate institutions is also reflected in those studies classifying parliaments in terms of their powers and rank them against one another. The classifications are based largely on the policy making power of parliaments in relation to the executive and portrays the parliaments on a continuum ranging from very powerful to the most powerless. Blondel⁵⁴ identifies four broad categories for the parliaments throughout the world in the 1970s. At the first or lowest level of this classification he locates legislatures in non-democratic context and calls them the 'nascent' or 'inchoate' legislatures whose ostensible activities are "very small and almost non-existent". The ideal type of this typology is parliaments in the Soviet Union immediately after Stalin. Similarly, Polsby⁵⁵ refers to these parliaments as "rubber stamps" to describe a series of parliaments particularly in authoritarian regimes whose main task is to endorse that decisions have been already made somewhere else with little or no involvement in this process.

⁵³ Ibid, p.63

⁵⁴ Blondel, Jean. Comparative Legislatures. Englewood Cliffs: Prentice Hall, 1973. p64

⁵⁵ Polsby, Nelson "Legislatures", in F.I. Greenstein e N. Polsby (eds), Handbook of Political Science, vol.V, Reading, Addison-Wesley, pp. 275-319. 1975

Parliaments as agents of democratization

With the rapid democratic changes that swept throughout the world since the third wave of democratization, many scholars and practitioners came to express optimism about the potential role of parliament in this process. Theoretically, legislatures have long been acknowledged as the quintessential institution of democracy which represents the principles of representative government. Almost all liberal and consolidated democracies have had and still have some sort of viable parliaments. Parliaments are among the first institutions abolished or subverted when democratic regimes are overthrown, and they are among the first institutions which are established or restored when democracies emerge or consolidate.⁵⁶ These arguments at best stressed the importance of parliaments but how exactly they interact with the democratization process still remains unanswered. Furthermore, the role of authoritarian parliaments in transition toward democratization in different stages of this process is more problematic. In the following, the role of parliament in different stages of transition toward democracy will be reviewed.

The role of parliaments in the authoritarian breakdown and liberalization

In fact, the early stages of democratization, or what is called in the relevant literature as the breakdown or liberalization stage, are largely dominated by social movements and revolutionary groups. Parliaments historically have rarely been accounted for the abrupt regime changes and democratic openings.⁵⁷ The notable exception in which legislatures openly challenge an incumbent's survival by voting to remove him from leadership is Madagascar in 1996. In Russia in 1993 and 1999, it nearly happened. In other cases

⁵⁶ Lijphart, Arend. "Foreword: 'Cameral Change' and Institutional Conservatism." Two into One: The Politics and Processes of National Legislative Cameral Change Eds. Lawrence D. Longley and David. M. Olson. Boulder, Colorado: Westview Press, 1991. p, ix

⁵⁷ v. Beyme, Klaus "Osteuropaforschung nach der Systemwechsel: Der Paradigmawandel der "Transitologie", in: Osteuropa, 49:3, 285-304. (1999)

parliamentary challenges have only resulted in the weakening (Benin, Malawi, Moldova and Ukraine) or paralysis (Haiti, Russia 1992-3) of incumbent governments. Ruland et al⁵⁸ suggest that parliamentary oppositions in the Philippines, South Korea and Indonesia played an important role in the liberalization process by forming coalition with oppositions outside the parliament. However they contend that they have not been involved in the toppling of regimes alone. Way identifies the formal and constitutional powers by which parliaments challenge autocrat incumbents as follows: “they may thwart key presidential appointments (including, in some countries, prime ministers), conduct embarrassing investigations into executive corruption or abuse, create new mechanisms of oversight over the electoral process, provide an institutional home for opposition media, and protect key opposition leaders from prosecution (via parliamentary immunity)”.⁵⁹ This is the case especially when the opposition enjoys a strong position in the parliaments. This begs another question of under what condition opposition gains power in the legislature. Ziegenhaiun points out that it happens once parliaments constituted an arena for the opposition parties with mass support⁶⁰. Alternatively, Levitsky and Way argue that where incumbent parties are fragile, legislative factions are more likely to crack into division, or raise rebellion and defection. Such internal crises in turn allow the opposition forces to gain control of the legislature and challenge the ruling parties.⁶¹

Yet, even in instances where opposition is weak in parliament and the executives enjoys dominant power, opposition forces may use the parliament as an arena for coming together and using it as a public podium from which to make demands. In Peru, anti-Fujimori

⁵⁸ Ruland, Jürgen, Clemens Jürgensmeyer, Michael H. Nelson and Patrick Ziegenhain Parliaments and Political Change in Asia. Singapore. 2005.

⁵⁹ Way, Lucan. “Authoritarian State Building and the Sources of Regime Competitiveness in the Fourth Wave.” World Politics. 57:2, 231-261(2005) p 251

⁶⁰ Ziegenhain, Patrick The Indonesian parliament and democratization, Singapore: ISEAS. 2008

⁶¹ Levitsky and Way, 2006, Op. Cit.

legislators, in spite of their weak position between 1995 and 2000, used Congress (and media coverage of it) as a forum to express publicly their views. In Ukraine in 2000, opposition legislator Aleksandr Moroz used parliament to make accusations against the president and to promulgate supporting evidence to the public. In general, these and other examples reveal that parliaments are very reluctant to get involved directly in the toppling of the authoritarian regimes.

The role of parliaments in the democracy consolidation

Although parliaments are regarded as insignificant forces of change in the early stages of democratization, they have intensive potential to contribute to the regime transition during the subsequent stages of democratization or what is called in the literature as consolidation of democratic regimes. As Barkan⁶² notes “in the context of a typical emerging democracy ... the legislature rarely matters as an institution until after the second or third multiparty election, and thus after the transition from authoritarian to democratic rule has been under way for an extended period.” To address such new role for parliaments in the democratization stage an extensive body of literature has emerged on parliament and democratization. Longley and Zajc⁶³ used “virtual Niagara Falls” as a metaphor for describing this scholarship. Some went beyond this cautious optimism and claimed that democratization and parliamentarianism are part of an intertwined global process of political transformation and consolidation that has made this both the age of democratization and “the age of parliaments.”⁶⁴ The potential roles of parliaments in these stages are not however free from controversy. Central to the problem is the commonplace observation that parliaments in such

⁶² Barkan, 2010, Op cit, p2

⁶³ Longley, Lawrence and Drago Zajc (Eds.), The New Democratic Parliaments: The First Years – Working Papers on Comparative Legislative Studies III Appleton, WI: Research Committee of Legislative Specialists of the IPSA, 1998. p4

⁶⁴ Copeland, Gary and Samuel C Patterson (Eds.) Parliaments in the Modern World: Hanging Institutions. University of Michigan Press, 1994

regimes are largely weak and consequently incapable of fulfilling their main functions. To address this problem many scholars attempted to focus on the element of change in the relationship between democratization and legislative power and consider this relationship as reciprocal rather than unidirectional. In parallel with such arguments, Longley⁶⁵ reviewed the scholarly literature concerning the role and dynamics of parliaments as institutions that experience change within themselves and that support and enhance change in the larger regime. Starting from the premise that parliaments matter in the democratization process, he asked whether parliaments are the subject of democratic reform or the agent of it. He notes parliaments, as central political institutions of a regime, could be expected to be conservative and resist changes that run counter to the status quo. However, there are a number of examples of legislatures, even very mature and well-established legislature such as the United States' Congress and British Parliament, which underwent dramatic changes and have had an intensive impact on the nation. Finally, he concludes: "parliamentary institutional change and regime change, enhanced by parliamentary change, are inexorably linked." Similarly, Olson argued that the parliaments of the new democratic or democratizing regimes are "simultaneously affected by and a part of the broader transformation of the whole political system ... They are both the creatures of and major participants in the wider democratic transformation of [their] political systems."⁶⁶ To put it another way, there is no clear cut answer to this question as the causal arrow probably points a transaction relationship rather than a simple cause effect one. In that sense, the democratic transformative process between the changes in the role of the legislature and the regime change is dialectical, not linear. And

⁶⁵ Longley, Lawrence D. and Reuven Hazan , 1999. Op. cit. p. 190

⁶⁶ Olson, David "The Parliaments of New Democracies and the Politics of Representation." Developments in Central and East European Politics Eds. S. White, J. Batt and P.G. Lewis. 2nd ed. vols. London: Macmillan Press, 1998. p 847.

consequently, the development of the legislature is both the dependent and independent variable in this political equation.

Similarly, in an attempt to explicate the interconnected relationship between systemic democratic change and change in the role of its legislature, Liao Ta-chi's⁶⁷ analysis of the Taiwanese parliament reached the same result. She first challenges a stereotyped image of a legislature in an authoritarian regime, i.e. a 'rubber stamp', and offers an alternative, a 'sleeping lion' to conceive of the legislature's potential role. She argues this metaphor not only conveys a dynamic sense of the legislature's role even in a hard authoritarian regime, but also aims at its changing ability in correspondence with change in the political environment. Then she proposes that the change of the environment should be tied into the role change of the legislature, more specifically, a sleeping-lion like a legislature in a hard authoritarian regime awakened by the relaxation of the regime's rule from a hard one to a soft one. As she notes an awakened lion is better able to echo the environmental change more than before. Furthermore, an awakened lion-like legislature is more able to transform into a roaring lion that not only respond loudly but also leads democratic discussions fiercely, if its environment has been subject to the demands of rapid democratization.

Another pertinent argument is that although in most non-democratic political systems legislatures remain weak in relation to the executive in terms of policy making power, they can fulfil other functions including legitimation that retain for them potential power and autonomy. In fact, the importance and centrality of legislative functions varies with the

⁶⁷ Liao, Da-Chi. "How Does a Rubber Stamp Become a Roaring Lion? The Case Study of the Transformation of the Taiwanese Legislative Yuan's Role during the Process of Democratization (1950-2000)." the Annual Meeting of the American Political Science Association. 2003.

regime types as well as the stages of regime transition. Liebert⁶⁸ draws attention to the distinctive roles parliament might play in different stages of democratization by relating the functions of parliament to stages of democratization. Later Leston-Bandiera⁶⁹ developed well this framework by its application to the Portuguese parliament. Benefiting from the works of Packenham⁷⁰, Mezey⁷¹ and Norton⁷² on parliamentary roles and functions, she offers a framework for analysis based on the legitimation and legislation roles of parliament. She argues that the role of the Portuguese parliament changed from legislation to legitimation as democracy developed. Then she develops Packenham's concept of legitimation and employed it to an empirical analysis of parliaments' legislative and scrutiny activity. In writing with Norton, Leston-Bandiera argues that SE parliaments "rather than being the centre of decisions, they legitimise the process of decision-making. Like most developed legislatures they are not so much law-making as law-effecting bodies". However, "the legislative and representative functions were fundamental roles of the SE parliaments at the time of democratic consolidation" bearing in mind that the shifts in role have been in accordance with new regime changes to adapt to new realities.⁷³

⁶⁸ Liebert, Ulrike and Maurizio Cotta, eds. Parliament and Democratic Consolidation in Southern Europe London: Pinter Publishers. 1990.

⁶⁹ Leston-Bandeira, Cristina. From legislation to legitimation: the role of the Portuguese parliament. London: Routledge. 2004.

⁷⁰ Packenham, Robert A "Legislatures and Political Development." Legislatures in Developmental Perspective. Eds. A. Kornberg and L. Musolf. vols. Durham: Durham University Press, 1970.

⁷¹ Mezey, Michael "Classifying Legislatures." Comparative Legislatures Eds. Durham: Duke University Press. 1979.

⁷² Norton, Philip "The legislative powers of parliament", in C. Flinterman, A. Willenterringe and L. Waddington (eds.), The Evolving Role of Parliaments in Europe, Antwerpen: Maklu Uitgevers, 1994

⁷³ Norton, Philip and Cristina. Leston-Bandeira. "The Impact of Democratic Practice on the Parliaments of Southern Europe." the Journal of Legislative Studies, 9:2 (2003). p 184

Parliaments as the means of authoritarian survival

Another predominant approach regarding the role of parliaments in regime change and stability within authoritarian context holds that parliaments are contributing to authoritarian survival. This idea, reflected in an emerging bulk of literature looks at the dark side of parliament in the transition of regimes toward authoritarianism. In particular, this literature examines the complicated nature of authoritarian institutions arguing that legislatures in such regimes are not “wholly rubber stamp” institutions. Rather they are the result of strategic choices and have an impact on the survival of autocrats. They contend that autocrats use legislatures to hold on power much longer.⁷⁴ In contrast to the parliaments and democratization literature in which the capacity of parliament in the regime change has received much attention, this literature concentrated largely on the practical actions of parliaments or the functions through which parliaments are making a contribution to the survival of authoritarian regimes. Using Mezey⁷⁵ terminology, the role of the parliaments in authoritarian regimes survival is broken down into two groups of symbolic system maintenance and active system maintenance.

Symbolic system maintenance

The conventional argument is that, as with other nominally democratic organizations in an authoritarian context, parliaments tend to provide a democratic façade and consequently enhance the regime’s legitimacy. These parliaments serve as ‘window dressing’ or ‘face lift’ organizations to offer reputational benefits which bring about some democratic legitimacy. Fukuyama arguably claims that “while there have historically been many forms of legitimacy,

⁷⁴ Gandhi, Jennifer & Przeworski, Adam, 2007, Op. cit.

⁷⁵ Mezey, Michael L. Comparative Legislatures. Durham, NC: Duke University Press. 1979

in today's world the only serious source of legitimacy is democracy.”⁷⁶ If he is correct, parliaments as one of the most important institutions of democracy can best preserve this purpose. This legitimacy is used by authoritarian regimes both domestically and to the outside world. From a domestic perspective, most autocrats enjoy the power and institutional capacity to impose their policy preferences in an autonomous manner. Nevertheless, it is often preferable to make changes under the cover of formal legislative institutions with ruling parties composing a parliamentary majority. In fact, in many authoritarian regimes there is surprising attention paid to issues of procedural integrity, even when passing the most undemocratic of laws.

Interestingly, legitimisation has been recognized by legislative scholars as one of the most important functions of parliaments especially when policy making role of parliament is in decline. Mezey coined the term of ‘system-maintenance’⁷⁷ to describe ‘those things that the legislature does that contribute to the stability of the political system and enhance its capacity to survive.’ In his later studies, he used this concept interchangeably with legitimation⁷⁸. As indicated before, this dimension is widely believed to have potential to contribute to the democratization particularly in the early stages of this process. Given that the transition can happen toward as well as away from democracy, it can be argued that parliaments in authoritarian regimes provide legitimation benefits for the authoritarian regime as well.

Not only are autocrats with the establishment of nominally democratic parliaments largely trying to bamboozle the people that the regime is popular and the voice of

⁷⁶ Fukuyama Francis State building: Governance and World Order in the 21st century, USA: Cornell University Press. 2004, p. 27

⁷⁷ Mezey, Michael L., 1979, Op. cit. p.26-7

⁷⁸ Mezey, “Parliament in the New Europe”, in J.Hayward and E.Page (eds), Governing the New Europe Cambridge: Polity Press, 1995.

constituents are being heard through parliament, but it serves as a signal for the opposition that the regime is strong enough to arrange a legislature which is wholly under the control of the autocrat. This argument parallels the signalling theories which suggest that by constituting supermajorities legislatures under authoritarian regimes, the leaders signal strength and dissuade other regime elites from defecting to or investing in the opposition.⁷⁹

The seemingly democratic legislatures can be used also to deceive international donors. The current belief among the international aid donors is that foreign assistance should only be channelled to democracies where political accountability is higher than in authoritarian regimes.⁸⁰ Given that it is not easy or straightforward to measure the democratic degree of a country, the nominally democratic institution has been wrongly regarded as a measurable criterion of democratization.

Active system maintenance

Without denying the importance of the symbolic function of parliaments in the survival of the authoritarian regime, it is crucial also to take into consideration those functions associated with more concrete parliamentary functions. A growing body of literature in authoritarian regimes studies is beginning to address these functions. In particular, this literature place emphasis on parliaments as instruments to co-opt potential opposition and to manipulate the political institution. These two functions will be discussed in detail in the following.

⁷⁹ Magaloni, Beatriz. Voting for Autocracy. New York: Cambridge University Press. 2006.

⁸⁰ Kaufmann, Daniel, & Kraay, Aart. "Governance indicators, aid allocation, and the millennium challenge account" Technical Report Economics Working Paper Archive. (2004) Retrieved June 23, 20, 2004, from <http://ideas.repec.org/p/wpa/wuwpdc/0405013.html>

Cooptation function

This argues that autocrats have two primary instruments at their disposal to survive in office: they can either try to repress their rivals or make concessions. The concessions may take the form of rent or policy compromise and often are made through political institutions particularly election and the legislature.⁸¹ This strategy, known as co-optation, is summarized by Gandhi and Przeworski as “Authoritarian rulers may need cooperation and may fear a threat from various segments of society. Cooperation can be induced and the threat can be reduced by sharing spoils or by making policy compromises.”⁸² The bottom line of this strategy is to divide or reinforce the disunity of oppositions’ fronts. As Magaloni⁸³ contends: “the nature of the autocratic electoral game is such that some opposition players are invariably better off playing the “loyal opposition” while leaving others to rebel on their own.” By selectively forming coalition within the oppositions, the autocrats divide them into loyal friends and radicals and prevent their opponents from forming a unified front to rebel against the regime. Parliaments are ideal institutions to accomplish this goal. By offering legislative seats and trivial policy influence to its opponents, the autocrat can co-opt and divide oppositions. Gandhi later identifies two reasons why parliaments are ideal institutional arrangements for cooptation strategies. First of all, encapsulating these groups within a legislature allows the autocrats to bargain over diverse policy options without having to reconstitute their negotiating partner each time. After all, parliaments serve as a forum for debates where the views of oppositions can be made known.⁸⁴ A prime example of

⁸¹ For instance see Wright, Joseph. “Do Authoritarian Institutions Constrain? How Legislatures Impact Economic Growth and Foreign Aid Effectiveness.” *American Journal of Political Science* 52:2, (2008).; Boix C, Svolyky M. “The foundations of limited authoritarian government: institutions and power-sharing in dictatorships”. Presented at Conf. Dictatorships: Their Governance and Social Consequences, Princeton Univ., Princeton, NJ . (2008) and Gandhi and Przeworski, 2007, Op. cit.

⁸² Gandhi and Przeworski, 2007, Op. cit. p1283

⁸³ Magaloni, Beatriz Voting for Autocracy: Hegemonic Party Survival and its Demise in Mexico. Cambridge: Cambridge University Press. 2006. p 10.

⁸⁴ Gandhi, 2008, Op. Cit, pp80-81

cooptation role of parliaments in authoritarian regimes is the legislature established by Brazilian military rulers in 1967-1968 in which autocrats were able to form a majority of like-minded oppositions and get almost all of their Bills passed in the legislature.⁸⁵

Wright⁸⁶ develops cooptation argument further, positing that military and single-party regimes whose natural resources are limited are more prone to invoke institutionalized forms of co-optation. Therefore, these autocrats tend to establish “binding” legislatures that will restrain them and push them to make ‘credible commitments’ to groups outside the winning coalition. Monarchies and personalist regimes, with much more natural resources, will constitute “non-binding” legislatures, whose main aim is to divide the opposition. Wright contends that the binding legislatures operating under military and single-party regimes contribute to the development of economic productivity by providing a ‘credible commitment’ on public economic policies, whilst the non-binding legislatures found in monarchies and personalist regimes tend to thwart economic performance.

Some writers made a distinction between rent based co-optation and policy co-optation. They argue that in a number of authoritarian regimes, the main task of parliamentarians is to deliver services to their local constituents and families, rather than making policy. In this sense, legislatures are used as a conduit for distribution of rents. For instance, in Jordan, Lust-Okar⁸⁷ suggests that the underlying reason behind the most competition within legislature is the direction of rents to the preferred constituencies.

⁸⁵ Gandhi, J., Gochal, J., & Saiegh, S. Governments’ legislative defeats under dictatorship. Paper presented at the annual meeting of the Midwest Political Science Association, Chicago. (2003, April)

⁸⁶ Wright, Joseph. “Do Authoritarian Institutions Constrain? How Legislatures Affect Economic Growth and Investment.” American Journal of Political Science. 52:2. 322-343 (2008)

⁸⁷ Lust-Okar, Ellen. 2006. "Elections under Authoritarianism: Preliminary Lessons from Jordan." Democratization, 13: 3, 456-71.

To maintain the cooptation strategies some conditions must be satisfied. First of all, the oppositions must be able to get to competition and win seats. The second condition is that the legislature must allow those groups to have an impact on policy or at least voice their demands publicly. If groups cannot get into the legislature and make their demands within the assembly, then the assembly cannot serve as a forum for dissent and opposition groups will look for other means to have their voice heard.

Authoritarian legislation

Given that legislating is arguably the most important function of parliament by which formal measures in the form of law are designed and enacted; it seems very likely that authoritarian regimes will use this function for their own purpose. Although authoritarian regimes largely use their power of decree, they nonetheless need to establish specialized collegial bodies that produce the formal rules in a legitimate fashion. As such, Schedler points out that “Most authoritarian regimes establish some kind of legislative assembly. That is, they create some collective body *tasked with* writing the rules that the central state (backed by its coercive capacity) seeks to impose on the people.”⁸⁸ The existing literature has not paid sufficient attention to law making performance of legislatures in non-democratic regimes. It is in part because it is argued that the apparent task of authoritarian legislatures is merely to approve or legitimize the decisions which have already been taken somewhere else without getting them involved in the law making process. In that sense legislatures are authorized to legitimize the decrees rather than to make laws. This premise can be put into question in many ways. For one thing, the records of legislatures under several authoritarian regimes reveal that legislative output of these parliaments measured by laws passed or amended has

⁸⁸ Schedler, Andreas "Authoritarianism's Last Line of Defense." Journal of Democracy 21:1, 69-80(2010) p, 71.

grown considerably.⁸⁹ For instance, the Chinese National Assembly has witnessed in the recent years several instances in which legislators attempted to propose new laws and debate and amend the Bills proposed by the executive and in some instances they have openly voted against the highly sensitive proposals of governments.⁹⁰ In addition, these legislatures are becoming more and more complex institutions with specialized skills in formulating and drafting laws. In these stances, parliaments are the more appropriate institutions to translate the autocrats' will into law.

In particular legislatures may contribute to the survival of the autocrats by manipulation of political institutions' rules through their law making performance. Lucas⁹¹ convincingly demonstrates how the Jordanian government in several instances used the standard routine of legislating through the parliament as part of the survival strategy. This strategy was used in the cases of the Political Parties Law and the Press and Publications Laws of 1993, 1998, and 1999. In all cases the regime chose to use parliaments to produce the regime's desired law outcome while constitutionally it has the ability to decree laws. With respect to the manipulation of Political Parties Law, he explains that the new Political Parties Law enacted by parliament permitted the establishment of parties in the country while the law also limited parties from entering into coalition with other political organizations. The Election Law amendments also further weakened political parties from obtaining representation in parliament. The electoral system worked against parties within parliament. It also encouraged the atomization of electoral contests, which has prevented many parties from consolidating into broader blocs. Press restrictions also present further difficulties for

⁸⁹ Dalpino, Catharin Deferring Democracy: Promoting Openness in Authoritarian Regimes, Washington, DC: Brookings Institution Press, 2002

⁹⁰ O'Brien, Kevin J. Reform Without Liberalization: China's National People's Congress and the Politics of Institutional Change, Cambridge, 1990

⁹¹ Lucas E. Russell, 2005, Op. cit.

political parties when communicating their political message. The electoral laws have attempted to balance the regime's desire to control the political makeup of the parliament with the need to keep the electoral process legitimate in the eyes of voters and the international community.⁹² Based on Lucas' observation it seems sensible to suggest that the parliaments with more legislative activity on policies dealing with the main authoritarian institutions would make more contribution to the survival of autocrats. As such the involvement of parliament in the creation of such laws can be regarded as a proxy for the legislative role of parliaments in the authoritarian regimes fostering autocrats' survival. However, this should entail investigating the centrality of parliament in different stages of the legislative process, an element which is absent in Lucas analysis.

⁹² Lucas E. Russell, 2005, *Op. cit.* pp 137-139

Conclusion

This chapter has demonstrated that authoritarian regimes can take different types and degrees. It also made the case that regime transitions are unpredictable processes which can move either towards or away from democratization. In particular, the democratic bias which theologially views democratization as ultimate fate of all regimes was put into question. The majority part of the chapter was devoted to the literature considering parliament in the authoritarian regimes. In general, it was lamented that this literature is in its infancy. As a result, in several instances the literature review draws on the quantitative data or the facts and figures and examples rather than a critical analysis of the literature. The extant literature also entails contrasting approaches toward the potential roles of parliaments in the transition to change and stability. The idea that parliaments are merely wholly rubber stamps is becoming obsolete as parliaments have gained more and more power and popularity in the recent years. Given that parliaments have little if any influence in the toppling of autocrats in the early stages of democratization, the focus of the studies has turned on the role of parliaments in emerging democracies rather than authoritarian regimes. Central to the concern of such studies is the condition under which parliaments may contribute to the democratization. This question remains largely unanswered in the studies looking at the role of parliaments in the survival of authoritarian regimes. This literature instead predominantly focuses on the ways through which parliaments help autocrats to remain in power. In other words the former literature places the emphasis on the environmental and institutional determinants ending up to parliaments' power and institutionalization while the latter focus on the performance of parliaments like cooptation, legislation and legitimation. The conditions through which authoritarian legislatures contribute to the longevity of authoritarian regimes is the central theme in the next chapter.

Chapter 2: the capacity and institution of authoritarian legislatures

Introduction

In the previous chapter, it was shown that a growing body of literature draws on the role of legislatures in the longevity of authoritarian regimes. It also demonstrated that such literature focuses predominantly on the performance or functions of authoritarian legislatures, be they symbolic or active, by which they may contribute to the survival of autocrats. However, knowledge regarding the conditions that determine the performance of legislatures in the consolidation of authoritarian regimes and in particular the role of the external environment and the institutional capacity of legislatures in this regard is rudimentary. The main aim of this chapter is to address this gap. The legislative studies scholars have long drawn special attention to the factors within and outside of parliaments that shape and condition the institutional capacity of parliaments which in turn determine their performance. The abstract discussions of legislative institutionalization and descriptive scholarship in traditional legislative studies have contributed to the advancement of this literature. Against this background this chapter seeks to explore and discuss the conceptual criteria and operational indicators of the institutional capacity of authoritarian parliaments. Theoretical discussion and analytical debate of legislative institutionalization would particularly contribute to the development of conceptual criteria while descriptive legislative studies, authoritarian regimes studies and experiences of legislative capacity building practitioners lay a ground for the operational indicators and measurement of these concepts.

This chapter proceeds as follows. It starts with a quick review of the importance and origins of the institutionalization approach in legislative studies and discuss its applicability to non-democratic regimes. The rest of this chapter is devoted to the proposed conceptual framework on the institutionalization of authoritarian legislatures. Finally the findings of these theoretical discussions will be summarized and discussed.

Theoretical foundations of legislative institutionalization

The concept of institutionalization has a long and distinguished pedigree in the social sciences. Huntington who first introduced the theory of political institutions has never explicitly examined legislatures. Polsby⁹³ was the first to apply it to a legislative body. Benefiting from Samuel Huntington⁹⁴, he utilized the institutionalization approach to examine the institutionalization of the U.S. Congress in terms of three structural variables: autonomy (the establishment of well-defined boundaries), internal complexity and universalism (universalistic criteria in conducting its internal affairs). From a comparative perspective, Polsby's assumptions can hardly hold in contexts outside the U.S. Congress. Polsby admitted this by noting that legislative institutionalization "are best understood ... as a historical description of a particular institution rather than as ... a 'theory' specifying causes and effects with broad automatic application to other legislatures or institutions".⁹⁵ But even with this concession, the legislative scholars adopted increasingly the concept and operational indications of institutionalism and widely incorporated it into their studies in US Congress and beyond. The examples of the application of institutionalization approach to different contexts are abundant⁹⁶. Revisiting the theoretical importance of the institutionalism approach, in many recent studies there is an apparent attempt to accommodate the findings of classical descriptive legislative studies into abstract concepts of legislative institutionalization. These efforts have been put into question by some scholars characterizing them as 'story telling' in that they fail to explain the relationship between an organisation's characteristics

⁹³Polsby Nelson, "The institutionalisation of the U.S. House of Representatives", American Political Science Review, 62, pp. 144-168. (1968)

⁹⁴ Huntington, Samuel. Political Order in Changing Societies. New Haven: Yale University Press. 1968.

⁹⁵ Polsby, Nelson W. "Commentary on 'The Institutionalization of the U.S. House of Representatives.'" American Political Science Review 100:684-85. (2006) p,684

⁹⁶ Squire, Peverill, Squire, "The Institution of "Institutionalization", " The Forum 5:1, Article 14. (2007) On-line at: <http://www.bepress.com/forum/vol5/iss1/art14>, Last accessed 28/12/2009

and its development, on the one hand, and its external environment, on the other.⁹⁷ However, these studies made great contributions to the development of legislative institutionalization by offering useful insights in to operational indicators of legislative institutionalization and also utilization of this framework in different contexts.

Some legislative scholars argue that the institutionalism approach has now turned out to ‘a way of looking at’ legislatures when it is free from the burden of measurement.⁹⁸ This argument parallels to some extent the arguments that consider institutionalism as methods rather than a substantive body of literature.⁹⁹ From this perspective the institutionalization seems to have potential applicability to the study of legislatures in different contexts. The literature utilizing this framework for non-democratic regimes, however, is very few and far between. As indicated in the previous chapter, the early literature on the legislatures in the newly independent countries increasingly focuses on the dominant role of their cultural and political environments in what is called in this literature as ‘the establishment and survival of viable legislatures’. These arguments overlap the legislative institutionalization albeit the terminology is different. In this literature, legislatures have been seen as exclusively dependent variables or extremely subordinated institutions.¹⁰⁰ A prime example of recent application of this approach to the non-democratic context is Norton and Ahmed’s¹⁰¹ work on a series of cases including seven countries in Asia - a wide range from non-democratic East and South Asia to democratic Indian Sub continental. They conclude that all parliaments are autonomous in that they are free-standing institutions, but the extent to which they can

⁹⁷ Judge, David, 2003, Op. cit.

⁹⁸ Rosenthal, Alan “State Legislative Development: Observations from Three Perspectives’, Legislative Studies Quarterly, 21:2, pp.169–98 (1996)

⁹⁹ Diermeier, Daniel and Keith Krehbiel “Institutionalism as Methodology”, Journal of Theoretical Politics 15:2, 123–44 (2003)

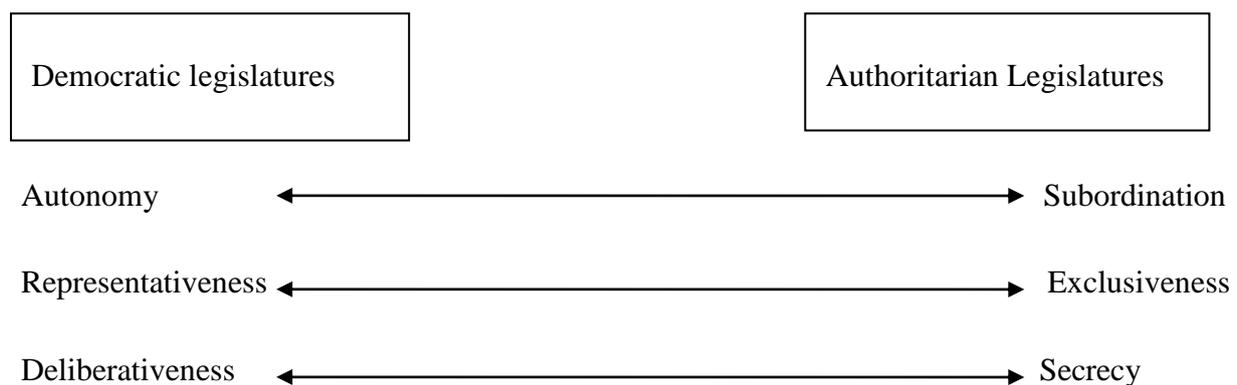
¹⁰⁰ Riggs, Fred W. 1975, Op. cit.; Sisson, Richard and Leo M. Snowiss. 1979. Op. cit.; Weinbaum, Marvin G. 1975 Op. cit.; Blondel, 1974, Op. cit. Polsby, 1975, Op cit.

¹⁰¹ Norton and Ahmed, 1998, Op. cit.

exercise power is limited by the control exercised by party groups. An important conclusion can be drawn from these studies is that such legislatures do not meet in large extent the conceptual and operational indications of institutionalized legislatures while they are not necessarily uninstitutionalized organizations. As such the conceptualization and operational indicators of authoritarian legislatures should particularly satisfy the idiosyncratic conditions of such regimes.

Apart from the handful of studies mentioned above, no literature has systematically applied the institutionalism approach in a non-democratic context. As such, this chapter seeks to propose a conceptual framework based on legislative institutionalization explaining the non-democratic regimes. To do so, three general conceptual criteria appropriate to the authoritarian regimes will be identified: subordination as opposed to autonomy, exclusiveness as opposed to representativeness and secrecy as opposed to deliberativeness. It is assumed that each concept comprises a continuum: at one extreme is pure type of democratic legislature and at the opposite extreme is the ideal type of authoritarian legislatures (Figure3).

Figure 3: Proposed conceptual criteria of authoritarian legislative institutionalization



Source: author

Once the conceptual criteria for authoritarian legislative institutionalization are acknowledged, the next step is to discuss the operational indicators under the heading of each conceptual criterion. The extant studies on the authoritarian regimes and legislative studies will contribute to the formulation of the relevant indicators. In the following these concepts and operational indicators will be reviewed in detail.

Autonomy vs. subordination

Autonomy has come to be regarded as the core conceptual element of institutionalization,¹⁰² by many scholars but there is no consensus on the very nature of this concept. Judge¹⁰³ in a comprehensive review of the theoretical approaches proposed by key scholars in this field including Polsby¹⁰⁴, Cooper and Brady¹⁰⁵, Sisson¹⁰⁶, Patterson and Copeland¹⁰⁷, Kopecky¹⁰⁸, Norton¹⁰⁹ and others demonstrates the depth of disagreement among scholars. Central to these disagreements is conceptualization and measurement of this concept in terms of the units of analysis in that the boundaries among individual members, legislature organization and external environment are not clearly defined. In the following pages three different notions of the autonomy reflected in the literature will be reviewed and their application to the non-democratic regimes will be unfolded.

Professionalization

To explain the autonomy, Polsby focuses mainly on the professionalization or membership aspect of institutionalization suggesting that the institutionalized legislature has stable membership in which turnover is infrequent, entry relatively difficult and its leaders are recruited from within the organization and have substantial tenure in office. This parsimonious notion of institutionalized legislatures was put into question by other scholars.

¹⁰² Judge, David "Legislative Institutionalization: A Bent Analytical Arrow", Government and Opposition, 38: 4, 497-516 (2003)

¹⁰³ Ibid

¹⁰⁴ Polsby, Nelson, 1968, Op. cit.

¹⁰⁵ Cooper Joseph and David .W. Brady "Toward a diachronic analysis of Congress," American. Political Science Review, 75: 4, pp. 988-1006 (1981)

¹⁰⁶ Sisson, Richard "Comparative Institutionalization: A Theoretical Explanation", in A. Kornberg (ed.), Legislatures in Comparative Perspective, New York, David McKay Company, pp. 17-38. 1973

¹⁰⁷ Patterson Gary. W. Copeland, Samuel C "Parliaments in the Twenty-first Century", in G. W. Copeland and S. C. Paterson (eds), Parliaments in the Modern World, Ann Arbor, University of Michigan Press, 1994.

¹⁰⁸ Kopecký, Peter. Parliaments in the Czech and Slovak Republics: Party Competition and Parliamentary Institutionalization. Aldershot: Ashgate 2001.

¹⁰⁹ Norton, Philip, Parliaments and Governments in Western Europe, London, Frank Cass. 1998.

The critics often address this problem as a trade-off between institutionalization and professionalization. Squire¹¹⁰ elucidates the differences between professionalization and institutionalization by noting that “these two concepts are distinct but linked and that each is driven by the main career goals of the membership. Thus, it is likely that professionalization will lead to institutionalization, at least along some dimensions.”¹¹¹ He then describes the professionalized legislatures as institutions which have:

“...higher member remuneration levels, staff support and facilities, and service time demands. Legislatures deemed professional are those which meet in unlimited sessions, pay their members well and provide superior staff resources and facilities. Essentially, such a body offers potential and current members incentives sufficient to consider service as a career.”¹¹²

Price¹¹³ also delves into the concept of “professionalization” by dividing it into professionalization in terms of individual legislators and the institutions themselves. The individual factors include membership turnover and stability, members’ time commitment (part-versus full-time) and legislative service becoming a “career” while institutional factors are autonomy in adopting internal regulation, enhanced capability vis-à-vis the executive, greater autonomy from outside influence, and strengthened legislative committees. The application of the professionalism concept to the legislative studies has predominantly focused on the changes in the formal institutional attributes of membership. Alternatively some scholars use the term of legislative professionalization to describe the transformation in the personal characteristics and attitudes of the individual members of parliaments. This perception of professionalization overlaps with the discussion of the role of norms and

¹¹⁰ Squire, Pervill. "The Theory of Legislative Institutionalization and the California Assembly." The Journal of Politics 54:4, 1026-1054 (1992)

¹¹¹ Ibid, p 1027.

¹¹² Ibid, p 1027-8

¹¹³ Price, Douglas H. "Congress and the Evolution of Legislative "Professionalism"". Congress in Change: Evolution and Reform. N. J. Ornstein. New York, Praeger. (1975).

informal institutions within a legislature which shape and influence their actual conduct.¹¹⁴ Sisson¹¹⁵ offers a theoretical foundation for this concept by focusing on the cultural factors as complementary elements of structural indications of legislative institutionalization. In this sense, the cultural factors are associated with the elites' attitudes regarding institutional rules and procedures. The Sisson's theory was enriched by Kopecky in an innovative formulation of legislative culture he called 'the degree of parliamentary institutionalization'. Kopecky notes:

In addition to structural attributes and formal rules, we will be interested in the development of informal authority structures which guide parliamentary processes and the evolution of norms and institutional identities which constitute parliamentary culture.¹¹⁶

This perception of informal institutions inside parliaments seems to have potential applicability in the study of non-democratic regimes where informal relations are of special significance. Yet, there is no single study delving into informal institutions and norms guiding legislators' behaviour within legislatures in a non-democratic context. Instead, other concepts and measurement indicators of professionalism including MPs turnover, parliamentary staff and facilities and more importantly MPs' immunity have been used in a non-democratic context to understand the degree of autonomy and subordination.

The extant observations suggest that the majority of MPs under authoritarian regimes are inexperienced and the percentage of turnover in these regimes is high. In the study of the Nigerian legislature, Yinka Fashagba¹¹⁷ argues that along with other shortcomings like

¹¹⁴ Ted, Hebert F. and Lelan E. MeLemore, (1973) "Character and Structure of Legislative Norms: Operationalizing the Norm Concept in the Legislative Setting" American Journal of Political Science, 17, (3) pp. 506-527 and also Asher, H. B. (1973) "The Learning of Legislative Norms", The American Political Science Review, 67 (2)

¹¹⁵ Sisson, Richard, 1973, Op. cit.

¹¹⁶ Kopecký, Peter. 2001.p,15

¹¹⁷ Yinka Fashagba, Joseph. "Legislative Oversight under the Nigerian Presidential System". The Journal of Legislative Studies 15:4 (2009)

executive interference and rampant internal conflict, the Nigerian legislature has been unable to perform its oversight role efficiently largely because MPs lack the required experience due to high rate of MPs turnover. He also notes that “The incident of high turnover of legislators is partly traceable to the influence and action of the executive which often works in collaboration with the parties, both at the state and the centre, to prevent legislators who refuse to toe the line or appear to be too independent from returning to the assembly in subsequent elections.”¹¹⁸ Similarly Wright¹¹⁹ argues that the legislative high turnover in non-democratic regimes is largely associated with the co-optation policies of the executive to provide rents and policy concessions within legislatures. This, he contends, is very likely to weaken parliamentary accountability. Another argument that can be made is that the frequent purges of MPs help dictators to prevent the opposition from taking roots and strengthening their power. In contrast, Barkan argues bringing new blood to African parliaments resulted in a younger and more professional generation of politicians who are intent on transforming their institution from a weak rubber stamp into a more powerful and autonomous legislature.¹²⁰

Another legislative institutional arrangement that increasingly ensures membership autonomy is parliamentary immunity or the right that protect MPs from persecution when they make statements in relation to their parliamentary duties. Ironically this right has been widely used for nefarious purpose in authoritarian legislatures. There are several examples demonstrating that under the protection of parliamentary immunity, MPs were able to get

¹¹⁸ Ibid, p451

¹¹⁹ Wright, Josef, “Legislatures and Regime Survival: Why Strong Authoritarian Institutions Help Democratization,” Prepared for Dictatorships: Their Governance and Social Consequences conference at Princeton University, April 25-26, 2008 on-line at:

<http://www.princeton.edu/~piirs/Dictatorships042508/Wright.pdf>, Last accessed 20/12/2009

¹²⁰ Barkan, Joel D, 2009, Op cit.

involved in the corruption. Considering the Egyptian context, Blaydes¹²¹ suggest that “the abuses of immunity undertaken by parliamentarians include everything from relatively minor infractions to large-scale fraud and embezzlement rings.” Similarly, Sattr notes in Kyrgyzstan and Armenia many businessmen involved in organized crime found a secured place in parliament enjoying the immunity, and influence of parliamentary status.¹²² Despite potential for abuse, in many non-democratic countries that lack enduring protection for basic citizenship rights, immunity from prosecution may be a valuable protection that strengthens legislative autonomy. In the regimes where the immunity is not effective, defamation practices are used frequently against MPs. As Schneier suggest “the freedom to debate is so fundamental to parliamentary autonomy that its occasional use for corrupt purposes is probably a price that has to be paid, with other means being found to curb its abuse.”¹²³

The availability of human and monetary resources to the parliament and its members also contribute to the autonomy of membership. Some scholars associated the weakness of parliament in authoritarian regimes to the poor institutional facilities and staff and lack of adequate funds particularly to remunerate the MPs. Barkan¹²⁴ argues that the poor MPs are more dependent on the executive and those who have the power of the purse. He reported that most MPs in African countries are unhappy with their salary as they are not remunerated sufficiently. The notable exception in his study is Kenya where the annual salary of MPs

¹²¹ Blaydes, Lisa. “Authoritarian Elections and Elite Management: Theory and Evidence from Egypt” mimeo, Stanford University. (2008) p, 12

¹²² Starr, S. Frederrick: “Clans, Authoritarian Rulers and Parliaments in Central Asia”, Washington: Central Asia-Caucasus Institute & Silk Road Studies Program 2006. On-line at: http://www.silkroadstudies.org/new/docs/Silkroadpapers/0605Starr_Clans.pdf Last accessed: 12/10/2009

¹²³ Schneier, Edward V. Crafting constitutional democracies : the politics of institutional design. Lanham,. Md. : Rowman & Littlefield, 2006 p,149

¹²⁴ Barkan, Joel D et al. Emerging Legislatures: Institutions of Horizontal Accountability. The World Bank, Washington, D.C. 2004

reached 65 thousand US\$ now; a very high income within the continent's standards.¹²⁵ Yet the considerable increase in salary has its own drawbacks. It makes legislatures a prey for opportunists who put first their personal interests like a raise in salary and other perks. Apart from the monetary aspect, in general, little is known about how parliamentary members of staff in nondemocratic parliaments are organized or coordinated and the extent to which they have a continuing professional responsibility to parliament as a whole. Fish¹²⁶ in his comprehensive review of parliaments around the world investigated parliamentary staff whose main task was to give assistance to MPs with policy matters. Yet his findings cast doubt on whether such assistance tends to boost legislators' effectiveness and bolster the legislature's capacity.

In the light of the above discussion on the professionalism or autonomy at membership level, three indicators including turnover percentage of MPs, immunity and human and financial recourses were reviewed. These factors, arguably to different extents, can contribute to the autonomy and subordination of legislatures.

External environment and informal institutions

The overemphasis on the professionalism or the membership elements of parliamentary institutions in the Polsby theory was specially faulted in that it overlooks the importance of the external environments of legislatures. Among others, Cooper and Brady state that Polsby's approach fall short in addressing the analysis of external impacts "by deferring environmental analysis to a later stage of inquiry in which "causes" will be treated."¹²⁷

¹²⁵ Sisule Tony, Hefty Salaries For Kenyan Politicians Africa Masterweb News Report (May 8, 2006) on-line at: <http://www.africamasterweb.com/AdSense/KenyaHeftySalariesForPoliticians.html> last cessed: 12/11/2009

¹²⁶ Fish , Steven, The Handbook of National Legislatures: A Global Survey New. York: Cambridge University Press. 2009

¹²⁷ Cooper Joseph and David .W. Brady, 1981, Op cit. p996.

Patterson and Copeland¹²⁸ paid a special attention to these determining factors and defined the autonomous legislatures as those which can “stand on their own, independent of other structures or organizations.” They in particular argue that “such a legislature is not dominated by an external political party apparatus or by some other institution such as the bureaucracy, the church, a military- industrial complex, or pressure groups”¹²⁹. In the authoritarian regime studies it is argued that depending on the type of authoritarian regimes, the dominance and the influence of external factors differ. For instance in military regimes the military apparatus exert undisputable influences on the legislatures while in personalistic authoritarian regimes, legislatures are under the control of monarch. The constitutional structures particularly the nature of the executive-parliament relationship, the structure of the legislature whether unicameral or bicameral are of importance. Yet in authoritarian regimes the influences of these formal institutions are largely contingent on informal institutions. Studies on less or non-democratic legislatures of Latin American and African countries brought about these new important factors in the forefront of legislative scholars. Desposato’s analysis of legislative behaviour in five Brazilian states with varying degrees of clientelism allowed him to consider how clientelism affects the functioning of legislatures with similar formal structures.¹³⁰ Morgenstern found that party control of nominations increases discipline— but only when party labels were meaningful. Barkan et al’s study of African countries shows that the typical "left-right" and "liberal-conservative" distinctions do not apply. Rather political mobilization normally occurs on a community-by-community and

¹²⁸ Patterson Gary. W. Copeland, Samuel C “Parliaments in the Twenty-first Century”, in G. W. Copeland and S. C. Paterson (eds), Parliaments in the Modern World, Ann Arbor, University of Michigan Press, 1994, p. 4.

¹²⁹ Ibid, p.5

¹³⁰ Desposato, Scott. “Institutional vs. Societal Explanations of Party Development: A Comparative Analysis of Brazil’s State Legislatures.” Paper presented at the Midwestern Political Science Association Meeting, Chicago (April 2000).

region-by-region basis through networks of clientelist relationships that determine hierarchies of leaders and followers and, thus, the state to society.¹³¹

In general there have been many instances in which informal institutions constrain parliamentary autonomy and power. For example, the supremacy of the legislature over the executive was noticeably stipulated in Mexico's 1917 constitution. In practice, however, presidents were authorized with overwhelming "metaconstitutional" powers which turned the Congress into a "rubber stamp for presidential decrees"¹³². In fact in non-democratic regimes where formal political institutions are predominantly weak, the rules of the game are frequently determined by *de facto* power relations, rather than formal rules. For instance in Slovakia, Prime Minister Meciar—who was supported by a strong party and other informal means of control—had an absolute domination over the legislature while the Prime Minister was constitutionally "weak"¹³³. Similarly in Moldova, because the real power was concentrated in the Communist Party, the post-2000 transition from semi-presidentialism to parliamentarism ended up with strong authoritarianism rather than democracy¹³⁴. In contrast, in Russia, Yeltsin's weak position in the party led to serious challenges from the legislature despite a super-presidentialist constitution, however Putin, with the same constitutional structure, made parliament ineffective.

¹³¹ Barkan et al., Op cit

¹³² Eisenstadt, Todd A. Courting Democracy in Mexico: Party Strategies and Electoral Institutions. New York: Cambridge University Press. 2004. p 40

¹³³ Malova, Darina. "From the Ambiguous Constitution to the Dominance of Informal Rules." In Jan Zielonka ed. Democratic Consolidation in Eastern Europe: Institutional Engineering. New York: Oxford University Press. 2001. p, 369

¹³⁴ Way, Lucan. "Pluralism by Default in Moldova." Journal of Democracy 13:4, 127-141 (2002)

Representation vs. exclusion

Several scholars underline the significance of representation in the enrichment of the institutionalization concept. For instance, Cooper and Brady particularly argue that “the House is not an army, a business, or a hospital. Rather, it is a legislative unit in a democratic political system, which is itself organized in terms of a separation of powers, geographic constituencies, and plurality elections.”¹³⁵ Yet some other scholars highlight the inherent paradox of representation and the legislature’s autonomy. They argue that the more the legislature goes in obtaining such autonomy, the more likely to fail to fulfil its representation function. As Hibbing indicates “isolating itself from its environment ... legislatures are simply unable to go very far down the road of institutionalization.” Particularly, “where party leadership roles are conjoined with executive hierarchies, as in Westminster systems, then the constitutional design of those systems militates against ... the autonomy of legislatures as defined by Polsby.”¹³⁶ Studies of newly established parliaments in Russia, Ukraine, and Kazakhstan have also found that the legislators are investing the most of their time to lawmaking on the altar of engagement with voters.¹³⁷ O’Brien and Luehrmann¹³⁸ demonstrated that Chinese local people’s congresses often give priority to autonomy at the expense of strengthening capacity and improving oversight. They ultimately conclude that “institutionalization can involve pursuing certain ends at the expense of others”.¹³⁹

Apart from the above inherent paradox, representation has come to be considered as an integral part of a parliament’s functions. The representation role has also gained popularity in

¹³⁵ Cooper Joseph and David .W. Brady, 1981, Op cit. p,1008

¹³⁶ Hibbing, John R. “Legislative careers: why and how we should study them.” Legislative Studies Quarterly 24:149-71(1999) p, 161

¹³⁷ Colton, Timothy J. "The Constituency Nexus in the Russian and Other Post- Soviet Parliaments." In Democratization in Russia: The Development of Legislative Institutions, ed. Jeffrey W. Hahn. Armonk, NY: M.E. Sharpe. 1996

¹³⁸ O’Brien, Kevin J. and Laura M. Luehrmann, “Institutionalizing Chinese Legislatures: Trade-offs Between Autonomy and Capacity,” Legislative Studies Quarterly 23:1 91-108 (1998)

¹³⁹ O’Brien, Kevin J. and Laura M. Luehrmann, 1988, Op cit. p,91

the study of non-democratic countries. Mezey notes “When those studying Third World legislatures began to seek alternative, non-decisional functions for these institutions, representation seemed an obvious place to begin.”¹⁴⁰ This, however, has been used differently by different scholars. Two significant concepts of representation will be discussed in the following: representation as reflection of population diversity and representation as response to the constituencies’ policy expectations.

Representation as reflection of population diversity

The most common perception of representation focuses predominantly on the diversity of the population and how these characteristics are reflected in a state body.¹⁴¹ Among state bodies, legislatures are particularly an ideal arena representing accurately the range of diversity and making closer link between MPs and population because of their plural nature and larger membership. The fundamental question here is what sort of diversity ought to be privileged in parliamentary representation. Various elements manifesting this diversity can be identified. For instance, Loewenberg and Patterson point to “occupational patterns in the country into occupational patterns among legislators; ethnic, racial, religious, sex and age distributions among the constituents into similar distributions among the elected legislators.”¹⁴² Another pertinent issue here is that the diversity represented in legislatures may be defined by collective bodies like political parties that represent some set of interests or alternatively, legislatures may include representatives who simply draw strong individual support from a particular group of voters. This gave rise to a fundamental trade-off between

¹⁴⁰ Mezey, Micael “The Functions of Legislatures in the Third World.” Legislative Studies Quarterly 8:4. (1983). p 518

¹⁴¹ Turan, İltar “The Turkish Legislature: From Symbolic to Substantive Representation,’ in Copeland, Gary W.; Patterson, Samuel C. (eds.), Parliaments in the Modern World, Changing Institutions, Ann Arbor, the University of Michigan Press, pp. 105-28. 1994

¹⁴² Loewenberg, Gerhard and Samuel C. Patterson, Comparing Legislatures, Boston: Little Brown and Company, 1979,p 111

collective and individualistic representation. Electoral rules by setting electoral formulation determine the dimensions along which diversity can be translated into representation.¹⁴³ Two key electoral formulae reflecting collective-individualism distinction is winner-take-all in single-member districts (SMD) and proportional (PR) system. The characteristics and relative merits of SMD vs. PR has long been the main focus of literature on legislative elections. The relevant scholars normatively argue that PR is superior to SMD elections.¹⁴⁴ This view is based on some key assumptions that political parties are main units of legislative representation, and that a left–right spectrum significantly reflect the ideological arena of party rivalry.

In a non-democratic regime context where party systems are more volatile or absent these assumptions, however, are subject to greater scepticism. Having said that, the fundamental issue in the elections of non-democratic regimes is the exclusion of opponents by engaging in fraud and other forms of electoral abuse, either screening the selection of MPs (through direct selection or the vetting of candidacies to elective legislatures) or by constituting tempting incentives that push legislators towards collaboration with the executive, be it through pressure and threat or cooptation.¹⁴⁵ Manipulation of the electoral system is of course a more complicated method that has frequently been used or misused in accomplishing authoritarian aims in excluding, subverting, or fragmenting the oppositions groups or other opponents.¹⁴⁶

¹⁴³ These dimensions include electoral formula used, the number of election rounds and the number of seats allocated in a given district or district magnitude. See Reynolds, A., Reilly, B. and Ellis, A. Electoral System Design: The New International IDEA Handbook. Stockholm: International IDEA. 2005

¹⁴⁴ Farrell, David M., Electoral Systems: A Comparative Introduction, London and New York: Palgrave. 2001.

¹⁴⁵ Alvarez, Michael, Thad Hall and Susan Hyde, eds. Election Fraud: Detecting and Deterring Electoral Manipulation, Brookings. 2008.

¹⁴⁶ Ibid

Representation as responsiveness to the willing of constituents

Eulau and Karps conceptualized representation as responsiveness to the will and expectations of constituents. In this sense, they have identified four elements of responsiveness, including policy responsiveness, allocation responsiveness, services responsiveness and symbolic responsiveness.¹⁴⁷ Policy responsiveness includes the links between the policy preferences of citizens and the actions of MPs. The further the activities of the elected representatives are ending up with the achievement of policy preferences of the constituents, the greater the policy responsiveness, and thus the higher the level of representativeness achieved.¹⁴⁸ Service responsiveness comprises the non legislative services that MPs usually offer to their constituents. This includes a vast range of activities but the most crucial one is to intervene with bureaucrats to solve the problem of constituents.¹⁴⁹ Allocation responsiveness instead refers to attracting public goods and services to the given district that MPs represents. The recipient of the good or services may be the whole district, some parts of it, or some groups or individuals in the district.¹⁵⁰ The difference between service responsiveness and allocation responsiveness is that in the former the particular service is requested by constituents but in the latter MPs try to fulfil the general expectations of the district. In contrast, symbolic responsiveness is concerned more with the attitudes of constituents and refers to meeting the psychological needs of citizens, such as having confidence in government.¹⁵¹ Turan applied this framework of analysis to the Turkish National Assembly and concludes that service responsiveness is the most significant representative feature of the Turkish legislature. He also notes policy responsiveness and

¹⁴⁷ Eulau, Heinz and Paul D. Karps. "The Puzzle of Representation: Specifying Components of Responsiveness," *Legislative Studies Quarterly* 2:233-254. 1977.

¹⁴⁸ Ibid, p, 182-83

¹⁴⁹ Ibid, p, 243-45.

¹⁵⁰ Ibid, p, 245-46.

¹⁵¹ Ibid, p, 246-47

allocation responsiveness are important, but as he argues “both the role of the legislature as an institution and the role of the individual deputy as a representative are seriously constrained by the government, which has the upper hand in setting priorities and proposing legislation.”¹⁵² Similarly Barkan *et al*¹⁵³ highlighted the centrality of constituency service as the most significant function of the legislature in five African countries. They argue MPs are under massive pressure to devote time and resources to constituency service, due to the local “pork barrel” characteristics of African politics. This expectation of constituents is in fact a normal reflection of African society and electoral systems which encourage parochialism. As a result, they believe that legislative elections in these countries turned out to be referendums on the ability to deliver goods and services. In this context, the role of MPs is analogous to “an entrepreneur” whose main tasks are to mobilize the resources to their constituencies. Lust-Okar¹⁵⁴, similarly, reports that Jordanian parliamentarians (and the public more generally) see the job of MPs as finding jobs and offering services to their constituencies, rather than making policy. In the studies of authoritarian regimes in Africa, authoritarianism and parochialism are regarded as two facets of the same coin.¹⁵⁵

¹⁵² Turan, İlter, 1994, Op. cit. p 124

¹⁵³ Barkan, Joel D et al. 2004, p

¹⁵⁴ Lust-Okar Elen.” Elections under authoritarianism: preliminary lessons from Jordan.” Democratization 13:3, 456–71 (2006)

¹⁵⁵ Lang, Gorge .O. Development in Usukuma, Tanzania. Williamsburg, Va.: Dept. Of Anthropology College of William and Mary. 1978

Deliberativeness vs. Secrecy

Given that the perception of deliberation that draws on core democratic values like transparency and accountability is an integral part of a democratic legislature, it merits being discussed as a constituent component of this framework. In essence, legislatures are public forums for debate and legitimate consideration of the varied viewpoints they entail. Advocates of deliberative democracy maintain that by putting debates into an open setting, legislatures may limit permissible arguments on behalf of interests of those who can be defended in public and ultimately contribute to the public good.¹⁵⁶ As Miller¹⁵⁷ (1993) puts it, “To be seen to be engaged in political debate we must argue in terms that any other participant could potentially accept, and ‘It’s good for me’ is not such an argument.” In this sense, by placing decisions over public policy in a public forum, legislatures contribute to the public good quality of the policies and ultimately improving policy outcomes. To put it simply, the public nature of parliamentary decision-making would contribute to the public good. The central implication of this argument is that the norms of public debate have made the internal workings of legislatures subject to scrutiny from outside actors. By means of this transparency, legislatures held representatives accountable to those they represent. In practice, however, the extent to which legislative deliberation and decision-making is transparent to those outside the institutions differs significantly, which in turn influences the extent to which legislatures can serve as means for transparency and accountability. Carey¹⁵⁸ suggests that floor votes are the best indication that make legislative decisions visible to outside observers as the bulk of legislative floor voting is public. Yet, in many legislatures

¹⁵⁶ Goodin, Robert. “Laundering preferences.” In Foundations of Social Choice Theory, ed. J. Elster and A. Hylland. New York: Cambridge University Press. 1986

¹⁵⁷ Miller, David.. “Deliberative democracy and social choice”, in Prospects for Democracy, ed. D. Held. Stanford, Calif.: Stanford University Press. 1993. p, 28

¹⁵⁸ Carey, John. “Legislative Organization”, in The Oxford Handbook of Political Institutions, ed. R. Rhodes, S. Binder and B. Rockman: Oxford and New York: Oxford University Press. pp. 431-54. 2006.

the votes of individual representatives are not public because only aggregate outcomes - showing the number of yes and no - are published.

The application of normative democratic values, such as transparency and accountability to the analysis of legislatures, however, raise a number of controversies. Among others, the historical records reveal that democratic norms are not properly and perfectly accomplished in different contexts, even in established democracies. Furthermore, the boundary between obeying and transgressing democratic norms is imprecise. In legislative politics, particularly, circumventing the regulation is considered in several instances as “part of the game.”¹⁵⁹ Despite these perceived shortcomings, there has been an overwhelming interest in recent years from legislative practitioners including parliamentary organizations and democracy assistance communities to set out benchmarks or normative frameworks to evaluate parliaments and distinguish the democratic parliaments from non-democratic ones. Surprisingly, there has been little interaction between these groups and academics. As Carothers argued “little systematic learning has been added to the field from outside the circle of practitioners. Academic specialists ... have not devoted much attention to democracy assistance”.¹⁶⁰ In contrast to academics who want to understand the past, and emphasize conflicting theories rather than seeking a minimal consensus on what might work best, the practitioners look for concrete results, and preferably within a short period of time to satisfy their donors. Inspired by current trends in public management, they contend that only what is measurable is worth doing. Thus, the priority may be given to activities such as encouraging a legislature to initiate more bills than to a non-measurable activity such as building a

¹⁵⁹ Schedler, Andreas, “The Menu of Manipulation”, *Journal of Democracy* 13:2, pp. 36-50 (2002)

¹⁶⁰ Carothers, Thomas. *Aiding Democracy Abroad: The Learning Curve*. Washington: Carnegie Endowment for International Peace, 1999. p.93

consensus across political divides.¹⁶¹ A prime example of these efforts is IPU's 'good parliamentary practice project', which was augmented with the publication of a handbook, *Parliament and Democracy in the Twenty-First Century*.¹⁶² This project was carried out in partnership with a wide range of member countries and some renowned international organizations. The handbook discusses in detail different practices of parliaments in the wide range of their responsibilities, highlighting examples of good practice and also discussing the democratic core values upon which democratic parliaments are supposed to operate. The IPU framework is of special importance as it set forth helpful indicators for the measurement of transparency and accessibility. The transparency and accessibility factors and their operational indicators identified in the IPU framework help to describe the deliberative criteria of this research's conceptual framework. In particular the following factors will be adopted: proceedings of parliaments to be open to the public, the parliament should have its own public relations officers and facilities, standards and enforceable code of conduct, register of outside interests and income. (Table: 2)

¹⁶¹ Carothers, Thomas "The end of the transition paradigm." *Journal of Democracy* 13:1(2002)

¹⁶² Inter-Parliament Union (IPU), *Parliament and Democracy in the Twenty-first Century: A Guide to Good Practice* IPU Secretariat, Geneva. 2006, on-line at: <http://www.ipu.org/english/handbks.htm#democracy> Last accessed 10/09/2007

Table 2: IPU Framework on the Parliamentary Contribution to Democracy

Basic objectives or values.	Requirements	Possible procedural and institutional means for the realization of these objectives or values
Representative	An elected parliament that is socially and politically representative, and committed to equal opportunities for its members so that they can carry out their mandates.	Free and fair electoral system and process; means of ensuring representation of/by all sectors of society with a view to reflecting national and gender diversity, for example by using special procedures to ensure representation of marginalized or excluded groups. Open, democratic and independent party procedures, organizations and systems. Mechanisms to ensure the rights of the political opposition and other political groups, and to allow all members to exercise their mandates freely and without being subjected to undue influence and pressure. Freedom of speech and association; guarantees of parliamentary rights and immunities, including the integrity of the presiding officers and other office holders.
Transparent	A parliament that is open to the nation and transparent in the conduct of its business.	Proceedings open to the public; prior information to the public on the business before parliament; documentation available in relevant languages; availability of user-friendly tools, for example using various media such as the World Wide Web; the parliament should have its own public relations officers and facilities; Legislation on freedom of/access to Information.
Accessible	Involvement of the public, including civil society and other people's movements, in the work of the parliament.	Effective electoral sanction and monitoring processes; reporting procedures to inform constituents; standards and enforceable code of conduct. Adequate salary for members; register of outside interests and income; enforceable limits on and transparency in election fundraising and expenditure.
Effective		
At all levels	Effective organization of business in accordance with these democratic norms and values.	Mechanisms and resources to ensure the independence and autonomy of parliament, including parliament's control of its own budget. Availability of non-partisan professional staff separate from the main civil service. Adequate unbiased research and information facilities for members; opinion surveys among relevant groups on perceptions of performance.
At the national level	Effective performance of legislative and scrutiny functions, and as a national forum for issues of common concern.	Systematic procedures for executive accountability; adequate powers and resources for committees; accountability to parliament of non-governmental public bodies and commissions. Mechanisms to ensure effective parliamentary engagement in the national budget process in all its stages, including the subsequent auditing of accounts. For parliaments that approve senior appointments and/or perform judicial functions: mechanisms to ensure a fair, equitable and non-partisan process.
In relation to the international level	Active involvement of parliament in international affairs.	Procedures for parliamentary monitoring of and input into international negotiations as well as overseeing the positions adopted by the government; mechanisms that allow for parliamentary scrutiny of activities of international organizations and input into their deliberations;; inter-parliamentary cooperation and parliamentary diplomacy.
(c) In relation to the local level	Cooperative relationship with state, provincial and local legislatures.	Mechanisms for regular consultations between the presiding officers of the national and sub-national parliaments or legislatures on national policy issues, in order to ensure that decisions are informed by local needs.

Source: Inter-Parliament Union (IPU), Parliament and Democracy in the Twenty-first Century:

A Guide to Good Practice IPU Secretariat, Geneva. 2006

Summary and conclusion

As demonstrated throughout the chapter, inspired by institutionalization terminology, the concepts of subordination, exclusiveness and secrecy were set as the main conceptual criteria of authoritarian legislatures. They posited in the opposite extreme of autonomy, representation and deliberation. Under the headline of subordination two different units of analysis were identified: the membership and the organizational subordination. With respect to the membership subordination, the tenure of MPs, the immunity, autonomy in adopting internal regulation and the resources are the operational indicators that reveal the extent to which a legislature is subordinated or autonomous. Regarding the organizational subordination the focus is predominantly placed on the trade-off between parliaments and external powerful groups and organizations that exert influence on them. The operational indicators are mainly the constitutional framework, and external powerful actors including the military, political parties and monarchs. Due to the importance of informal institutions any analysis of authoritarian legislatures would be incomplete without taking into account these factors. As a result the role of informal institutions should be taken into account in this analysis. Exclusiveness is placed at the opposite extreme of representation. Two different views of representativeness were discussed: representative as the fair reflection of population diversity and representative as meeting the expectation of constituencies. The operational indicators of the former are populations' characteristics (like ethnic, racial, religious, sex and age distributions), electoral systems and the election integrity, while the latter is operationalized by factors associated to the extent to which legislators devote their time to parochial services rather than national policy making. Finally the deliberation deals with the democratic values of transparency and accountability, the floor voting along with extensive lists proposed by the IPU for transparency are its most evident indicators.

Chapter 3: Methodology

Introduction

This chapter provides a detailed exposition of the research problem and questions to be explored in the study, followed by the methodology. A brief outline of the arguments of key scholars will be reviewed once again to clarify the place of the questions of research within the literature. A conceptual framework is developed to spell out the main concepts and operational indicators of research. It will also be explained why a case study is adopted as the main strategy for the research and how this strategy and research problem matches one another. The discussion of the data collection methods also follows the same path. The focus is placed on the application of such methods to legislative studies while it explains the utilization of them for this research. Finally, the interview questions will be proposed and their link with the main research questions will be spelled out.

The aim and objectives of the study

The overall goal of this study is to produce an understanding of the role of parliaments in the survival of authoritarian regimes by focusing on their institutional capacity and their related performance. Using the Iranian parliament, Majles, as a case study, the research in particular seeks to explain firstly which environmental and institutional factors within and outside Majles influence such a role and secondly how Majles contributes to the longevity and consolidation of authoritarianism in Iran through its co-optation and legislation performances.

The significance of research

This study potentially provides three original contributions to the knowledge. First, it contributes to the literature on the role of parliaments in authoritarian regimes by critically analysing the mainstream literature dealing with parliaments' performance. Second, it seeks to generate a new research agenda by proposing a framework based on the institutionalization approach by which one can assess the institutional capacity of authoritarian parliaments. As such, the framework can be utilized in different cases and contexts. Third, it attempts to offer better knowledge and understanding of the Iranian parliament, Majles.

The results of the study particularly may help parliamentarians and outsiders to understand better the significance of authoritarian parliaments and ultimately modify their expectation regarding the potential capability of such parliaments in sustaining or subverting authoritarian regimes.

Research questions

The main question the research seeks to address is: "How and under what conditions do parliaments contribute to the longevity of authoritarian regimes?" The first part of the

question is dealing with *how* and has to do with parliaments' performances through which they foster the survival of authoritarian regimes. The second part of the question which enquires about the *conditions* is associated with the institutional capacity of parliaments and their external environment. In the previous chapters, the studies which attempted to address these questions were reviewed to some extent. In order to place the questions within the literature, a brief review of the literature is given in the following to highlight the link between the main questions and sub-questions and the relevant literature. For the sake of brevity, each question is drawn only from the most important works that raised the question.

Patterson and Copeland¹⁶³ defined autonomous legislatures as those which can stand on their own, independent of external organizations and actors. In contrast many scholars see legislatures in non-democratic contexts as exclusively dependent or extremely subordinated institutions to autocrats.¹⁶⁴ The associated questions to this argument are:

Q1: Which institutional factors constrain MP autonomy in authoritarian regimes?

Q2: If and to what extent are parliaments subordinated to or independent from autocrats?

Loewenberg and Patterson¹⁶⁵ contend that the membership of democratic legislatures is fairly reflecting the population's diversity. Farrell¹⁶⁶ demonstrates how electoral rules contribute to the accomplishment of this goal. Alvarez et al¹⁶⁷ in contrast argue that in non-democratic regimes the autocrats attempt to exclude the opponents by engaging in fraud and other forms of electoral abuse including the manipulation of electoral rules. Drawing on this discussion the next research question set forth is as follows:

¹⁶³ Patterson Gary. W. Copeland, Samuel C, 1994, Op. cit.

¹⁶⁴ Riggs, Fred W. 1975, Op. cit.; Sisson, Richard and Leo M. Snowiss. 1979. Op. cit.; Weinbaum, Marvin G. 1975 Op. cit.; Blondel, 1974, Op. cit. Polsby, 1975, Op. cit.

¹⁶⁵ Patterson Gary. W. Copeland, Samuel C 1994, Op. cit.

¹⁶⁶ Farrell, David M. 2001 Op. cit.

¹⁶⁷ Alvarez, Michael, 2008. Op. cit.

Q3: If and to what extent do authoritarian parliaments reflect the population's diversity?

What are the main barriers of aspirant applicants to enter into parliaments and people to cast votes?

Turan¹⁶⁸ contends that constituency services overshadow other representative functions in authoritarian regimes under his study. Other scholars point out that parochialism prevents MPs from carrying out other main legislative functions and an indication of authoritarian regimes. Based on this literature the next question can be formulated as follows:

Q4: How important are local interests to the MPs compared to the other key representative functions?

Drawing on the deliberative democracy discussion, Carey¹⁶⁹ focuses on the democratic values like transparency and accountability as the main feature of democratic legislature. In contrast secrecy is identified by many legislative practitioners as the characteristics of the authoritarian regimes. Having said that the following question can be formulated:

Q5: To what extent is the organization of parliament transparent and accountable?

Gandhi and Przeworski¹⁷⁰ argue that parliament has been used to split and thus weaken the opposition by offering to a given group parliamentary seats and marginalizing other ones. This role is called cooptation. The question that can be derived from this argument is:

Q6: How do parliaments contribute to the survival of regimes by co-opting the oppositions?

Lucas¹⁷¹ maintains that autocrats can use the standard routines of legislation through parliaments to manipulate the core political institutions to their own advantage. Based on this observation the final question of the study can be proposed as:

¹⁶⁸ Turan, İlter, 1994, Op. cit.

¹⁶⁹ Carey, John. 2006. Op. cit.

¹⁷⁰ Gandhi and Przeworski, 2007, Op. cit.

Q7: How do parliaments help the longevity of authoritarian regimes by formulating new laws or manipulating the existing laws regarding core political institution in favour of the autocrats?

Conceptual framework

The extensive literature review in previous chapters discussed in detail the concepts and operational indicators of the conceptual framework of the study. This section draws together these findings under a unified conceptual framework followed throughout the research. Before proceeding to the framework it is worth elucidation of the extant comprehensive conceptual frameworks proposed by legislative scholars to explore the parliamentary activity. These conceptual frameworks predominantly, albeit not explicitly, follow the systematic approaches. In this sense, they include different units of analysis which trace their relationships to one another and also take into consideration the out-put of this interaction and its influences on the whole system. The units of analysis are legislatures' internal organization and the external environment surrounding the parliaments which determine the institutional capacity of parliaments. The out-put is the parliamentary performance and mainly policy making role of parliaments. Alternatively, the frameworks put forward by legislative institutionalization scholars are often based on a comparatively complicated concept in which the boundaries of levels of analysis are blurred. The conceptual framework of this study follow the latter approach in that it does not distinguish different level of analysis clearly but is analogous to the former ones as it differentiated between legislative capacity and performances. This framework in particular seeks to spell out a series of appropriate operational indicators for the measurement of the concepts. Given these

¹⁷¹ Lucas E. Russell, 2005, Op. cit.

explanations, the conceptual framework consists of two main constituents: the authoritarian legislature institutional capacity and authoritarian legislature performance. With respect to institutional capacity, three main criteria for the conceptualization were proposed: the degree to which the authoritarian institutions are autonomous or subordinate, representative or exclusive and deliberative or secret. The subordination-autonomy criteria consist of two levels of membership and institutional. The operational indicators of the membership include the tenure of MPs, their authority in adopting parliament internal regulation, the immunity and the funds and resources available to members. The institutional element can be operationalized by taking into account formal macro structures including the formal constitutional framework that determines the place of parliaments within diverse external institutions in the political regimes. It was also indicated that there are other informal norms and procedures that shape the actual distribution of power within the closed circles of incumbents. The representativeness-exclusiveness element has to do with two different conceptualizations. The first deals with populations' characteristics (like ethnic, racial, religious, sex and age distributions), electoral systems and the election integrity while the second is operationalizing by legislators' inclinations toward the parochial interests rather than the national ones. Finally the deliberation-secrecy dimension deals with the democratic values of transparency and accountability and floor voting are its most evident indication.

The performance of authoritarian legislatures is also identified by two main functions of co-optation and legislation which were discussed in detail in the first chapter. The co-optation strategies are carried out by reinforcing the disunity among the oppositions, co-opting some opposition and excluding the other ones. Operational indicators for cooptation are the high turnover in parliaments and the frequent exclusions of different oppositions from re-election or entering to parliaments. The legislation function can be understood by looking at the number of laws initiated or amended by MPs in favour of authoritarian political institutions.

The manipulation of laws regarding the main political institutions like press, election and political parties can be used as a proxy for such efforts. Both performances however require extensive qualitative analysis and detailed descriptive observations. Table 3 summarizes and represents the research’s conceptual framework. The case study produces some insights to this framework; however generalization is tentative. What is of interest is to develop a framework within which the case study can be understood and analyzed. Obviously, further testing and development and application of the approach to different cases are required.

Table 3: Criteria and operational indicators of authoritarian legislature institutions and performance

	Conceptual criteria		Operational indicators
Institutional capacity	Autonomy-Subordination	Membership	Turnover, immunity, resource, authority of MPs in adopting and amending their governing regulations
		Institutional	Constitutional framework, informal institutions, external powerful actor including military, political parties and monarchs.
	Representativeness-Exclusiveness	Reflection of population diversity	Population characteristics, Electoral system and election integrity
		Responsiveness	Parochial orientations and overemphasis on constituency services
	Deliberativeness- Secrecy		Floor voting, organizational transparency and accessibility including proceedings of parliaments to be open to the public, standards and enforceable code of conduct.
performance	Co-optation		The rate of oppositions excluded from parliaments over the time
	Legislation		The number of laws initiated or amended by MPs enhancing authoritarian political institutions

Source: author

Research strategy

The main research strategy is a case study. This method has considerable relevance to the research. As indicated before, the main aim of this research is twofold: to examine in detail the role of Majles in authoritarian survival as well as to develop a framework that may be generalizable to other legislatures in other contexts. Since theory building and theory testing, are central to the case study method, these aims are being well met by employing a case study.¹⁷² The case study method is defined as “an in-depth study of a single-unit (a relatively bounded phenomenon) where the scholar’s aim is to elucidate features of a larger class of similar phenomenon.”¹⁷³ This method which has long been applied and utilized by political scientists and has the ability to contribute to the development of theories that can accommodate various forms of complex causality. As Evans explains:

It [the case-study method] is work that draws on general theories whenever it can but also cares deeply about the particular historical outcomes. It sees particular cases as the building blocks for general theories and theories as lenses to identify what is interesting and significant about particular cases. Neither theories nor cases are sacrosanct. Cases are always too complicated to vindicate a single theory...At the same time, a compelling interpretation of a particular case is only interesting if it points to ways of understanding other cases as well locate and trace the processes that generate the outcome of interest.”¹⁷⁴

In addition, a certain kind of case study is employed which is termed the “process tracing” approach. Process tracing studies seeks to find causal relationships among diverse features of individual cases. This is often accomplished through a close examination of the intervening

¹⁷² Eckstein, Harry. "Case Study and Theory in Political Science." Handbook of Political Science: Strategies of Inquiry. Eds. Fred I. Greenstein and Nelson W. Polsby. Vol. 7. Reading, MA: Addison-Wesley Publishing Company, 1975.

¹⁷³ Gerring, John. "What Is a Case Study and What Is It Good For." American Political Science Review 98:2 (May 2004). p 341

¹⁷⁴ Atul Kohli, Peter Evans, et. al., "The Role of Theory in Comparative Politics: A Symposium," World Politics 48:1(1996) . p 4

processes that link the variables outlined in a conceptual framework. Checkel explains the “process-tracing” technique by writing:

Process tracing means to trace the operation of the causal mechanism(s) at work in a given situation. One carefully maps the process, exploring the extent to which it coincides with prior, theoretically derived expectations about the workings of the mechanism.¹⁷⁵

Labelled as process-oriented studies, this approach is employed to some extent by those legislative scholars who have explained the policymaking aspects of legislation since the 1960s. Such studies were not initially the work of legislative scholars and saw parliament only as part of the policy puzzle, although usually an important part. Later, a new generation of legislative studies scholars begun focusing on policy rather than the legislature and establishing the relative importance of the legislature compared to other policy-making cores in the structuring of the policy. These studies look at policy as the dependent variable and give less attention to it than to independent variables. These studies differed from product-oriented ones in that “policy or policy types as an independent variable shapes process and in turn shapes legislative outputs.”¹⁷⁶ Economic policy among other issues has received more attention and is used in cross-regional comparisons. Legislation in response to EU directives is a rich source of comparative case studies as well. Most policy-oriented studies in newly democratic legislatures utilize the “process tracking approach”. As discussed already, this approach has been applied widely in Latin American legislatures to trace the policy-making process in special areas. However, it is ironic that this method has been left largely underdeveloped within the legislative studies tradition.

¹⁷⁵ Checkel, Jeffrey. "It's the Process Stupid! Process Tracing in the Study of European and International Politics." *Arena Working Paper*. Number 26 Oslo: University of Oslo, 2005.

¹⁷⁶ Oppenheimer, Bruce I. "How Legislatures Shape Policy and Budgets." *Legislative Studies Quarterly*. 8: 4(1983). P 3.

Data collection methods

Multiple methods were adopted in collecting data rather than focusing on a particular one in an attempt to deal with the limitations of each single methodological approach by complementing them with other approaches and ultimately to increase the validity of the claims. The major conceptual innovations of research grew out of observations through working with MPs as a parliamentary researcher. Without close participation in the law making process, it would have been nearly impossible to learn how the system is working. However, the main data collection method of the research is qualitative, including archival and documented-based methods and elite interviewing. Details about each of these techniques will be described briefly below.

Archival and documented-based methods

Political historians have long valued archival methods as more than data mining.¹⁷⁷ Although documentary and archival techniques persist, textbooks describe them as traditional in political science,¹⁷⁸ implying they are a backward or static set of research practices. However, the vast range of documentary sources from newspapers to research reports, government records to personal diaries, documentary material constitutes a unique accessible resource which can leave the political researcher feeling very much the second rate historian. In particular, this method offers much for this research. As mentioned before, the main strategy of the research is a case study. Such a method has been equated with the historian's method in that it increasingly employs archival and document-based research.

¹⁷⁷ Larson, Deborah W. "Sources and Methods in Cold War History: The Need for a New Theory-Based Archival Approach." Bridges and Boundaries: Historians, Political Scientists, and the Study of International Relations Eds Colin Elman and Miriam Fendius Elman. Cambridge: MIT Press, 2001.

¹⁷⁸ Johnson, Janet B., and Richard A. Joslyn. Political Science Research Methods. 3 ed. Washington D.C.: Congressional Quarterly Press, 1995.

The first step to make the best use of documentary material is to employ a system of classification to decide which sources are of most use for specific research purposes. The most common distinction made by historians is that between ‘primary’, ‘secondary’ and ‘tertiary’ sources¹⁷⁹. This often involves the use of a simple timescale categorization in which ‘primary sources’ consist only of evidence that was actually part of or produced by the event in question; ‘secondary sources’ consist of other evidence relating to and produced soon after the event; and ‘tertiary sources’ of material written afterward to reconstruct the event.¹⁸⁰

Most parliamentary institutions of democratic countries produce a variety of such documentation because their activity is becoming increasingly detailed and complex. Depending on their powers and functions, these institutions are gradually generating ever larger volumes of information and documentation in numerous documentary formats, as is to be expected. In these circumstances, such a wide range of primary documents that is not often subject to extended closure rules offers great primary resources for parliamentary research. In addition, archives that have long ceased to be the preserve of an elite pursuing academic research, perceived to have a much wider cultural value, increasing demand for information about records and the services that provide them. In this area, efficient and effective use of internet technology provides an unprecedented opportunity to reach, serve and obtain feedback from a mass audience. A recent policy document in the UK Parliament concluded that ‘Outreach has been a developing preoccupation for archives in recent years, but the arrival of the Internet Age provides the opportunities to take archives, as never before, to the doorstep of the community at large’. The International Council on Archives, Section for Archives of Parliaments and Political Parties suggested a seven-category classification for archiving parliamentary documents (Table, 4). However, such resources offer little to the

¹⁷⁹ Lichtman, Allan J, and Valerie French. Historians and the Living Past: The Theory and Practice of Historical Study. Arlington Heights: AHM Publishing Corporation, 1978.

¹⁸⁰ Ibid, p 18.

researcher looking to generate an original contribution to the discipline. Although new researchers may feel that *Hansard* is a potentially rich source of information, the debates, by and large, record political talk and do not reveal the mechanics of administrative action. “The lengthy mock battles in the Chambers are often dominated by individuals far removed from the policy-making process.” For this reason, the *Debates* are well characterized by Mowat as “low-grade ore for the historian . . . better to read the main arguments, and the votes, in a newspaper.”¹⁸¹ The tertiary ones such as books, academic journal articles, published diaries, memoirs, biographies and autobiographies, unpublished MA, and PhD theses, make much contribution, however, the similar shortcoming are true of them. For instance, the analysis of newspapers themselves is problematic. As Wilkinson outlines, newspapers offer a unique approach to the study of the past “inasmuch as they are time-specific and do not have an eye on posterity.”¹⁸² More importantly, the reliability and accuracy of newspaper material cannot be presumed and a full analysis of this source requires study of the role of editors and journalists, patterns of ownership and processes of production. The review of the most commonly used secondary and tertiary sources in political science has tended to confirm that they are most effectively employed when they combine with elite interviewing and/or with the analysis of primary documents employing content and discourse analysis.

¹⁸¹ Mowat, Charls. Great Britain since 1914. London: Hodder and Stoughton Press. 1971. P 54.

¹⁸² Wilkinson, George. “Newspapers” Understanding documents and sources. Ed in Peter Catterall and Hovard Jones. Oxford: Heinemann Press, 1994. P38.

Table 4: ICA classification for the archiving of parliamentary documents

A.-ORGANISATIONS WITHIN THE CHAMBER	- Vote of lack of confidence
	- Green paper/Parliamentary motion
- Parliamentary	- Interpellation
- Parliamentary Groups	- Motion subsequent to an interpellation
- Chairman	- Control of resolutions
- Chamber Committee	- Hearings
- Spokespersons' Committee	- Parliamentary questions
- Plenary Session	- oral questions in plenary sessions
- Standing Delegation	- oral questions in commissions
- Legislative Standing Committees	- written questions
-Non-Legislative Standing Committees	- Requests for information from the Government
- Non-Standing Committees	- Government communications
- Research	- Programmes
- Study	- Plans
- Joint	- In compliance with regulations
- Sub-committees	- Agreements
- Boards	- Parliamentary questions
B.-LEGISLATIVE POWERS	E.-RELATIONS WITH BODIES ASSOCIATED WITH THE PARLIAMENT
- Constitution: approval and reform	
- Draft basic laws	
- Bills of law	- Constitutional Tribunal
- White papers	- Court of Auditors
- Congress	- Autonomous Communities
- Senate	- Town Councils
- Public initiative	F. – ELECTIVE POWERS
- International agreements	- Constitutional Tribunal
-Legislative Delegation in the government	- Court of Auditors
	- General Council of the Judiciary
C.-INTERNAL REGULATORY POWERS	- Ombudsman
	- Boards of Public Entities
- Regulations	- Other Boards
- Personnel Statute	G.PETITION RIGHTS
D.- POWERS FOR CONTROL AND INFORMATION AND POLITICAL MANAGEMENT OR PROMOTION	- Petitions
- Investiture of the Prime Minister	
- Vote of confidence	

Source: Taken from SPP's web site, International Council on Archives, Section of Archives and Archivists of Parliaments and Political Parties. On-line at: <http://www.ica.org/en/node/51>. Accessed: 18 May 2006

The Majles' archives do not cover all required documents; however, at least two classes of documentation of parliamentary documentation and administrative documentation were available. These documents are in the form of revised statutes, Hansard, votes and proceedings, Bills (first draft and final draft), and rules/standing orders most of them available on-line. The overall records of Majles' debates and proceedings or 'Majles Minutes of Proceeding'¹⁸³ along with legal texts are published regularly in the Official Journal or legal gazette by the Ministry of Justice. The Minutes of Proceeding of all Majles since its inception in 1908 are currently available on-line at Majles library website. A selection of such records are also published in Majles news web site, *Khaneye Mellat*,¹⁸⁴ however, they are the report of legislative business, and do not go into as much detail as the Minutes of Proceeding do. Furthermore, an annual brochure collecting yearly key facts and figures is released by Majles Public Affairs Office. Majles Research Centre (Iranian Parliamentary Information and Research Service) also publishes documents which provide background information and analysis of current political topics in response to requests from parliamentarians.

A series of documents identical to or containing the same information as those kept by Majles are held in some other national institutions. This is the case, for example, of some of the types of documents kept by the government, which holds documents that can also be found duplicated in the various ministries depending on the type of political initiative or specific issue. A prime example is bills, which are stored in both the government and the parliamentary archives. The same is also true of other types of documents, such as pleas, questions and documents used in information sessions and general debates. In addition to the government, there are other institutions, such as the Audit Office (*Divane Mohasebat*) and

¹⁸³ In Iran Hansard are formally called 'Majles Minutes of Proceeding' or *Mashruhe Mozakerate Majles* in Farsi.

¹⁸⁴ www.majlis.ir

Majels Legal Office (Edareye Hoghooghie Majles) which, as part of their functions, also keep documentation identical to that held in parliamentary archives.

Elite interview

The interviewing and especially elite interviewing, is a potent source of complementary data for the documentary approach and can contribute to process tracing approaches to case study research in important ways. One of the strongest advantages of elite interviews is that they provide researchers with real participants in the processes under investigation, allowing for researchers to obtain accounts from direct witnesses to the events in question. While documents and other sources may provide detailed accounts, there is often no substitute for talking directly with those involved and gaining insights from key participants. As Fenno has observed: "We need political scientists to go take a first-hand look at our politicians and report back to us ... For only we can persist in attaching observation to theory".¹⁸⁵ The nature of interviewing also allows interviewers to probe their subjects, and thus move beyond written accounts that may often represent an official version of events, and gather information about the underlying context and build up to the actions that took place.¹⁸⁶ Tansy identified four uses for this particular form of data collection: (1) it corroborates what has been established from other sources such as documents and archives, (2) it establishes what a set of people values attitudes and beliefs are, (3) it makes inferences possible about a larger population's characteristics/decisions who are not interviewed, and finally, (4) it helps reconstruct an event or set of events by probing the decisions and actions that lay behind an event or series of events.¹⁸⁷

¹⁸⁵ Fenno, Richard F., Jr. Home Style: House Members in their Districts. Boston: Little, Brown. 1978. p14.

¹⁸⁶ Davies, Philip J. "Spies as Informants: Triangulation and the Interpretation of Elite Interview Data in the Study of the Intelligence and Security Services" Politics. 21:1(2001)

¹⁸⁷Tansy, Oisin. "Process Tracing and Elite Interviewing: A Case for Non-probability Sampling" PS: Political Science and Politics. 40:4(2007).

In the field of legislative studies elite interviewing has frequently been employed as an additional tool for collecting data. The MPs, official clerks and staff-members often prove to be accessible samples for research purposes particularly compared to those in other political groups, such as civil servants, citizens, and lower-level politicians whose details are rarely registered and publicized. Many of the early important empirical works on how the US Congress really operates come from pioneers in elite interviewing. Most legislative scholars have successfully carried out interviews of legislators asking a series of questions about their attitudes on particular issues or institutional practices through standardized questionnaires. However, some confident and skilled interviewers combined different interview approaches - structured or semi structured questions- in the same questionnaire in their work. ¹⁸⁸

With respect to the interview technique adopted in the research, the main emphasis is placed on the semi-structured interview technique because it is proven to be appropriate for process tracing related interviews. Set questions can ensure the interview is focused on the theoretical concerns of the research project, and the ability to ask follow-on questions will be necessary to ensure as much relevant information as possible is gained from the respondent. Given that, a standardized questionnaire and a mass sample were not employed; the conventional sampling techniques would appear to have little to do with this research. The researcher's experience as a parliamentary staff member allowed the researcher to make a preliminary list of key individuals, mainly sitting and former MPs, who were relevant to the study. Then the respondents were invited to recommend other persons who might be relevant to the study. This technique which is termed 'snowball' or 'referral' helped to expand the list of a network of individuals in the arena of the research. ¹⁸⁹ One of the potential drawbacks of

¹⁸⁸ Van schendelen, M.P.C.M. "Learning from Recent Interviewing of Dutch MPs." European Journal of Political Research 11 (1983)

¹⁸⁹ Biernacki, Patrick and Dan Waldord "Snowball Sampling: Problems and Techniques of Chain Referral Sampling" Sociological Methods and Research . 10:2(November 1981).

such sampling is that respondents often suggest others who share similar characteristics, or the same outlook, those with diverse background, party affiliation, and ideological inclination were picked up among them. The majority of the interviewees were sitting or former MPs who served more than three terms in Majles. Complementary interviews were also conducted with parliamentary official clerks and staff-members, government officials, scholars and journalist in Tehran and other sites. For the first version of this study which predominantly drew on the role of Majles in democratization, 31 interviews were conducted. At the time, getting access to interviewees and arranging the interview was not very difficult for the researcher because of his previous career as a parliamentary researcher attending most committee session and private meetings, knowing well key respondents. This shared experience and background, between researcher and the target sample not only made it possible to get the interviews, it also was helpful in building rapport with them, encouraging them to be more open. However, the danger of ‘overrapport’ and being captured by former colleagues and like minded fellows was not taken for granted. Taking Moser’s advice, a ‘pleasantness and a business-like nature’ over the interview was adopted.¹⁹⁰ The researcher used to take notes in order to get frank answers. The experience of interviewing Iranian elites suggests that they are rarely comfortable with a tape recorder.

Keeping a semi-structured format, the interviews did not follow a rigid framework. A list of pre-ordained questions, which relied on the research’s main concerns and conceptual framework, were prepared; however, the questions asked varied depending on the particular respondents. Whilst the control of interaction by a respondent was not allowed, the “rambling” or going off at tangents was often encouraged to “give insight into what the interviewee sees

¹⁹⁰ Moser, Claus A. Survey Methods in Social Investigation. London: William Heinemann.1958.

as relevant and important.”¹⁹¹ For the second draft of this research, after taking into account the recommendations of examiners, a complementary interview was conducted with six informants, two telephone and four face to face interviews. In addition because of substantial changes in the second draft of research a large portion of previous interview findings became irrelevant. The recent turmoil in the country under study and sensitivity of the issue was another barrier the researcher faced to carry out further investigation. Most respondents wanted the researcher not to reveal their identities. The names of some fifteen respondents are listed in the appendix 2. The final questions after the second revision were formulated as follows:

1-In your opinion, to what extent do MPs possess the required skills and experiences to fulfil their legislative duties?

2-To what extent do you feel parliamentary immunity protect you to accomplish your representative tasks?

3-Do you think the required fund and facilities are available to you to fulfil their representative roles?

4-In your opinion, is Majles independent and powerful in fulfilling its duties? If not, why?

5-How important are Iran’s constitutional structures external environments to the success of Majles activities?

6-Thinking about the strong informal institutions and powerful interest groups that exist in the Iranian context, do you think they exert influence over Majles?

7-Do you think Majles adequately reflects the diversity of the population? What are the main electoral barriers to achieving this goal?

8-Which parts of representative duties take more energy and time of MPs? (law-making, monitoring or constituency services)

9-Generally speaking, how transparent is Majles’ internal organization? Please explain in detail how internal rules and procedure contribute to the transparency of Majles.

10-How successful has been Majles in making laws in general and making the laws concerning elections, press and political parties in particular? Do you think these efforts helped the stability of regime?

¹⁹¹ Bryman, Alan .Social Research Methods. Oxford University Press, Oxford. 2001.

Table 5: The link between interview questions and research main concepts and questions

	Conceptual criteria		Main research questions	Interview questions
Institutional capacity	Autonomy-Subordination	Membership	Q1: Which institutional factors do constrain the MPs autonomy in authoritarian regimes?	1-In your opinion, to what extent do MPs possess the skills and experiences to fulfil their legislative duties? 2-To what extent do you feel parliamentary immunity protect you to accomplish your representative tasks? 3-Do you think the required fund and facilities are available to you?
		Institutional	Q2: If and to what extent are parliaments subordinated to or independent from autocrats?	4-In your opinion, is Majles independent and powerful in fulfilling its duties? If not, why? 5-How important are Iran's constitutional structures external environments to the success of Majles activities? 6-Thinking about the strong informal institutions and powerful interest groups that exist in the Iranian context, do you think they exert influence over Majles?
	Representativeness-Exclusiveness	Reflection of population diversity	Q3: If and to what extent do authoritarian parliaments reflect the population's diversity?	7-Do you think Majles adequately reflects the diversity of the populations? What are the main electoral barriers to achieving this goal?
		Services responsiveness	Q4: How important is the local interest to the MPs compared to the other key representative functions?	8-Which parts of representative duties do take more energy and time of MPs? (law-making, monitoring or constituency services)
	Deliberativeness- Secrecy		Q5: To what extent is the organization of parliament is transparent and accountable?	9-Generally speaking, how transparent is Majles' internal organization? Please explain in detail how internal rules and procedure contribute to the transparency of Majles.
performance	Cooptation		Q6: How do parliaments contribute to the survival of regimes by co-opting the oppositions?	Because of the sensitivity of the issue no question was asked in this regards.
	Legislation		Q7: How do parliaments help the longevity of authoritarian regimes by manipulating the laws in favour of the autocrats?	10-How successful has been Majles in making laws in general and making the laws concerning elections, press and political parties in particular? Do you think these efforts helped the stability of regime?

Source: author

Research Ethics

Research on a fairly institutionalized parliament operating within a non-democratic context is not an easy task. The most prevalent problem faced was the absence of ample primary materials. It is no wonder that in a parliament not adequately institutionalized and with a high level of turnover, archive and documentation is often taken for granted. Another pertinent problem was the prevailing tendency to classify most documents with no legitimate reason. What made the condition most complicated was the intention of the ruling government to veil the realities behind curtains of secrecy and instead to present a public face that does not accurately reflect the concealed actions. The only available information was that which the authorities allowed to circulate. This information was mainly in the form of self-presentation speeches and published interviews in the tolerated press. They were however, unreliable in many ways. For one thing, due to a widespread climate of self-censorship amongst the authorities, they have the incentive to misrepresent themselves and to speak what they think the rulers want to hear.

Despite these obstacles the researcher had a number of advantages in the first phase of the study, however. A five year work experience as a parliamentary researcher allowed the researcher to have access to far more extensive information than external observers normally have. Using restricted access materials which were accessible only to parliamentary staff, enables the researcher to overcome the challenges every researcher confronts when conducting elite interviews. Over the time working in the Iranian parliament, the researcher picked up valuable information by attending committees, sub-committees and public sessions as well as various formal and informal meetings. This helped the researcher to some extent fill the contradiction between “what MPs do” and “what MPs say they do”. What is more, although the Iranian political system is not a democratic one, it is characterised by multi-centred power. This diversity in power centres has been at times accountable for the leak of

some closed accessed information into the public domain, which in turn will provide a satisfactory ground for the research community.

Chapter 4: Authoritarianism and democracy in Iran

Introduction

The underlying purpose of this chapter is twofold: to take a close look at the nature of the Iranian regime and discuss the structural, cultural and informal institution determining the current Iranian regime. It is crucial to make sense of the Iranian regime because the capacity and functions of parliaments under democratic and non-democratic regimes fundamentally differs. As a result, before proceeding to the role of parliaments it is imperative to address this fundamental question, the degree to which Iranian regime is democratic or authoritarian. In particular, this chapter focuses on the underlying cultural and structural factors as well as informal institutions accounting for the resilience of authoritarianism in Iran. By reviewing these determinants, this chapter also seeks to address the first main question of research in which the environmental contexts and informal institutions were identified as determining factors influencing the subordination or autonomy of parliaments. Other key determinants including the institutional factors will be unfolded in the next chapters.

Brief review of Iranian geopolitics and history

Iran is unique in many ways, including geography, history, and culture. It has a shoreline extending along the eastern side of the oil-rich Persian Gulf and about 480 km (300 miles) of the Arabian Sea. It is a neighbour of the six Arab monarchies. It has land borders with Pakistan, Afghanistan, Turkmenistan, Azerbaijan, Armenia, Turkey and Iraq; and it shares its Caspian Sea littoral with Kazakhstan and Russia. It is the only country in the region with shorelines along the Caspian Sea and the Indian Ocean. As such, Iran, for times the size of the UK, is probably the most strategic country on this planet.

Iran is at once one of the oldest countries in the world and the youngest. Its roots date back through a 2,500-year line of kings to Cyrus the Great, who unified the country in the 6th century BC, and many Iranians today proudly acknowledge their descent from the first Persians. Zoroastrianism, a religion originating in Iran, impacted on Christianity and Islam. In the sixteenth and subsequent centuries the Persian Empire competed with both the Ottoman and the Tsarist Empires. It was his rivalry with Sunni Ottoman Turks that drove the Safavid ruler of Iran in 1501 to adopt *Shia* Islam as the state religion, thus carving out a distinctive place for his country in the Muslim world. Later, finding itself on the periphery of the expanding Tsarist Russia and the recently established British Empire in the Indian subcontinent in the nineteenth century, Iran became a buffer between two competing empires.

Iran's recent history also makes it uniquely distinctive, characterized by a quest for democracy and state building. Iran was the first country in the Middle East to experience a constitutional revolution (1905—11), which led to the first parliament in the region, meeting in 1907. That constitution was notably a liberal and democratic document, one that provided lasting standards for debates on state and democracy in Iran. A constitutional monarchy with a multiparty system ruled between 1941 and 1953, when a coup masterminded by the U.S.

Central Intelligence Agency (CIA) reimposed royal dictatorship and ultimately ended in a genuine revolution, in which millions of ordinary citizens participated, but which was inspired primarily by religion, an unprecedented phenomenon which is regarded as the last great revolution of the Modern Era¹⁹². The eight years war with Iraq which has come to be the second longest inter-state war of the twentieth century¹⁹³ also happened shortly after the Revolution.

The Islamic Revolution in 1979 is a turning point for Iranian history. The direction and shifts of events, and the concurrence with the ebb and flow of democratization process since the revolution, allowed scholars to divide the post revolutionary Iran into distinct phases. The most famous classification of these periods which is to some extent in accordance with Crane Briton's model of the phases of revolution¹⁹⁴ is the so called "three republics": The first one was inaugurated with the Islamic revolution and characterized by revolutionary and charismatic leadership by the founder of the Islamic Republic, Ayatollah Khomeini (1979–1989).¹⁹⁵ The "Second Republic" lasted roughly from after Khomeini's death in 1989 and the termination of war with Iraq up until Khatami's election in 1997. After Ayatollah Khomeini's death no one could take the place of his unique personality as he was a spiritual as well as political leader of millions of people. During these years Iran was under the duumvirate of Supreme Leader Khamenei and President Rafsanjani with no serious challenge. This period was a transitory phase in post revolutionary Iran. It moved state and society away from revolutionary activism, but it did not produce a stable framework for managing state-society relations. The "Third Republic" refers to Khatami's two term presidency (1997-2005). This

¹⁹² Wright, Robin. The Last Great Revolution: Turmoil and Transformation in Iran. Vintage. 2001.

¹⁹³ Hiro, Dilip. The longest war : the Iran-Iraq military conflict. New York: Routledge, 1991.

¹⁹⁴ Briton, Crane. The Anatomy of Revolution. New York: Norton, 1965.

¹⁹⁵ Alamdari, Kazem. "The Power Structure of the Islamic Republic of Iran: Transition from Populism to Clientelism, and Militarization of the Government." Third World Quarterly 26.8 (2005).

period was marked by an intense struggle between two divergent trends. One centred in the president who promised democratization and the other led by the Leader who sought to consolidate authoritarianism. The latter ended in the triumph of authoritarianism with the election of President Mahmud Ahmadinejad as the sixth Iranian president.

Structures

Economics

Iran is a country richly endowed with oil and natural gas. Iran has the world's second biggest proven crude oil reserves after Saudi Arabia and the second biggest natural gas reserves after Russia. Ironically, despite abundant oil resources, the Islamic Republic is not a wealthy country. According to CIA World Factbook, in 2002 about 40% of all Iranians were living below the poverty line.¹⁹⁶ The estimated jobless rate among the 15-29 age group is around 52%.¹⁹⁷ In a recent poll, 74.6 percent of Iranians identified economic problems as the most important challenge facing their society.¹⁹⁸ Meanwhile, to restore the country's oil-dependent industry, the lifeblood of its economy, Iran needs approximately \$17 billion in foreign investments.¹⁹⁹ The natural resource bounties proved to be more a curse than a blessing. As argued in the literature on rentier states, easy access to allocated oil revenue “releases[s] the state from the accountability ordinarily exacted by domestic appropriation of surplus.... [T]he state may be virtually completely autonomous from its society, winning popular acquiescence through distribution rather than support through taxation and

¹⁹⁶The CIA World Fact Book. On-line at:

<https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>

¹⁹⁷ Estimate based on a report commissioned by the Management and Planning Organization (MPO) and Iran Youth Organization (IYO). The official statistics is not available.

¹⁹⁸ “The Economic Problems People’s Most Important Problem,” *Siyasate-Ruz*, July 23, 2003.

¹⁹⁹ IRNA. 28 July 2003.

representation.”²⁰⁰ In addition, rentierism, it is argued, increases the capacity of the state to both buy off, and to repress, opposition. Finally, oil revenues change the class structure of society. This can also hurt democracy by preventing changes in the class structure that usually lead to democracy.²⁰¹ Iran is a prime example of a rentier state with dependence on natural resource exports as the taxes are closer to 20 per cent of national revenues. Oil makes up 60—70 per cent of the state income, most of which is under the control of the ruling groups. During the Khatami presidency the surplus income of oil was deposited in the Oil Stabilisation Fund, an account opened by the state in 2000 to balance the fluctuation of oil prices. But in the time of seemingly everlastingly high oil prices, there was no reason for saving. The Fund was used for all kinds of purposes, such as expansion of the IRGC, new equipment for the police, grants to disabled war veterans. This share constitutes between 30 and 50 per cent of yearly withdrawals.²⁰² Coupled with problems emanating from the rentier state, a series of dramatic political events such as the seizure of the American Embassy in Tehran within nine months of the revolution, which led to economic sanctions by the West, followed by an invasion by Iraq in September 1980, the rampant corruption after Khomeini’s death and finally more severe sanctions because of pursuing nuclear activities have accounted for widespread poverty. Such dreadful circumstances have facilitated the rise of authoritarian populism addressing the economic demands at the expense of democracy.

Demography

After the Islamic Revolution in 1979 and the war with Iraq, the Iranian regime campaigned intensively to increase the country’s population. Against the background of a

²⁰⁰ Anderson, Lisa. "The State in the Middle East and North Africa." *Comparative Politics* 20. October 1987.

²⁰¹ Herb, Michael. "No Representation without Taxation? Rents, Development, and Democracy." *Comparative Politics* 37.3 (April 2005).

²⁰² Report on Budget Bill, Majles Research Centre. 2006.

rapidly increasing and extremely young population—more than 50% of the people entitled to vote are under 30 years old— the government has been faced with major problems. Iran’s population has almost doubled from 1979 (36 million inhabitants) to 2003 (approx. 72 million).²⁰³ The demographic factor is one of the chief driving forces in the reform process in Iran, because the people who vote for and support reformist candidates are to be found mainly among the youth and the female population of Iran. The generation of Iranians born in the 1970s and 1980s, who do not harbour any deep resentment of the previous regime, which was barely, or not at all, experienced by them, and who did not participate actively in the revolution, is disappointed by the Islamic regime. The principal reason for this is that the revolution has not fulfilled the promises of social justice and material prosperity that were made in 1979. The young people are pressing for political and economic liberalization. They are calling for reforms that will create jobs, slow down inflation, and improve the standard of living.²⁰⁴ In addition, they want an easing of the strict social and cultural bans that determine the lives of most Iranians, especially in areas such as the Islamic dress code for women, the relationships between the two sexes, and the possibilities of accessing western culture and western media. Furthermore, a majority of Iranians wants to see an end to Iran’s isolation in terms of foreign policy, which is mainly rooted in the hostility of the regime towards the USA. It has so far not proved possible to overcome this hostility, which is based partly on the negative historical experiences of Iran with the imperialist policies of the USA during the former regime, and partly on the ideological dogmas of the 1979 revolution.²⁰⁵

²⁰³ The Statistical Centre of Iran. On-line at: <http://www.sci.org.ir/portal/faces/public/sci>. Accessed 14 April 2007

²⁰⁴ Abdo, Geneive, and Jonathan Lyons. Answering Only to God: Faith and Freedom in Twenty-First Century Iran. New York: Henry Holt and Company, 2003.

²⁰⁵ Sciolino, Elaine. Persian Mirrors: The Elusive Faces of Iran. New York Free Press 2000.

Political Culture

A growing body of literature generally acknowledged to be making important contributions to the understanding of political change in Iran focuses on Iranian political culture. Since the mid-1980s, scholars writing on post-Revolutionary Iran have produced a number of books mainly on the peculiarities of Iranian political culture and its impact on the political process²⁰⁶. This new interest represents a departure from earlier works on the Islamic Revolution, which mostly embraced Islamic theology or political-economy approaches. Central to the concern of such scholars is to identify the characteristics of Iranian political culture. For instance, Fuller argues that the characteristics of the political culture are understood in such aspects as the extravagance of the *Shia* Muslim spirit reflected in hyperbole, the sense of pride in one of the most ancient cultures of the world, the deep feeling of their superiority towards their neighbours and the distinctiveness of the Persian race and culture. These insights into the Iranian psyche are important in understanding their political culture. He also explains the different skills needed in a culture where conspiracy prevails, where personal relationships are vital in power relationships, and where learning how to live with absolute power is required for daily existence.²⁰⁷

Similarly Rezagholi argues that Iran's culture is patriarchal, deeply traditional, and tribal, and that it would follow that only a charismatic strongman can rule Iran. He brings a handful of historical examples to support the proposition. He believes that more than 2,500 years of absolute and often authoritarian rule in Iran have resulted in a traditional, anti-authoritarian, and sometimes cynical political culture. With kings, princes, ministers, and clerics either ignorant to or unable to meet the concerns of the average citizen, the man on the street would

²⁰⁶ Amir Arjomand, Saeed. Authority and Political Culture in Shiism. New York: State University Press, 1988. and Farsoun, Samih, and Mehrdad Mashayekhi. Political Culture in the Islamic Republic. London: Routledge, 1992.

²⁰⁷ Fuller, Graham E. The Center of the Universe: The Geopolitics of Iran. . Boulder: Westview Press, 1991.

naturally turn to tribe or family for support. With governments to be feared, the Iranian would inevitably view politics as a dangerous game played by elites. He also put emphasis on an important aspect of Iranian political culture: hero worship. He notes the Iranian is quick to mobilize, to provoke the charismatic leader with a bag of promises. The people invest all their hopes and dreams in this leader, this saviour, this hero figure, who has come to save the day. When he fails to meet those unrealistic expectations, the old Iranian cynicism surfaces.²⁰⁸

Other scholars considered devolution in Iranian political culture to be influenced by ever changing political contexts. For instance, Alamdari noted that the Iranian political culture after the revolution is best understood in three stages. As he put it in the Ayatollah Khomeini era (1979–1989) the dominant Iranian political culture was populism. He was a spiritual as well as political leader of millions of people ruling on slogans based on religious and egalitarian values. The eight years war with Iraq also facilitated a populist political culture. After Ayatollah Khomeini's death no one could take the place of his unique personality. Thus, the political culture shifted from populism to a sort of clientelism²⁰⁹. The Iranian clientelism, however, differs from other clientelism in that the link between patron and client is both traditional and religious.²¹⁰ The reformist government of Mohammad Khatami (elected in 1997) failed to end clientelism. Instead Iranian society seems to be moving towards pragmatism and utilitarianism, while the political power structure leans towards militarism.²¹¹

²⁰⁸ Rezagholi, Ali. *Jame-E Shenasi-E Nokhbe Koshi Dar Iran*. Tehran: Nay, 1999.

²⁰⁹ Definitions of clientelism vary, but all have three common characteristics that link patron and client: 1) inequality of power, status and wealth; 2) reciprocity in the exchange of goods and services; and 3) the proximity of personal and face-to-face relationships, which create a sense of trust between two parties. JD Powell, 'Peasant society and clientelist politics', *American Political Science Review*, 64 (2), 1970, pp 411 – 425; R Lemarchand,; and Steffen W Schmidt et al (eds), *Friends, Followers, and Factions: A Reader in Political Clientelism*, Los Angeles: University of California Press, 1977.

²¹⁰ Alamdari, Kazem. "The Power Structure of the Islamic Republic of Iran: Transition from Populism to Clientelism, and Militarization of the Government." *Third World Quarterly* 26.8 (2005).

²¹¹ Alamdari, Kazem. *ibid*.

Motivated by such assumptions most Iranian reformists came to the conviction that long standing political cultures conditioned by historical events appear to be the major obstacle against reformists' attempts. For example, Mohammad Khatami the former president in a lengthy letter addressed to the Iranian nation noted that:²¹²

No peoples are capable of choosing their future without taking into account their past history...Our past history is filled with numerous and continuous instances of oppressions. It is the history of chronic pangs of sufferings and throes of suppressions in our society...The feelings of abhorrence and yearnings take charge while freedom of thoughts and expressions vanish into the limbo in such a repressive atmosphere. For centuries, we have been victims of such oppressive rules.

Following the same path, Rezagoli argues that reformist and innovative thought are quickly killed or overthrown by a patriarchal, tribal, traditional culture that fails to appreciate their efforts. "Generally speaking, Iranian society produces corrupt rulers," he noted. He goes on to state that in those rare instances when "great" (in Rezagoli's view) leaders emerge, "the culture quickly corrects itself and kills these great ones within a year or two."²¹³ The widespread idea led to the stance of blaming reform failure on the people lacking required democratic political culture. As such, most academics and politician alike went further to state that Iranian political culture is in sharp contrast to democratic practices.

However, empirical evidence from recent polls runs counter to that widely held notion. According to the findings of such surveys, majorities in Iran strongly value democracy. For instance, a World Public Opinion (WPO) face-to-face poll of the Iranian public confirms strong support for democracy. Respondents were asked, "How important is it for you to live in a country that is governed by representatives elected by the people?" and told to answer on a 0-10 scale, where 10 signified the greatest importance and 0 the least. A large majority (68%) of Iranians chose the highest possible score of 10; on average the Iranian response was

²¹² On-line at Iran President official site at: <http://www.president.ir/fa/>. Accessed on 24 March 2003.

²¹³ Rezagholi, Ali. 1999. Op. cit p.38

a 9.1.²¹⁴ Other polls are consistent with WPO's findings that a majority of Iranians both support democracy and feel that their government is at least somewhat democratic. A survey by the Iranian Student Polling Agency found that 65 percent of respondents said it was "absolutely important" to live in a democratically governed country and 90 percent believed that democracy was better than any other form of government. Smaller numbers—but still a majority—said that they believed Iran was "fairly democratic" (59%).²¹⁵ The World Values Survey in 2000 got similar results. Asked how they felt about "the way democracy is developing" in their country, 50 percent of Iranians said they were very or rather satisfied. Only 25 percent were not very satisfied or not at all satisfied. Though hardly an overwhelming endorsement, this does show that more Iranians approved than disapproved of their system of government by a 2:1 margin.²¹⁶

²¹⁴ Public Opinion in Iran and America on Key International Issues, <http://worldpublicopinion.org>, Accessed 25 May 2007.

²¹⁵ Baresi-E Negaresh-E Iranian Dar Mored-E Mardom Salari. ISPA, 13 July 2005.

²¹⁶ World Value Survey. On-line at: <http://www.worldvaluessurvey.org/>. Accessed 28 April 2007.

Informal institutions

The fate of regime change in Iran is overshadowed by the fact that Iran is ruled through an increasingly interwoven power structure that operate through the informal channel of authorities.²¹⁷ Of these diverse informal institutions, five are of more importance than others. They include thousand families, political factions, the “Representatives of the Leader” (*Namayandegan-e Rahbar*) to the different organs of the state, charity foundations (*Bonyads*) and Iran’s Revolutionary Guards Corps (IRGC) which in recent years gained massive powers. In the following, each will be reviewed.

Thousand families

Iranians always speak sarcastically of the "thousand families" to describe the ruling class - an expression once used for the pre-1979 aristocracy.²¹⁸ The Islamic Revolution reversed the country's class structure as well as its political system. Millions of Iranians fled after the revolution, some were executed and many dismissed from the key public positions by the new government. Yet, with the passage of time a new elite family has emerged, more powerful and notorious than the previous one.²¹⁹ They are coming from different backgrounds, but at top are the clerics, whose most fundamental credentials are their revolutionary pedigrees, most of them trained in the seminaries in Najaf and Qom where Khomeini and his stalwart students taught during the 1960s and 1970s. The most important seminary that produced them was the Fayziyeh Seminary in Qom. Over time, the Haqqani Seminary in Qom has grown in importance, largely because many of its alumni have

²¹⁷ Gheisary, Ali, and Vali Nasr. "The Conservative Consolidation in Iran." *Survival* 47.2 (2005).

²¹⁸ Slavin, Barbara *Bitter Friends, Bosom Enemies: Iran, the U.S., and the Twisted Path to Confrontation*, New York: St. Martin's Press, 2007. P 23

²¹⁹ Keshavarzian, Arang., and Chehabi, H. "Politics in Iran", in Almond, G. *et al* (eds.) *Comparative Politics Today*, 9th edition, New York: Pearson-Longman. 2008.

dominated the powerful institutions of the Judiciary, the Council of Guardians, and the security services. Others include traditional merchants, directors of religious foundations that took over royal property, and technocrats, some of them Western educated.²²⁰ Add to them thousands of government bureaucrats, the Islamic Revolutionary Guards Corps, and the militia movement, the Basij, whose power reached its peak in the last few years. Among the new "thousand families" are many with clerical connections, including the Larijanis, the sons of a famous ayatollah, Hashem Amoli. At the time of writing this research Ali Larijani with a military background is Majels speaker; his youngest brother a cleric is appointed to the head of the judiciary, and the other brother a prominent physicist holds the post of human rights deputy of the judiciary. Other notable examples are the former president Khatami's brother, Mohammad Reza Khatami who was a member of the Sixth Parliament and the secretary general of the reformist Islamic Iran Participation Front (IIPF)—and who is married to Zahra Eshraqi, a granddaughter of Khomeini. Similarly, the daughter of the former president of the Parliament, Gholam-Ali Haddad-Adel, is married to the son of Ali Khamenei, the current Leader. Rahim Mashae Ahmadnejad's vice president who was sacked by Khamenei and again appointed to the higher position in presidential office is the father in law of Ahmadinejad's son. Perhaps the most famous and infamous of the new elite families are the Rafsanjanis, although their power has been in decline in recent years. Rafsanjani himself served as Majles president for two sessions, two terms of Presidency and at the time of writing this the head of Expediency Council and the Expert Assembly simultaneously. His younger daughter, Faezeh, was a member of parliament, a newspaper publisher, and head of a sports association for women. His son Mohsen heads the office constructing the Tehran underground; another, Yasser, is on the Expediency Council. The third, Mehdi, served in the

²²⁰ Bakhsh, Shaul, The Reign of the Ayatollah, New York: Basic books, 1984, pp.55-70

oil industry and runs an organization promoting fuel efficiency. More recently, many of the new elite have come from the ranks of the Islamic Revolutionary Guard Corps and the Basij. The current president, Ahmadinejad, the mayor of Tehran, Mohammad- Baler Qalibaf, and many of the ministers all were military figures from these corps or worked for the research institutes connected to the IRGC. This growing militarization of politics is a new phenomenon in modern Iranian history.²²¹

Factionalism

Ironically, the literature on Iranian politics extensively cites political parties while they are banned, or do not exist. In the absence of political parties the main political formations have continued to be organizations acting in a “pseudo-party” or what is known as faction. These institutions are not homogenous and at best include loose coalitions of groups and individuals with similar views. They also lack a consistent organizational structure and official platform. However, they play an important role in arranging the list of Majles candidates shortly after parliamentary elections.²²² The factions were also able to mobilize thousands of volunteers through their vast networks of mosques and foundations. A striking feature of political factions in Iran is that they are undergoing persistent changes over time. This unstable characteristic of Iranian factions was described by Clawson and Rubin as:

“Each time it appeared that one faction had emerged on top, that group promptly fractured into hostile camps. The political scene was like a kaleidoscope: as soon as one pattern formed, it was quickly shaken apart, only to reform in a quite different pattern. It is easy to get lost in the factional details, but the main recurring theme is the increasing power of the revolutionaries and the constant undercutting of those who would reestablish more modern, normal government and institutions.”²²³

²²¹ Ehteshami and Zaweiri, 2007, Op. cit.

²²² Barzin, Saeed. "Iran: Reining in the Right." Middle East International 18.4 (30 July 1999).

²²³ Clawson, Patrick, and Michael Rubin. Eternal Iran: Continuity and Chaos. New York: Palgrave, 2005. P93

The Islamic Republic Party (IRP), the first clerical party established in 1979 was forced to dissolve by Khomeini because of the bitter factional disputes between them. During the 1980s and 1990s, the faction has been mainly cleric oriented. The conservative Association of Combatant Clergy (ACC) was formed prior to the revolution. The more open-minded members of this organization set up the Society of Combatant Clerics (SCC) in 1988. In 1996 the Servants of Construction (SOC) was created to support then-President Ayatollah Ali-Akbar Hashemi-Rafsanjani. This was a significant development because not only were the group's founders not clerics or ostentatiously Islamic in character, but it was technocratic-oriented and pragmatic ideologically. Supporters of President Mohammad Khatami established the Islamic Iran Solidarity Party (IISP) in 1998 which was assumed to be the first full-fledged political party since the 1979 revolution. Despite numerous variants, they can be categorized into two broad groupings: right/conservative/hard-line and left/reformist/moderate. As the protector of the whole system, the Leader plays a decisive role in factional equilibrium among the governing elites.²²⁴ However, Khamenei's public positions in recent years clearly show that his temperament and ideological orientation are more harmonious with a particular faction. He said, "The two factions, the progressive and the faithful, are as necessary as the two wings of a bird."²²⁵ These words were never put into action.

As such, factionalism has dominated politics in Iran since the Islamic Revolution in 1979. Seen in a positive light, this can be described as another sign of the dynamic of Iranian politics. However, Kazem Jalali, Majles deputy, believes the lack of robust political parties curtails the democratization process. He argued "in our country, it is mainly individuals who

²²⁴ Moselm, Mehdi. 2002. Op cit.

²²⁵ Sharq, 25 April 2005.

get elected. It is natural that these individuals do not have a long record of service, hence the difficulty to judge their work. Yet, naturally, we want to act democratically despite the vacuum of political parties of such description.” He added: “we are trying to nominate personalities whom we deem suitable. We may even be able to form a coalition with some groups. The country's political makeup is in the process of recovery. The wise personalities of political factions are weary of extremism.”²²⁶ Measured by the number of Majles deputies, their fortunes have varied over recent years. The factional alignment of forces within the Majles has also mirrored the way wider factional disputes in other centres of power in the country have taken place.²²⁷

Bonyads

The numerous Bonyads that exist in Iran can be divided into three categories: public, private, and charitable—Islamic. Foundations, especially private and charitable—Islamic ones, have enjoyed a long tradition in Iran and are not a new phenomenon. It was only after the revolution in 1979, however, that they began to gain the enormous social and economic significance attributed to them today. In essence nongovernmental bodies, all foundations claim to be nonprofit organizations—a claim that in most cases is highly questionable. Most foundations either own charity and endowment incomes or officially receive allocated budgets from the government, or both. However they are tax exempt. Often times, they operate in parallel to the formal institutions of the government, but very infrequently do they coordinate their activities with the executive.²²⁸ Their activities extend from trade and commerce to manufacturing and industrial production, and also include the promotion of

²²⁶ Jalali, Kazem. MP. Personal Interview. 13 May 2005.

²²⁷ Baktiar, Bahman. Parliamentary Politics in Revolutionary Iran: The Institutionalization of Factional Politics Gainesville: University Press of Florida, 1996.

²²⁸ Unnamed. Political Activist. Personal Interview. 17 June 2005.

religious—political propaganda, social services, and art. The “giants” among the public foundations enable patronage, mass mobilization, ideological indoctrination, and repression. The degree of autonomy enjoyed by the foundations in relation to the state varies and is often impossible to determine precisely. How much the foundations receive in financial contributions from the official coffers of the leader is also unknown. It is known that the foundations enjoy unlimited access to state funds, foreign currency at a low exchange rate, and the manufacturers of consumer goods, and that they do business in a completely uncontrolled manner, largely outside the country. Although the foundations are allocated 58 percent of the state budget, the executive branch does not have precise information regarding their economic activities or the number of businesses they operate. Almost without exception, the foundations are headed by influential clerics or other key figures among the power elite in Iran, referred to as *moluk-e tavayef* (little kings) in the Iranian vernacular.²²⁹ Despite mutual rivalries over social and economic spheres of influence and state contributions, these little kings are united by a common desire to promote the revolutionary Islamic system and its values by any and all means possible, including repression. The absence of state control appears to have resulted in the emergence of widespread corruption, nepotism, and abuse of power in many of the foundations. Nevertheless, the Iranian public hears of this only in a few exceptional cases—such as when, in the wake of funding battles between various beneficiaries of the system, damaging documents are leaked to the press, thereby spurring parliamentary investigations.²³⁰

Included among the largest and most important foundations, whose total number remains unknown, are the *Bonyad Mostazafin*, “The Foundation of the Oppressed” and The Imam Reza Foundation. The former was established to appropriate all assets of the Pahlavi court —

²²⁹ Butcha, Wilfried. *Who Rules Iran? The Structure of Power in the Islamic Republic*. Washington: A Joint Publication of The Washington Institute for Near East Policy and the Konard Adenauer Stiftung., 2000.

²³⁰ Unnamed. Political Activist. Personal Interview. 17 June 2005.

from cinemas to factories, even to real estate in New York — and to administer them in accordance with the commands of the leader. It is exempt from taxes and audits, endowed with preferential access to foreign exchange from the banks, stretching across most economic branches in vertically and horizontally integrated divisions — it reads like the fantasy of a Rockefeller monopolist. Two-thirds of all bricks, tyres, chemicals and foodstuffs in Iran are produced by the Bonyad. It maintains a strong presence in textiles, tourism, transport and heavy industry; it dominates shipping, hotel chains, domestic aviation, and road and rail construction, and keeps slightly odd assets such as a Disney-style theme park outside Tehran and the Shah's treasure trove of old jewels and carpets.²³¹

The Imam Reza Foundation, located in Mashhad, now operates its own bank and several transportation firms, including its own airline. In addition, it has acquired a monopoly in the exploitation of most gold and semiprecious-metal mines in the province, along with a monopoly on exploitation rights in the Sarakhs natural gas fields along the border with Turkmenistan. Next to the National Iranian Oil Company and the Foundation of the Oppressed, the Imam Reza Foundation is now believed to be the third largest economic organization in the country. Bolstered by its economic power, Va'ez-Tabasi is able to approach the central government in Tehran virtually as a self-assured leader of an independent province, and at times he is even able to ignore the directives of the governmental leadership.²³²

Almost all of them are ruled by conservatives and report directly to the Leader and are technically under his direct control and supervision. While the executive continues to underwrite the sizeable budget of these foundations and semi-official organizations, these states-within-the-state have managed to develop their own clientele and answer only to the

²³¹ Kamrava, Mehran, and Houchang Hassan-Yari. "Suspended Equilibrium in Iran's Political System." The Muslim World 94.4 (2004).

²³² Malm, Andreas, and Shora Esmailian. 2007. Op. cit p.

Leader. President Khatami and reformists in the sixth Majles have tried to eliminate institutional duplications, but their efforts have been in vain.

Leader's representatives

The formal office through which the Leader wields his power is the *Daftar-e maqam-e mo'azzam-e rahbari* (literally “High Leadership Office,” but generally referred to as the Office of the Supreme Leader). The Office of the Leader arranges the Leader's meetings, appearances, and visits, and keeps him up to date on political developments in Iran. It consists of four permanent members, all of whom are clerics, two of whom previously served in key positions in the Ministry of Intelligence and Security, while the other two are Arab Shi'is in exile from Iraq. The Office of the Supreme Leader also employs ten special advisers upon whom the Leader can call in fields such as culture, economics, military affairs, and the media. In total, approximately six hundred people work directly within the Leader's private office or in the branches that feed into it.²³³

Yet the most controversial practice in Leader power is his powerful representatives, whom the Leader personally appoints or approves. These “clerical commissars” are positioned in every important state ministry and institution, as well as in most revolutionary and religious organizations. Almost all the representatives are clerics. One resource estimates the total number of these commissars working inside and outside Iran at 2000. All together, these representatives form a diverse, countrywide control network dedicated to enforcing the authority of the Leader, ensuring the greatest possible vigilance against ideological deviation. They are more powerful than ministers and other government functionaries, and they have the

²³³ Butcha, Wilfried. 2000. Op. cit.

authority to intervene in any matter of state. Through this system, the supreme leader is able to wield his power in five different spheres:

- ministries in the executive branch;
- the armed forces and security services;
- provincial representatives (Friday imams);
- revolutionary and religious organizations; and
- Iranian cultural centers in foreign countries.

There are currently no data available on the magnitude of the Leader's financial resources, or their allocation within his "shadow empire." One resource estimates that much of Iran's oil-derived foreign exchange income flows into the supreme leader's office. The revolutionary foundations provide another source of income for the supreme leader, as they transfer to him considerable portions of the profits they earn through their economic and commercial transactions.²³⁴

At local level, the Leader representatives are those clerics who deliver the sermon after each Friday prayer ceremony and called Friday Prayer Imams. Again, while the executive branch furnishes the budget that each Friday Prayer Imam has at his disposal, it has no control over the contents of the all-important sermons that they deliver every week. Provincial Friday Prayer Imams serve two important functions. To begin with, they are the personal representatives of the Leader to each of the country's cities, towns, and villages. In their capacity as the Leader's representatives, these clerics are, in effect, more powerful than the provincial governors, who are appointed by the Tehran-based executive branch. Moreover, the provincial Friday Prayer Imams deliver the all-important sermon during the communal Friday prayer, which are usually held in the city's largest mosque or another central location.

²³⁴ Butcha, Wilfried. *ibid.*

The Friday prayer ceremonies are ideal propaganda forums exclusively in the hand of conservatives, especially over national elections. In 1997 and to some extent in 2001 presidential elections, conservative clerics frequently used the Friday Prayer sermons to endorse their own candidates, although with no success. Yet, through appealing directly with a core of ardent supporters and indirectly with the nation through radio and television broadcasts, the sermons remain powerful mechanisms for advancing conservative agendas and/or undermining opponents in the Majles or in the executive branch. Moreover, the Friday prayer sermons in many ways influence the tone and tenor of debate on important national issues.²³⁵

The Islamic Revolutionary Guard Corps

Iran's political regime was overwhelmingly civilian over the last century. However, the growing presence of military veterans in the regime has led some to suggest that Iran is experiencing a creeping coup.²³⁶ Two distinguished military forces are coexisting in Iran: the Islamic Revolutionary Guard Corps (IRGC) and the regular armed forces. However, this dualism has narrowed in recent years as a result of an increasing integration of the Guards and the regular parts of Iran's general purpose forces.²³⁷

Established by an order from Ayatollah Khomeini shortly after the Islamic Revolution in 1979, the initial mission of the IRGC was as an ideological guard for the Islamic regime. Ayatollah Khomeini was undoubtedly opposed to the politicization of the armed forces. He went so far as to rebuke IRGC against siding with any political factions: "I insist that the

²³⁵ Kamrava, Mehran, and Houchang Hassan-Yari. Op. cit p

²³⁶ Armin Muhsen, Personal Interview, Summer 2006

²³⁷ Ibid

armed forces obey the laws regarding the prevention of the military forces from entering into politics, and stay away from political parties, groups and [political] fronts. The armed forces [consisting of] the military, the police force, the guards, and the Basij should not enter into any [political] party or groups, and steer clear from political games.”²³⁸ Despite Khomeini’s remarks and ambitions one can argue that the constitutional role of the IRGC is political in its essence. The IRGC is defined as the “guardian of the Revolution and of its achievements” (Article 150)—a political as well as military mission. Section 5 of the charter provided by the Revolutionary Council also stipulated training of the IRGC in “politico-military” and “ideological” matters. The IRGC has grown considerably in recent years in terms of its importance and its influence in the public sphere of Iran.²³⁹ As noted by Iranian dissident Sazegara, also one of the IRGC’s founders, by allowing so many Guards members to run in Majles election, Ayatollah Khamenei “let the genie out of the bottle, because he wanted to oppose the reform movement, he invited them [the military] into politics. When people enter politics backed by guns, you have no tools to push them back. They have money as well, and organization.” Yet, it seems the relationship between clerics and military is more complex than what Sazgara noted. Clerics such as Khamenei, Ali Akbar Hashemi-Rafsanjani and Hassan Lahooti were among the first cadres put in charge of military personnel and commissioned by Ayatollah Khomeini to create the IRGC. As the commander in chief, Khamenei probably knows more about military and security issues than about traditional Figh and Shi’ite narratives. As Nafisi (2009) notes the government of Iran today is “militaristic

²³⁸ Khomeini, Ruhollah. *Sahifeye Noor*. Vol. 10. 22 vols. Ghom: Markaze Nashre Asare Emam, 1998.

²³⁹ Wehrey, et al. 2009. Op cit.

state, vested in a clerical robe, and aided and abetted by uncountable Basij militia, extends its tentacles to all corners of society.”²⁴⁰

Now with about 150,000 active members plus thousands of influential veterans, the IRGC functions as an expansive socio-political-economic conglomerate whose influence extends into virtually every corner of Iranian political life and society. As Slavin noted “the Guards combines the vanguard military mission of the U.S. Marines, the internal and external security and intelligence activities of the old Soviet KGB, the economic muscle of a Japanese trading consortium, and the black market expertise of the Cosa Nostra.”²⁴¹ The Guards protect Iran's top leaders and is in charge of its nuclear programme and missile development. Its members and veterans rival Shiite Muslim clerics as the most influential figures in Iran today. Ahmadinejad is a former Guards officer, as are about more than half the members of his cabinet, the majority of Iran's governors, and a half of the members of seventh Majles. IRGC has been a cornerstone of the conservatives’ survival and comeback strategy since 1997, and has been substantially rewarded by Khamenei. In particular, after Khatami’s presidency, Khamenei increased funding for IRGC’s training, new weapons systems, salaries, benefits, housing, and various services for its rank and file, strengthening IRGC against the democratic aspiration of Khatami. As an important pillar of the regime, the IRGC grew in power and influence steadily during the Khatami period as it built its capabilities to defend the regime against both domestic challenges and external threats. In that capacity, it also became prominent in politics. By the end of the Khatami period, the commanders of IRGC had assumed additional government and security positions in decision-making circles.

²⁴⁰ Nafisi Rsool, “the Death of the Republic and the Rise of a Militarized Islamic State in Iran” Infidel Bloggers Alliance, 6 July 2009, On-line at: <http://ibloga.blogspot.com/2009/07/iran-militaristic-state-vested-in.html> Last accessed: 12/11/2009

²⁴¹ Slavin, Barbara, 2007. p84.

In general, these informal institutions accounted for a massive network whose tentacles stretched out and reached in every aspect of Iranian public life. The impact of informal institutions on the Majles is explained by a conservative MP as:

Majles neither govern by its RoP nor by the constitutional law. Even the MPs' consensus and voting have nothing to do with the functioning of Majles. I witnessed several times a bill approved by a consensus vote of Majles but after few months Majles approved a bill very opposite to it...it is a secret network that governs Majles. As long as the network has not given permission, nothing will happen. The activities of network are not limited to seventh Majles, existing in all former periods. Its agents within and outside Majles put mental pressure on MPs and force them to act toward their interest.²⁴²

²⁴² Abutaleb, Saeed. ILNA. 23 March 2006. On-line at: <http://www.ilna.ir/shownews.asp?code=414597&code1=11>. Accessed 24 May 2006.

Conclusion

The chapter has considered diverse but convergent issues related to the contextual determinants of authoritarianism in Iran. It was necessary to review such pertinent studies before turning to the main discussion on the role of Majles. It was discussed that in class terms, the revolution empowered the previously powerless classes including clerics, and an eight years war left a large number of war veterans claiming for power. It was also put that the rent wealth coming from oil failed to result in the same democracy-promoting effects as wealth generated in a productive economy. Arguably it has had a negative impact on democracy in Iran by creating a gap between citizen and government, accounted for rampant corruption. The demographic factor is considered as a chief driving force in the reform process in Iran, because the people who vote for and support reformist candidates are to be found mainly among the youth and the female population of Iran. This chapter has put into question the widely accepted idea that Iranian political culture is the main reason for democracy failure in Iran by offering empirical evidence from recent polls. Instead it discussed relatively overlooked factors such as informal institutions, which have been an outstanding consequence for the fate of democracy and resilience of authoritarianism in Iran.

Throughout this chapter references were made on some occasions to the impact of informal institutions on the Majles. For instance it was mentioned that the influential members of Majles have always selected from among ‘thousand families’ the informal ruling class in Iran. The political factions were the key actors in compiling the list of Majles candidates. The powerful *bonyads* (foundations) provide secret funds for some candidates and Friday Prayer tribune has turned out to be the propaganda forum for conservative candidates. More importantly IRGC members in recent years increasingly have shown interest in and enthusiasm for running in Majles election.

Chapter 5: Majles autonomy

Introduction

The main aim of this chapter is to address this issue by focusing on the institutional arrangements shaping and influencing Majles autonomy. As indicated before, to explain the subordination-autonomy criteria, two levels of analysis should be considered: membership and organizational units. Due to its importance, the majority part of this chapter is devoted to the organizational element of autonomy which deals with the place of Majles within the broader political system. The extant literature on Iranian politics considers the Iranian political system from an institutional angle; however the role of Majles within the system has received scant attention. This chapter largely seeks to fill this gap. A brief review of Iran political system reveals that it is unique and extremely complicated. It is marked by the coexistence of multiple centres of powers nested in numerous unelected and elected institutions. The unelected institutions share overlapping responsibilities with the elected ones. Such duality derives from the very nature of the Islamic Republic Constitution in which there has been a tendency to bring rapprochement between Islamic and republican concepts of sovereignty. To understand the place of Majles in such a perplex system, the study of the Iranian constitution is a reasonable departure point. The next step is to analyze the autonomy or subordination of Majles with respect to other constitutional institutions which compete with Majles in several senses. These competing institutions in the Iran political system includes, the Great Leader, executive, the Expediency Council (EC) and the Council of Guardians (CG). In particular it will be discussed which functions these institutions share with parliaments. The second element of the autonomy-subordination criteria was membership subordination. The operational indicators of these elements as put before are

members' immunity, turnover and funds and facilities and the authority of MPs in adopting and amending Majles rules of procedures.

The Constitution

The genesis and evolution

The first Iranian constitution, framed in 1906, was the first of its kind in the Islamic world, earlier than the revolution of Turkey.²⁴³ While following the Belgian model, with its separation of powers between the legislative, executive, and judicial organs of the government, the constitution took into consideration the implications of its Islamic context. Its inadequacy as a national constitution prompted the formation, in mid-February 1907, of a new committee to draft a supplement to the Constitution. The result was a production of Supplementary Fundamental Laws, which outlined the citizens' bill of rights, and a parliamentary form of government, with power concentrated in the legislature—composed of a 136-member Majles with a two-year term and a sixty-member Senate also with a two-year tenure—at the expense of the executive, with the cabinet being responsible to the Majles.²⁴⁴

The constitution remained unchanged prior to the advent of the Islamic Revolution in 1979. After the fall of monarchy and proclamation of the Islamic Republic of Iran on April 1, 1979, in the wake of a 98 percent “yes” vote in a referendum under universal suffrage on the subject, Ayatollah Khomeini decreed that the Assembly of Experts should lay a foundation for the future regime. The preliminary draft document presented to it did not contain the *vilayet-e faqih* (Rule of Religious Jurisprudent) doctrine, nor did it create any special posts for Islamic jurists except limited power for CG.²⁴⁵ It was mainly because of the fact that the group of clerics and non-clerics, informally appointed by Khomeini to produce a draft, felt that this concept was more of an ideal to be achieved in the future rather than something to be

²⁴³ Kermani, Nazem al Eslam. Tarikhe Bidarie Iranian. Ed. Ali Akbar Saeedi Sirjani. Tehran: Agah, 1934.

²⁴⁴ "Supplementary Fundamental Laws." 1908.

²⁴⁵ "Constitutional Law, Preliminary Draft." Islamic republic of Iran, 1979.

implemented straight away.²⁴⁶ However, once the election to the Assembly of Experts resulted in producing a large majority of clerical members, and the majority of them either belonged to or were sympathetic to the governing Islamic Republican Party²⁴⁷ (IRP), Khomeini broke the silence and came to perceive this doctrine as essential to laying a sound foundation of theocracy based on the powers of a small minority of the clerical caste.²⁴⁸

The Assembly of Experts consisted of seventy three members, forty-five of them clerics. Starting August 19, the Assembly finished the job of producing a 175-Article constitution within two months. On 2-3 December 1979 the document was ratified—as would be expected—by more than 99 percent of the population. Surveying the various opinions expressed by the Assembly of Experts,²⁴⁹ one can distinguish two lines of thought: theocratic and democratic. Advocates of the first position objected to the very notion of constitutionalism and popular sovereignty which they claimed were Western imports. Rather they stressed *vilayet-e faqih* (Rule of Religious Jurisprudent) doctrine. This doctrine, developed by Khomeini in his book,²⁵⁰ stated that an Islamic regime required an Islamic ruler or *faqih* who is thoroughly conversant with the *Sharia* (Islam laws) and is just in its application. According to such a doctrine, at the apex of power is the Leader of the Islamic Republic who wields extraordinary power.

As laid down in Article 110, *faqih* is the Commander in Chief of all armed forces, and has the authority to declare war or peace. He has the power to approve presidential candidates, and appoint the President on his election by popular vote, or dismiss him after the Supreme

²⁴⁶ Sadr Haj Seyyed Javadi, Ahmad, Jurist among drafters who prepared preliminary draft of constitutional Law, Personal Interview, Dec 2006.

²⁴⁷ As I would discuss later the IRP was established within a month of the February 1979 revolution by Iran's leading clerics, with the main aim of guarding the revolution and infusing Islamic principles into political, economic, cultural, and military spheres of society. As well as encouraging individuals to join it, the founders of the IRP urged the existing Islamic Associations in offices, schools and universities, factories, and bazaars to affiliate to it.

²⁴⁸ Keyhan 8 December 1978.

²⁴⁹ First Assembly on Drafting the Constitution, Minutes of Proceeding, Majles, 1982. Vol. 1-2.

²⁵⁰ Khomeini, Ruhollah. Velayate Faqih. Teharn, 1982.

Court has found him politically incompetent and in violation of his duties, as determined by the Majles. He is empowered to appoint the highest judicial authorities and the Islamic jurists to the CG, charged with vetting all legislation in the light of Islamic precepts and the constitution.

In the Constitution itself, the word democracy is never mentioned. However, it preserves the idea of combining some form of popular sovereignty with clerical rule: in its hundred-plus Articles, the document specifies a variety of competing political institutions and authorities— but without indicating how each one was to coexist with the other. For example, Articles 2 and 56 echo the theocratic principles proclaimed in Articles 5 and 107 by stating that sovereignty belongs to God, while the duty of “continuous leadership” falls on the *faqih*s. But Articles 6, 71, and 113 undermine these provisions, the first by stating that the “affairs of the country shall be administered. . . in accordance with public opinion, expressed through elections”; the second by providing for a popularly elected “consultative assembly,” or Majles, that was empowered to “establish laws on all matters, within the limit of its competence as laid down in the Constitution”; and the third by providing for a popularly elected “president” who, “after the leadership. . . is the highest official position the country.” Similarly, Article 57 holds that the legislative, executive, and judicial branches were “independent of each other,” but then undermines this provision by placing these branches under the “jurisdiction . . . of the *faqih*.” Finally, Article 96 affirms the continued centrality of traditional Islamic authority by providing for a clerically dominated CG that was empowered to veto all laws deemed un-Islamic. Article 99 further circumscribes the legal-rational authority of the Majles by giving the council the nebulous right to “supervise” the election of the president and Majles. Yet, the Constitution makes no clear provision for settling disputes between the Majles and the council, or between the president and the prime minister. Paradoxically, the chaotic divisions of powers delineated in the document favour the leader’s

authority by inviting conflicts between the Majles and the CG that can only be settled by the leader himself.²⁵¹

The constitution was drafted in 1989. The new Constitution partly reinforced the president's authority; it did so by abolishing the position of prime minister, diminishing the independent authority of CG, and, most of all, enhancing the *faqih's* powers in many ways. For example, it transferred one of the president's key tasks, coordinating the three branches of government, to the office of the *faqih*. The attempt to create a presidential system is enshrined in Article 60, which abolishes the post of prime minister. This measure was designed to prevent the bifurcation of executive and legislative power that had paralyzed previous governments, and did not make the president more powerful than the Leader. Article 113 stipulates that the presidency was the "next highest official position . . . after [that] . . . of Leader." However, the Leader's position was weakened by changes in Articles 5, 107, and 109 that stripped him of his charismatic-popular base.⁸⁵ The original version of Article 5, it will be recalled, stipulated that the "leadership" was to "devolve upon the just and pious *faqih*," who was "recognized and accepted as leader by the majority of the people." The latter provision celebrated Khomeini's charismatic link to the people. However, the new version of Article 5 dropped all references to any popular acclamation of the Leader. Indeed, because the 1989 Constitution stipulates that the Leader is to be selected by indirect election, the president emerged as the sole elected representative of the entire nation.

The other crucial change in the Constitution concerned the CG. While the Council's veto power was retained, Article 112 turns the Expediency Council into a permanent body. Empowered to "discern the interest in matters arising between Parliament and CG," its membership was stacked. By requiring the council to include two "temporary members"—the

²⁵¹ "Iranian Constitutional Law" 1979.

cabinet minister most relevant to the issue in question and the chair of the relevant parliamentary committee—Article 112 all but ensures that the six clerics sitting on the council would be in a minority. At the urging of Ayatollah Khomeini, the Constitution was revised in 1988.

The Assembly of Experts and the Leader accountability

Ranking above all branches the Leader appears to lack any meaningful constitutional accountability. Theoretically, the Leader is an elected position while in practice is hardly true. The constitution authorizes the Assembly of Experts to select the Leader for a seven-year term. However, the members of the Assembly must pass muster with CG, whose members were appointed by the Leader. This vicious cycle explains why no member of the Assembly has ever said anything critical of the Leader in public session.²⁵² The Constitution appeared to make the Leader accountable by stipulating that “the Leader is equal with the rest of the people of the country in the eyes of the law” and empowering the Assembly to dismiss the Leader whenever he “should become incapable [of] fulfilling his constitutional duties ... or if any time it should be known that he did not meet some of the qualifications mentioned.” The Assembly appointed a committee to judge on the constitutionality of the Leader’s performance and whether or not it is generally “satisfactory.” This body was reorganized as the "Constitutional Article 111 Investigation (*tahqiq*) Committee" in 2004 to judge on the constitutionality of the Leader’s performance and whether or not it is generally “satisfactory.” The Committee consists of seven members chosen by the assembly, meeting every two weeks without the press or the public being present. However the practices of the Committee

²⁵² Butcha, Wilfried. Who Rules Iran? The Structure of Power in the Islamic Republic. Washington: A Joint Publication of the Washington Institute for Near East Policy and the Konard Adenauer Stiftung., 2000.

indicate that this power never has been exercised and this check has seemed only theoretical. Neither the names of the committee members nor the contents of their reports are published. It is vaguely assumed by the insiders that only if the committee was to find the Leader's performance unsatisfactory would it be expected to issue a statement to that effect.²⁵³ It is this total lack of transparency that growing body of politically-aware Iranians find unacceptable.²⁵⁴ But the ban on criticism of the Leader and the constitution imposed in April 2000 inhibits public debate. Even in political science classes, students and teachers are barred from challenging the doctrine of *vilayat-e faqih*.²⁵⁵ In December 2006 Ayatollah Mohammad Taqi Mesbah-Yazdi, a hard-line member of the Assembly of Experts, told his followers that while accountability is a requirement of democracy and is therefore suitable for a president, it is not to be expected from the supreme leader, who is above the constitution because he is appointed by God.²⁵⁶ However in an unprecedented statement Khamenei declared that: "We should be wary of the day when our young people in universities do not have the motivation to raise questions, issues and demands," He added: "If sometimes we have said there should be no opposition to the country's officials, this does not mean there should be no criticism," Khamenei said. "This applies to the leadership too."²⁵⁷

The former chairman of the Assembly of Experts, aged and often ill Meshkini, came to be ultra-conservative. After the controversial election of the seventh Majles, in his opening remarks at the eleventh session of the Assembly of Experts, he said: "I believe the glorious

²⁵³ Moharami, Towhid. "Kumission-e Tahqiqe Asle 110 Qanoone Asasi." *Hukumat-e Islami* 28:3 (Spring 2006).

²⁵⁴ Mohsen Esmaili, Guardian Council member, Personal Interview. Jan 2005.

²⁵⁵ "Press Law." 2000.

²⁵⁶ "Mesbah-Yazdi: Only Some Parts of the Powers of the Vali-Ye Faqih Have Been Included in Constitution." *Etemad* 27 December 2006.

²⁵⁷ AFP web site, Washington. "Iran Leader Says Open to Criticism ". Oct 10, 2007.

seventh Majlis election was the result of a divine miracle. This system will last until the coming of Imam Mahdi [*Shi'i* 12th Imam] - God hasten his advent."²⁵⁸

With the election of Rafsanjani as the chairman of the Assembly in succession of Meshkini, this position is very likely to change. In a lengthy interview published in the Assembly official journal, he put into question the taboo by implicitly criticizing Khamenei: "It is not obvious that the most appropriate person is always elected [as Leader]. It is possible that in the election a mistake could be made."²⁵⁹

²⁵⁸ ISNA web site, Tehran, "Iran: Senior cleric says seventh Majles elections divine miracle". 7 Mar 04

²⁵⁹ Hashemi Rafsanjani, Ali Akbar. Hukumat-e Islami 28.4 (Summer, 2006).

The Great Leader and Majles

The Leader, at the helm of power in Iran, has frequently exercised powers in the matters normally taken to be the province of Majles. The Leader's intervention in Majles is either through the constitutional tentacles of the *faqih's* power including the judiciary, the Council of Guardians, the armed forces, the security forces, and the national radio and television networks (the last two powers were added in 1988) or through extra constitutional prerogatives such as major private foundations and his powerful representatives or other informal channel. Furthermore in many instances, he has intruded directly without consulting the constitutional organs of government, or those bodies he himself has set up. For the purpose of this research only to a few representative cases of the latter within the Khomeini and Khamenei era will be reviewed.

Khomeini era

Khomeini as the founder of Islamic Revolution had occasionally described parliament in high-sounding phrases. The following are a few examples: 'The Islamic parliament is the sole centre which all must obey.'²⁶⁰ 'Parliament is the starting point for whatever happens in the state.'²⁶¹ 'Submission to the parliament means submission to Islam.'²⁶² 'The parliament stands above all other institutions.'²⁶³ 'Parliament is the embodiment of the people and the very crystallisation of the people in one particular place.'²⁶⁴ In his book, on the other hand, the only function Khomeini attributes to parliament is planning. In other words, parliament is a consultative assembly in so far as its actual function is to participate in the formulation and

²⁶⁰ Khomeini, Ruhollah. *Sahifeye Noor*. Vol. 10. 22 vols. Ghom: Markaze Nashre Asare Emam, 1998. p.234

²⁶¹ Khomeini, Ruhollah. 1998. *ibid*, Vol. 14. p. 278

²⁶² Khomeini, Ruhollah. 1998. *ibid*, Vol. 14. p. 204

²⁶³ Khomeini, Ruhollah. 1998. *ibid*, Vol. 10. p. 34

²⁶⁴ Khomeini, Ruhollah. 1998. *ibid*, Vol. 16. p. 79

framing of laws. This function is generally described as one of applying ‘know-how’ (*kar-shenasi*). The actions of Khomeini confirmed what he put in his book rather than the above mentioned words.

As indicated before, the constitution defined the Islamic Republic as a state ruled Islamic *faqih*. It also reserved the right for *faqih* who is the ‘sources of imitation’ (*marja-e taqlid*) to deliver religious decrees (*fatvas*) on any matter.²⁶⁵ This laid the ground for the contradiction between Majles and *faqih* legislative jurisdiction, culminating in *faqih* supremacy.²⁶⁶ Khomeini frequently exercised powers of this kind. For instance, in connection with the judicial system the then president of the judiciary, Ayatollah Yazdi said the examples of supremacy of *fatva* over the legislation were so common that he could not attempt to enumerate them all, although he did mention the following specific cases:

1. The standardization of sentences involving discretionary punishments, a problem that parliament, CG and the judiciary could not agree upon.

2. Allowing insufficiently educated judges to practice in the courts; according to Art. 166 of the constitution only *faqihs* were qualified to hold such posts.

3. Determining those cases in which discretionary punishments involving whipping or flogging were appropriate.

4. Deciding whether justice should be dispensed by single judges or by several judges, and whether this should be after separate consultation or jointly.

5. Determining under which circumstances appeals could be allowed after a legal judgement has been delivered.²⁶⁷

When it came to regulating issues of private ownership of land, which played a decisive

²⁶⁵ Brumberg, Daniel. *Reinventing Khomeini. The Struggle for Reform in Iran*. Chicago: University of Chicago Press, 2001.

²⁶⁶ Mayer, Ann Elizabeth. "Islamic Law as a Cure for Political Law: The Withering of An. Islamist Illusion." *Mediterranean Politics* 16 (Autumn 2002).

²⁶⁷ *Etellat* 22 July 1987.

role in bringing about changes in the powers of the legislative institutions and the creation of the Expediency Council, Khomeini not only played the principal role in that he determined the actual contents of the relevant legislation, he also had the final word on the implementation of such laws. In November 1980, he issued a decree blocking the implementation of a law concerning the amount of arable land a person was allowed to own, which had been passed by the Revolutionary Council in April of that year. Likewise, each year he re-issued permission for the farmers who had illegally occupied estates during the first years after the revolution to retain and work those lands until such time as the legislature should enact a final resolution on this question.²⁶⁸ It should be noted, however, that they were recognized as laws, and even after his death were enforced as such — a point affirmed by a member of the Parliamentary Committee for Legal Affairs, Hojjat al-Eslam Asadollah Bayat in November 1990.²⁶⁹

Khomeini's indirect influence on legislation was also felt through his books, in particular the *Tabrir al- Vasila*,²⁷⁰ which provided the two legislative bodies, as well as the courts, with a basis for taking decisions on many questions of law. Thus CG, in its legal ruling, declared that any law that contradicted Khomeini's *Tabrir al- Vasila* would not be permissible.²⁷¹ In 1982, the Supreme Court ruled that until the pre-revolutionary laws had been replaced by Islamic laws, judges should base their decisions on *fatvas* that would be issued by such sources as the relevant bureau in Khomeini's house.

As long as Khomeini was alive, he was the highest authority in government and therefore the highest legislative authority. Even so no one ever wanted, or was able, to contest

²⁶⁸ Resalat, 25 Nov 1980.

²⁶⁹ Majles, Minutes of Proceedings, 3rd Majles, 3rd Year. 12 November, 1990.

²⁷⁰ Khomeini, Ruhollah. Tahrir Al Vasila. Vol. 4. Ghom, 1987-1990.

²⁷¹ No. 6782. 20 Nov 1982.

the supremacy of the Leader as represented by Khomeini.²⁷² However, the *fatvas* issued by Khomeini cannot be counted a direct intervention in Majles. His decisions, communicated in the form of *fatvas*, decrees or recommendations had a great influence on the process of legislation whilst he always choose to stay above the fray, reluctant to lay his own prestige on the line to intervene in the work of the Majles. In accordance with his tactics of maintaining a balance of power or other such considerations, Khomeini hardly put the Majles lawmaking and scrutiny legitimacy into question.

A notable exception is his intervention in the Iran-Contra affair which blocked the scrutiny function of Majles. In this case it is said that the US government had secretly sold weapons to Iran in 1985 and traded them for hostages held in Lebanon by pro-Iranian militias. It was initially exposed in a Syrian-backed Lebanese newspaper and then confirmed by then Majles speaker, Rafsanjani publicly.²⁷³ Eight Majles deputies drafted a letter questioning the foreign minister regarding the issue.²⁷⁴ Before submitting their letter, the eight deputies made sure that they had the support of a majority of Majles deputies. They were almost convinced that if they could have succeeded in putting the issue to the floor, Rafsanjani would be placed in a difficult situation as he was engaging apparently in this contact. It was precisely to prevent this from happening that Khomeini broke his silence on the issue. He expressed total satisfaction with the Majles speaker and, at the same time, threatened those who criticized Rafsanjani, going so far as to state that they were trying to divide the nation, to plot against the Islamic Republic, and to take action against Islam. Immediately after Khomeini's speech, Rafsanjani said: "In the present circumstances, the Imam's statement served as a healthy medicine drying out the roots of sedition ... We should not spend our time dealing with the

²⁷² Brumberg, Daniel. 2001. Op cit.

²⁷³ Iran- Contra Affair, 13 November 1987, 100th Cong., 1st Sess., 1987

²⁷⁴ Majles. Minutes of Proceedings. 2nd Majles, 3rd Year, 5 November 1986. 181.

issues which are of no interest to anyone instead of thinking about the war.”²⁷⁵ The intervention of Khomeini changed the Majles’ atmosphere entirely. Almost all deputies who could speak condemned the authors of the letter. One accused them as “causing rifts in the Islamic Republic ... We know that the loyal people will determine the fate of this movement, which will be isolated.” In a new letter, drafted and signed by 145 of their membership, deputies stated that they “greatly regret that this movement [referring to inquiries on the Iran-Contra affair] was launched by people who have been trying to weaken the Islamic government for some time ... They have taken a negative stance in the Majles, they have backed the rich, the land-grabbers, and the hoarders against the interests of the deprived.”²⁷⁶

Khamenei era

Lacking the popular and religious standing of Khomeini as a *marjae-e taqlid*, Khamenei, however, during the period that he has held the office of Leader, has attempted many times in vain to obtain the position of *marjae-e taqlid*, to issue *fatvas*.²⁷⁷ Yet, unsuccessful in gaining the upper hand in issuing *fatva*, Khamenei resorted to employing power reserved by the constitution to intervene in the Majles. The prime example for legislative intervention of Khamenei is the one on Press Laws in the sixth Majles. The Majles dominated by reformers had the intention of producing a more liberal press code. Once the Majles gathered to debate and vote on amendments to the Press Law, passed just a few months before by former conservative Majles, Khamenei took the exceptional action of circumventing the normal institutional checks on legislative power. He delivered a letter the night before to the President of parliament stating that “Should the enemies of Islam, the revolution, and the Islamic system take over or infiltrate the press, a great danger would threaten the security,

²⁷⁵ Etelaat. 22 and 24 November 1986.

²⁷⁶ Majles. Minutes of Proceedings. 2nd Majles, 3rd Year, 5 November 1986. 183.

²⁷⁷ Brumberg, 2001, Op cit.

unity and faith of the people. Therefore, I cannot allow myself and other officials to keep quiet in respect of this crucial issue,” He stressed. “The current Press Law, to a decree has been able to prevent the manifestation of this great calamity and thus its amendment and similar actions . . . are not [religiously] legitimate and not in the interest of the country or the system.”²⁷⁸ Once the letter was read, the assembly went into chaos. In the centre of the moment, one reformer, Mohammad Rashidian, ignored religious and political etiquette by referring to the supreme leader simply as "Khamenei". He was immediately condemned by conservative members.²⁷⁹ But in the end, all recognized they had to submit. “Our constitution has the elements of the absolute rule of the supreme clerical leader, and you all know this and approve of this,” Majles President Mehdi Karroubi told the deputies, before turning off the microphones to close up the debate. “We are all duty bound to abide by it.”²⁸⁰

Reformist leaders, including Mohammad Reza Khatami, stated later that they fully expected CG to veto any attempt to remove press restrictions. But they never imagined the leader would lay his own prestige on the line to block the popular new law when he could easily have left it to his clerical allies.²⁸¹ That Khamenei did so reveals much about the importance all sides placed on the issue of free expression under the Islamic political system. Khamenei had served a powerful reminder that it was, after all, the senior clerics who reserved the right to determine the red lines and to protect the faith as they saw fit. The Leader’s intervention also revealed the fundamental weakness of the Iranian press and its inability to serve as the keystone of a new, civil society within the Islamic political system.

Examples of such an intervention coined as ‘Governmental Decree’ (*Hokme Hokoomati*) abounded in the seventh Majles. For instance, he ordered Majles to stop interpellations of

²⁷⁸ Majles. Minutes of Proceedings. 6th Majles, 1st Year, 6 August 2000. 167

²⁷⁹ Personal Observation. Majles. 6 August 2000.

²⁸⁰ Majles. Minutes of Proceedings. 6th Majles, 1st Year, 6 August 2000. 169

²⁸¹ Khatami, Mohammad Reza. Sixth Majles vice-President. Personal Interview. 28 November 2005.

President Mohammad Khatami's cabinet, in an apparent effort to curb further confrontations between the two bodies. Political and economic differences between the reformist government and religious radicals in the Majles had been intensified. Khamenei's open intervention in parliamentary affairs came in a short letter, warning the MPs that further impeachments would bear "no fruits". He added that "the possible losses would be extensive and its dangers would be alarming".²⁸² As soon as the letter was announced parliamentarians wrote a reply to Khamenei thanking him for the order and nobody dare to talk about impeachment.

Yet Khamenei appeared to be slightly more reliant on the scrutiny function of Majles. As discussed earlier, prior to the sixth Majles, the Expediency Council declared that the Majles had no authority to investigate any institution or foundation under the purview of the Leader. The sixth Majles taken by reformists had been seeking to call to account the television and radio networks and exercise control over its budget, which some of the deputies had accused of biased operations. In response to a letter by the Majles speaker, Khamenei gave the green light to Majles to overhaul the performance of the state media to "ensure the safe operations of the networks"²⁸³ and asked the Expediency Council to revise the law entrusting the right to probe because the Expediency Council arbitrates disputes between the parliament and CG. "CG has blocked the Expediency Council from making any amendment to the law," Rafsanjani said in a letter to Khamenei, asking for Khamenei to give the go-ahead to the Expediency Council if he deemed it necessary for the law to be amended.²⁸⁴

²⁸² Majles. Minutes of Proceedings. 7th Majles, 1st Year, 6 April 2005. 55

²⁸³ Ettelat, 28 Jun 2002.

²⁸⁴ Ettelat 3 Jul 2002.

The executive and Majles

Scrutiny Power

The Constitution of the Islamic Republic confers on parliament a series of scrutiny powers. As laid down in Article 76 “The Majles shall be empowered to investigate and scrutinize all matters related to the country.” The most significant of these powers range from the political responsibilities like the government’s dependence on a vote of confidence from parliament (Articles 87, 133, 135 and 136), to routine scrutiny such as the accountability of government officials to parliament, both as individuals and collectively, in a way that parliament can question them, warn them of their duty and ultimately, interpellate them or formally withdraw its confidence from them (Articles 70, 88, 89, 135). Majles has repeatedly made use of these powers.

With respect to political responsibilities, in each parliament there have been ministers proposed by the prime minister and the president who did not succeed in winning a vote of confidence. The first Majles refused to declare its confidence in two prime ministers proposed by the president while six ministers fell because parliament did not give them a vote of confidence. In the second Majles eight ministers fell from office and three fell in the third Majles. In the fourth Majles, the president, after being re-elected to his office, had to fill seven ministerial posts with new candidates in order to obtain parliament’s vote of confidence. All of Khatami’s ministerial nominees were approved by the conservative Fifth Majles in 1997, including close friends and controversial choices. By contrast, some 20 per cent of Ahmadi-Nejad’s ministerial nominees were immediately rejected.²⁸⁵

With respect to routine scrutiny, Majles can use a variety of means including warnings, questions, inquiries and interpellations. The warnings have only whistle blowing functions in that members may raise awareness on important issues through Majles. With questions and

²⁸⁵ Estizah Dar Nezam-E Siasi-Ye Iran. Tehran: Rooznegar, 2001.

enquiries Majles pursues the same purpose but the executives are obliged to answer and convince Majles. Enquiry is more or less an extensive investigation of Majles by collecting the related documents and evidence while questions are only those issues of concerns asked orally by MPs in the assembly. In recent years there has been a substantial increase in the number using these legal authorities.²⁸⁶ As indicated in Table 6, the number of warnings increased tenfold after it dropped to 16 in 3rd Majles. The same pattern can be traced in the number of enquiries. The overuse of this power made the executive feel ignorant and unimportant. Due to a lack of enforcement, the executive frequently tends to turn a blind eye to the seriousness of many legislative demands.²⁸⁷

Table 6: The quantitative indicators of Majles' scrutiny: 1980-2006

Majles	Warnings	Questions	Inquiries	Interpellations
1 st	NA	124	24	2
2 nd	NA	83	25	0
3 rd	NA	16	13	3/1 dismiss
4 th	2764	51	16	2
5 th	2765	82	13	2/1 dismiss
6 th	3760	155	28	4

Source: Majles. Majles Annual Reports. 20 vol. 1980-2007

The interpellation (*Estizah*) is a more powerful instrument in the hand of Majles as it may lead to the dismissal of the council of ministers or an individual minister in question. In the case of interpellation, the council of ministers or the minister must be present in Majles in order to answer and seek a vote of confidence. Ultimately Majles is authorized to declare a vote of no confidence if it deems it necessary. In such circumstances, the council of ministers

²⁸⁶ Majles. Majles Annual Reports. 20 vol. 1980-2007

²⁸⁷ Khatami, Mohammad Reza. Sixth Majles vice-President. Personal Interview. 28 November 2005.

or the minister subject to interpellation is dismissed. Since the establishment of the Islamic Republic, Majles has called for interpellation and subsequent vote-of-confidence several times. During the first Majles, two interpellations took place without resulting in a dismissal. During the second Majles, one interpellation occurred, but the hearings were not actually held until the third Majles. During this latter period, there were three interpellations and one of them led to the dismissal of a minister. During the fourth Majles a minister was forced to resign, in part because of the pressure parliament brought to bear. A second minister only managed to survive the interpellation proceedings with the help of CG. During Khatami's presidency in the fifth Majles three interpellations took place and one, Interior Minister Abdollah Nouri, did not survive, and the Culture Minister resigned voluntarily. The sixth Majles was marked by having the highest number of interpellation with no minister to dismiss.²⁸⁸

Another instrument of scrutiny is the so-called Commission of Article 90, which was set up by parliament. The commission was established in 1981. After that date, all government officials were obliged to give prompt answers in a detailed and convincing manner to all the commission's questions concerning complaints. Since government officials refused to carry out this duty, parliament passed a law which made such refusal a punishable offence. It later proved necessary to make the penalty provided by this law more severe, since the threat of punishment as it stood was evidently not having the desired effect. But the threat of tougher punishments proved to be of little avail.²⁸⁹ For this reason, the vice-president of parliament described the legislature's right of supervision as 'colourless and ineffective'.²⁹⁰

The pre-agenda speeches of the MPs often criticize the government in sharp tones, and since the proceedings are broadcast live on radio it is an effective instrument through which

²⁸⁸ Majles. Majles Annual Reports. 20 vol. 1980-2007

²⁸⁹ Kadivar, Jamile. *Comisiun-E Asle Navad*. Vol. 3. Tehran: Omid Iranian, 2003.

²⁹⁰ Khatami, Mohammad Reza. Sixth Majles vice-President. Personal Interview. 28 November 2005.

Majles exercise its scrutiny power. As such, Majles has come to be only public body where factional differences over economic, social, and political issues become public.

However, the subjection of ministers to parliamentary questioning or interpellations, or the refusal of a vote of confidence to government ministers should not be interpreted as proof of the independence and power of parliament visâ-vis the executive. Rather these incidents should be seen as a clear sign of chaos and confusion in parliamentary party groups caused by a power struggle which is prevalent at all levels amongst those persons, groups, client networks and political camps that have some share in government power.²⁹¹ Weak parliamentary discipline and loose party cohesion turned Majles into arena where this struggle intensifies. For instance, the reformist government spokesman Abdollah Ramezanzadeh sharply criticized the Majles' interpellation of Transportation Minister terming it as 'unjustifiable'; he accused the parliament of using its power as a threat against the government. "We do not expect the supervisory instruments of Majles turn into a tool of threats," he said.²⁹²

Neither Majles nor the government can be characterized as wielding state power independently of these other agents. When analyzing Majles' actions towards the government, it is of key importance to consider what meaning individual refusals may have had and against whom they were directed. With regard to the government as a whole or explosive issue of domestic and foreign policy, MPs were less daring in the way they expressed themselves publicly. In fact, issues of this nature were scarcely discussed or decided on in Majles. On the other hand, when it came to a vote of confidence for individual ministers or to dealing with questions the government had left to Majles to decide, then the MPs had ample

²⁹¹ Unknown MP, Personal Interview, Tehran Summer 2009.

²⁹² Shargh, 28 June 2005.

opportunity to exercise their abilities.²⁹³

Legislative power

Constitutionally, both government and MPs are authorized to introduce bills to Majles. Majles has little to do with the pre-legislative stage of law making because of MPs' time and knowledge constraint. On several occasions Majles obliged the government to draw up some piece of legislation which it viewed as absolutely essential and extremely urgent. An example is the Bill on Self-Sufficiency in Agricultural Products of Strategic Importance which in 1985 Majles demanded that the government frame. Seven resolutions of this kind were passed during the 1st Majles, and two during the 2nd.²⁹⁴ But CG took this right away from Majles, declaring on the basis of Art. 75 of the constitution that the drafting of bills was a matter exclusively reserved for the government.²⁹⁵ With the establishment of Majles Research Centre (MRC), MPs are given drafting assistance by their staff and became relatively less dependent to executive in this stage.

During the legislative stage Majles is more powerful. Majles is independent in rejecting government proposals (*layeh-e qanuni*) brought before it by the government. However, it is interesting that, with the exception of the 1st Majles, the number of rejected legislative initiatives (*tarh-e qanuni*) put forward by MPs themselves was greater than that of the rejected bills (Table 7). Especially during the 3rd Majles when the majority of MPs were not in agreement with the government, instead of expressing their opposition directly they preferred to express it in the form of legislative initiatives. These initiatives were usually contrary to government policy. But interestingly, before being sent on to be rejected by the

²⁹³ Unknown MP, Personal Interview, Tehran Winter 2006.

²⁹⁴ Majles. Minutes of Proceedings, 1st and 2nd Majles.

²⁹⁵ Shouraye Neghaban, Majmueye Nazaryat, Tehran, 2004.

CG, they were voted down in parliament itself. The more radical these initiatives were in departing from government policy, the greater the tendency of Majles to withhold its approval.²⁹⁶

Table 7: The law making trade-off between Majles and executive: 1980-2006

Majles	Bills proposed	Bills amended by parliament			Bills approved	Bills rejected	Motions proposed	Motions approved	Motions rejected
		<i>with minor change</i>	<i>with medium change</i>	<i>with major change</i>					
1 st	354	NA	NA	NA	308	44	124	102	22
2 nd	258	NA	NA	18	239	19	153	103	55
3 rd	172	NA	NA	76	146	26	221	119	102
4 th	227	NA	NA	36	196	31	198	130	68
5 th	294	180	70	15	265	29	139	106	33
6 th	334	204	56	63	323	11	148	122	26

Source: Majles. Majles Annual Reports. 20 vol. 1980-2007

The post legislative stage has appeared to be controversial. Majles post-legislation scrutiny is also formally defined by the Majles's right of supervision over the government's activities. This entails the right of Majles to examine whether and to what extent the government has put into practice parliamentary resolutions or deviated from them. By deviation is meant not only the failure to put laws into practice but also the improper formulation of statutory instruments, as well as contrary government resolutions and regulations. The MP Majid Ansari described this practice in the following words:

It is quite common to observe that the Council of Ministers or the council's subordinate commissions formulate executive orders in such a way that they are for all practical purposes contrary to the law passed by parliament. Sometimes one may observe that a particular situation is rejected in a bill passed by parliament, but the executive orders are formulated in such a way that the rejected situation can still be maintained.²⁹⁷

In order to prevent this practice the Assembly for Revising the Constitution changed Article 138 and made it obligatory for the government to inform parliament when it drew up

²⁹⁶ Majles. Majles Annual Reports. 20 vol. 1980-2007

²⁹⁷ Majid Ansari, MPs. Personal Interview. 27 Feb 2005.

statutory instruments and government resolutions so that if these were contradictory to the laws in question, parliament could return them to the Council of Ministers for revision. This addition to the previous article of the constitution confirmed that there had been a violation of Majles right, which is what Majles some time earlier had set out to establish. The corresponding law obliged the government to inform Majles, its commissions and its president concerning governmental resolutions, circular letters, regulations and ordinary as well as secret agreements.²⁹⁸

The problem of putting laws into practice remained unsolved. A selection of the repeated complaints of MPs and others will help to illustrate this point. Rasul Hoseini Kuhestani, for example, believes that “a great part of the problems the country faces stem from not putting laws and resolutions into practice”.²⁹⁹ The president of the 3rd Majles, Mehdi Karrubi, by pointing out how the government authorities ignore the law mentions the failure to apply the legislation to prevent price rises.³⁰⁰

²⁹⁸ Unknown MP, Personal Interview, Tehran Winter 2006.

²⁹⁹ Majles. Minutes of Proceedings. 3rd Majles, 2nd Year, 8 may 1990. 155

³⁰⁰ Majles. Minutes of Proceedings. 3rd Majles, 2nd Year, 8 may 1990. 158

The Expediency Council and Majles

As discussed earlier, the powerful CG which has the right to veto bills acts as an upper chamber and the result has been a navette system in which the bills shuttle back and forth between two houses. Surprisingly, the mechanism of reconciliation between the CG and Majles remained unsolved in the 1979 constitution. In practice, the CG has proven to be very insistent on the compatibility of the resolutions of parliament to *Sharia* (the tenets of Islam) while for Majles the interest of the ruling system was of top priority.³⁰¹

Mediating between Majles and CG, Khomeini was able to make compromises between them. However, persistent conflict between Majles and CG pushed him to establish a permanent institution. In 1988, Khomeini ordered the formation of the Expediency Council in charge of mediating between Majles and GC.³⁰² Once the Expediency Council was established the first thing to do was to draft its own statutes. The only power it conferred on itself was to reach decisions on the basis of the interests of the ruling system, which are often irreconcilable with Sharia. More importantly, this power would only be exercised if it proved impossible to resolve a conflict between parliament and the Council of Guardians. Following the same path, the Expediency Council was established in the revised constitution in 1989. Article 112 stipulated that “the Expediency Council shall meet at any time CG judges a proposed bill of Majles to be against Sharia or the Constitution, and the Assembly is unable to meet the expectations of CG.”³⁰³

Again, the constitution refers vaguely to legislative powers of the Expediency Council in two broad areas: the delineation of the “general policies” of the Islamic Republic of Iran and “resolving the problems” which cannot be solved by conventional methods. The latter

³⁰¹ Butcha, Wilfried. 2000. Ibid.

³⁰² Mehrpur, Hossein. "Majma-e Tashkhis-e Maslahate Nezam Va Jaygah-e Ghanooni-e An." *Salam* 29 Dec 1992.

³⁰³ Iran Constitution, Article 112.

authority has laid a ground for the Expediency Council to pass laws without reference to a request by Majles or CG when it deems it necessary.³⁰⁴ In effect this turned the Expediency Council into a legislative authority capable of framing legislation independently of Majles and CG.

The Expediency Council also used delaying tactics in making decisions. According to one report 10 to 12 percent of parliament's resolutions were delayed more than four years. In contrast to CG which is obliged constitutionally to review the bills within a maximum of ten days from its receipt, no deadline is mentioned by the Expediency Council's self-written rules of procedures. The mediating function of the Expediency Council has also been the subject of much criticism because it must formulate its decisions either by agreeing with the position of CG or that of parliament. However, it can also decide a question by adopting a wholly independent position of its own.³⁰⁵ (Table 8)

Table 8: The Expediency Council activities between 1988 and 2007

Majles	Periods	General Policies	Solving Problems	Mediating between Majles and CG
III	1988-1992	-	27	19
IV	1992-1996	-	9	9
V	1996-2000	8	5	16
VI	2000-2004	10	2	25
VII	2004- 2007	13	1	23

Source: the Expediency Council official website at: <http://www.majma.ir/> accessed: 06 January 2008

Obviously MPs have been far from pleased with the restriction of parliament's rights by

³⁰⁴ Ibid, Article 176.

³⁰⁵ Saeid, Pedram. "Nahveye Tashkhise Maslahat." *Majles Research Center*. No 178. 2002.

this council. But they only voiced their protests publicly once the Expediency Council became publicly visible and its legislative powers were extended. It was because of these protests that Khomeini decided to withdraw the permission he had given the council to legislate independently. In practice, however, this decision had no real effect. The council has continued to overstep its authority and, consequently, MPs have continued their protests against it.³⁰⁶

The Expediency Council enjoyed great legislative importance in third Majles, a period that was characterized by crucial developments, such as the end of the Iran-Iraq War and conversion from wartime to a peacetime economy, and was thus prone to the passing of “emergency laws.” During this time, the council was able to grow beyond its designated role as an arbiter and assume the authority to pass extensive and special emergency laws, such as to fight drug trafficking. Since then, however, the legislative power of the Expediency Council has been severely curtailed in large part because of the objections of a Majles protective of its own legislative authority. For instance, the MP Qasem Sho’leh-e Sa’di objected that the Expediency Council was changing out of all recognition even those parts of parliamentary resolutions which CG had not queried.³⁰⁷ Another MP wanted to know on what legal basis it had made its decisions. He added that the council was violating the rights of parliament and demanded the restoration of this body’s legislative function. ‘Legislation’, he declared, ‘is the right of parliament.’ Another MP said that the Expediency Council, by interfering in the process of legislation, was acting in violation of the constitution and enumerated several cases in which it had arbitrarily overstepped its powers.³⁰⁸ Objections from many MPs and CG led to a formal revocation of these extended powers, although in practice the Expediency Council continued to promulgate laws independently. During the

³⁰⁶ Mehrpur, Hussein. 1999. *ibid.*

³⁰⁷ Majles. Minutes of Proceedings. 3rd Majles, 3rd Year, 18 Nov 1991. 101

³⁰⁸ *Ibid.*

fourth and fifth Majles, the Expediency Council stayed out of the limelight partly because there was no major conflict among the factions within the Majles. Moreover, since becoming supreme leader in 1989, Khamene'i has wielded his political authority without consulting or negotiating with the Expediency Council.

Yet the decline was short-lived. Shortly after Khatami's landslide presidency victory in 1997, Khamenei presented a unified front with Rafsanjani to curtail the reform movement. Khamenehi gave vast new powers to the Expediency Council to enable it to overrule the Majles, the President and the Judiciary at will.³⁰⁹ Khamenei urged the EC to make the best of its power in a decree stating that "with an eye to the duties and responsibilities of the Expediency Discernment Council prescribed in the Constitution, this Council acts as the highest advisor of the Leader in the Islamic Republic System". He added "Now that ... the sacred Islamic Republic System has been firmly established and has found a commendable dignity, it is appropriate for the Expediency Discernment Council to fully discharge its duties and responsibilities and act as a senior advisor to the Leadership."³¹⁰ He increased the members to 35 of whom 26 were from among conservatives and appointed Rafsanjani as Council's president; a post traditionally occupied by the president.³¹¹

Despite his support for Khatami shortly before and after the election, Rafsanjani demonstrated in his new office a tendency to act as a brakeman to Khatami's reformist ambitions, perhaps to prevent Khatami from becoming too powerful.³¹² One manifestation of this was the establishment of special committees to function in parallel with the government, in politics and security culture, social and judicial matters, economics and trade, and production and infrastructure. Very little reliable information is available concerning the

³⁰⁹ Ali Panah, Eisa. "Majma-E Tashkhis-E Maslahat-E Nezam: Az Aqaz Ta Koonoon." Gozaresh 140 (Jun 2000).

³¹⁰ Keyhan, 25 July 1997.

³¹¹ Ali Panah, 2000. Ibid.

³¹² Samii, Abbas William "Dissent in Iranian Elections: Reasons and Implications." The Middle East Journal 58.3 (Summer 2004).

composition and measures of these committees.

Yet the heterogeneous composition of the Expediency Council makes it uncertain, however, in the Sixth Majles, the Expediency Council sided with the CG in many instances. The authority of the Expediency Council grew as the dispute between the reformist Majles and hard-line CG intensified. The panel has sided mostly with CG and opposed bills to limit the authority of unelected committees controlled by hard-liners.³¹³ Complaining about biased behaviour of the Expediency Council Abolfazl Shakuri, a member of the Majles Committee for National Security and Foreign Policy, said in Majles plenary session: “Will national agreement be achieved with these actions? We see that there are still 19 bills which have been approved by the Majles still awaiting the approval of the Expediency Council. It is CG which has created a situation in which these bills have to go and wait there [in the Expediency Council]. However, the secretary of the Expediency Council stressed: I would like to announce explicitly that, so far, 70 per cent of the matters approved by the [Expediency] Council concerning cases over which there were disputes, tended to favour the views expressed by the Islamic Consultative Majles.”³¹⁴ The facts and figures confirm the MP’s statement.

The Arabic newspaper al-Hayat speculated that Rafsanjani had hoped to secure for himself a bastion of power superior to that of the president (but still below that of Khamene’i), allowing him, as ‘number two’ in the country, to ‘shape Iran’s destiny decisively.’ This assessment was reinforced by an interview Rafsanjani granted to an Iranian newspaper shortly before Khatami’s inauguration. Asked whether the Expediency Council would not in the future be, *de facto*, “an institution that presides over the three powers,” he responded: “The expression ‘presiding over the three powers’ is not well chosen. But if the Expediency

³¹³ Majles. Minutes of Proceedings. 6th Majles, 3rd Year, 18 July 2002.

³¹⁴ Vision of the Islamic Republic of Iran Network 1, Tehran, in Persian 0930 gmt 3 Aug 02

Council has issued a law, the three powers cannot repeal it.”³¹⁵

In March 2002, Khamenei decreed the appointment of new members of the Expediency Council for the next five years. The new Expediency Council included vocal conservatives like Mohammad Reza Bahonar, former Tehran MP and a staunch anti-reform conservative. The reformists (i.e., what we have broadly called the “softliners” or the Left) expected a more balanced and representative membership in the Expediency Council since a majority of the sixth Majles’s deputies were reformist and Khatami had been reelected on a mandate for reform and change. Essentially, the stasis and suspended equilibrium between the hard-liner and soft-liner camps was being deliberately perpetuated by the Leader, who was himself supportive of the hardliner agendas and positions. The ratio of conservatives to reformists was 19 to 8 at best.³¹⁶ The new decree stunned the country’s political elite and prompted much debate, although little of that has been carried out in the public media. The decree is just a paper document at this point and it remains to be seen how extensively it will be carried out, but Rafsanjani has never shown a reluctance to exercise power. The decree gives the Expediency Council the power to “supervise” the executive, legislative and judicial branches of the government. This is a power the Constitution gives the Supreme Leader and which both Ayatollah Khomeini and his successor, Khamenehi, have exercised with a light hand. Article 110 of the Constitution gives “supervisory” authority to the Supreme Leader and also authorizes him to delegate that authority, which is what Khamenehi has now done. The meaning of “supervisory” authority has always been subject to debate, but CG has taken its “supervisory” power over elections to mean it has the final say. The most vocal objections to the decree have come from the Majles, supposedly a bastion of conservatism and of support for the principle of supervision.

³¹⁵ Alhayat, 22 May 2003.

³¹⁶ Ali Panah, 2000. Op cit.

Seventh Majles President Gholam-Ali Haddad-Adel strongly defended Khamenehi's decree, calling on fellow deputies to demonstrate their "unconditional adherence" to the Constitution, meaning that they should cease their criticism. Legislators began voicing concerns about Khamenei's decree soon after it was announced and it became clear that supervision of the governmental system meant not just the executive and judicial branches but also the legislative branch.³¹⁷ The Expediency Council's new supervisory authority, stressed Akbar Alami, risks turning it into an "unconstitutional fourth branch" of government that is above "the rule of law." This would be "a blow to the system's republicanism."³¹⁸ Hadi Qabel³¹⁹ said the regulations formulated and approved by the Expediency Council about its own supervisory role were "a consequence of the confusion in the legal structure of the country which is turning the Council into an institution over and above other powers." He criticized the fact that the regulations have not been announced to the media. Abolfazl Qadyani said "According to the constitution, the Expediency Council is not responsible for the supervision of the performance of the three branches of power. Such a form of supervision cannot be effective."³²⁰

The concerns of Alami and others were not allayed by the comments of Expediency Council secretary Mohsen Rezai, who told the press that under the Leader's decree, the Expediency Council's decision is "the final word." he added: "Even if other branches do not agree with it, they have to accept it."³²¹

³¹⁷ Majles. Minutes of Proceedings. 7th Majles, 2nd Year, 20 Auge 2006. 12

³¹⁸ Sharq. 20 July 2005.

³¹⁹ Ghabel, Hadi. Member of the central council of the Participation Front, Personal Interview. 24 July 2005.

³²⁰ Qadayani, Abolfazl, Political activist, Personal Interview. 29 July 2005.

³²¹ Keyhan. 28 April, 2002.

The Council of Guardian and Majles

The single most important obstacle to Majles legislative jurisdiction is the Council of Guardians (CG). Majles can establish laws on all matters; however, the unlimited power of testing laws as to constitutionality and consistency with *Sharia* is reserved for the CG. As Kula'i stated: "The Majles is assigned with the task of devising laws and the constitutional watchdog CG with the task of overseeing Majles ratifications, while the latter has constantly over-looked this and, in some cases, has compelled the lawmakers to make laws (as per the CG's dictates)."³²² She added: "CG should perform its duties in a way that the public opinion does not come to the conclusion it is against the restoration of civil rights and reforms."

The Council is also authorized to interpret the constitution, and any such interpretation reached by three-fourths of the members assumes the same validity as the constitution itself, thus making CG a quasi—supreme court.³²³ What differentiates the Council from other Supreme Courts is the procedure by which the Council exercises such power. "Should there be a contradiction between them; the Council sends them back to the Majles. Otherwise, the decision can be carried out".³²⁴ This right of opposition on behalf of CG is of such great importance to the Islamic Republic of Iran that, as expressed in the Constitution: "The Majles shall not be considered valid without CG except when approving the credentials of the representatives and choosing the six jurists of CG." This effective veto power made the Council superior status to Majles.

Its authority in determining the compatibility of laws with *Sharia* has proved to be problematic. The rationale behind this dates back to a century ago when the first Iranian constitution was drafted. Clerics have been a regular feature of the Majles ever since its

³²² Kula'i Elahe, MP, Personal Interview. 16 March 2005.

³²³ Iran Constitution, Article 98.

³²⁴ Iran Constitution, Article 93.

inception. During the session on drafting the constitution, a debate raged between the moderate and radical clerics. The moderates wanted to check the monarch's arbitrariness along the lines laid out in such European constitutions as Belgium's, while the radicals advocated limiting the ruler's power within an Islamic framework arguing that since sovereignty had been delegated by God to the (Twelfth) Imam, and then to the *faqih*s, it did not rest with the people. The latter group won. "Sovereignty is a trust confided [as a Divine gift] by the People to the person of the King," stated Article 35. Significantly, Article 2 specified that no bill passed by the Majles was valid until a committee of five *faqih*s—elected by the Majles from a list of twenty submitted by the *Shia* clergy— had judged it to be in conformity with Islam. In practice, however, this Article was never implemented. All the rulers prior to the Islamic revolution ignored it.³²⁵

Since the advent of the Islamic Revolution, there has been a resurgence of clerical power and the legislative authorities of *faqih*s intensified. If the text of the 1979 constitution were to be taken literally, CG would have to be described as the real source of legislation. Although it had no part in formulating laws, it decided whether or not a draft text could become a law through its right of opposition. This right has so far been used by CG against a number of parliamentary decisions by establishing their incompatibility with either *Sharia* or the constitution and by sending the issue in question back to the Majles. The proportion of rejected parliamentary decisions varies from one period to the next, ranging from 27 to 40 percent. According to official statistics released by the Council, it has raised objection to 844 bills and referred them back to Majles for revision between 1980 and 2006.³²⁶ In the sixth Majles CG used its veto power to reject 111 of 295 mostly progressive pieces of legislation

³²⁵ Kermani, 1934, Op cit.

³²⁶ Majmuey-E Nazariat-E Shouray-E Negahban. Tehran: Atyeh, 2006.

passed by the Majles, making the parliamentarians look like useless chatterboxes.³²⁷

Until the establishment of the Expediency Council in February 1988 and its inclusion in the 1989 Constitution, a decision by the Majles, unless it was dropped by the latter, could be sent back and forth between the two authorities until the changes made by the Majles satisfied the Council. A large number of parliamentary resolutions were repeatedly rejected by CG, in some cases as often as five times. However, since the Expediency Council was organized, the Majles has been able to pass on issues rejected by CG for the ultimate decision of the Expediency Council.³²⁸ This happens when the Majles is not willing to fulfil CG wishes for modifications. Even after the establishment of the Expediency Council and its inclusion in the 1989 Constitution, CG regularly checked the decisions of the Majles and sent them back to the latter when finding anything contradicting the Islam or the Constitution. The difference with the period before the formation of the Expediency Council lies in the fact that parliament no longer has to follow the recommendations of CG. It can reject them and leave the decision about the matter to the Expediency Council in the hope of a suitable result. The parliamentary decisions demanded by CG are usually of great importance as to their effect on social life in the Islamic Republic. They deal, for example, with the control of foreign trade, landed property, banking, industrial law, cooperative systems, press laws and decisions concerning women's rights.³²⁹

The CG's right of opposition is not restricted to the bills approved by the Majles, but also applies to statutes approved by boards of organizations and societies belonging to, or affiliated with, the state.³³⁰ CG also exercises its right of opposition to statutory instruments

³²⁷ Ehsani, Kaveh. "Round 12 for Iran's Reformists." Middle East Report. Online at: <http://www.merip.org/mero/mero012904.html>, Accessed: 29 January 2004.

³²⁸ Madani, Seyed Jalal al-Din. Huquq-e Asasi-e Iran. Ghom: Islami Publication, 1998.

³²⁹ Majmuey-E Nazariat-E Shouray-E Negahban. 2006. Op cit.

³³⁰ Iran Constitution, Article 85.

approved by the cabinet and other executive organs, decrees of the Cabinet, treaties and statutes, by referring to Article 4 of the Constitution. The latter states that "all civil, penal, economic, administrative, military and political laws and rules must be based on Islamic criteria" and that "this shall be at the discretion of the theologian members of CG."

The most controversial aspect of the Council's practice is that they very rarely explain the arguments supporting their points of view about parliamentary decisions. These views usually say nothing more than that such decisions would contradict *Sharia* or a certain principle of the Constitution. Sometimes they briefly mention the direction in which desired changes are to be made, but this is done in such vague and brief phrasings that even experts find them difficult to understand. Sometimes the contradiction to *Sharia* or the constitution established by the CG involves the whole content of a parliamentary resolution, but more often it has to do with individual articles and paragraphs. During the sixth Majles CG took unprecedented and bizarre steps by taking an expansive interpretation of its responsibility to reject the articles which have been already approved by itself. Their criteria went beyond the unconstitutionality and contradiction to *Sharia* and extended to contradicting orders of the Leaders.³³¹ In the sixth Majles a bill was introduced by MPs, requiring CG to open their deliberations and make them available to the public. It was rejected by the Council as it was expected.

Article 98 of the Constitution provides the CG with the right to interpret the Constitution. This requires a two-thirds majority. CG thus acquires further possibilities to exercise its power. This right has often been used by the CG, especially during the first years of its activity. But even afterwards, the Council has repeatedly used this means to solve problems by interpreting the Constitution in line with its conservative leanings. When these

³³¹ Saied, Pedram. "Alani Sazi Mozakerat-e Shoray-e Negahban." Majles Research Center. No 37865. 2002

interpretations are accepted by a two-third majority, they are as valid as the Constitution itself. Otherwise they are considered as an "advisory decision" without compelling force. According to its own statutes, CG interprets the constitution on request. Applicants can be the Head of Parliament, the Supreme Court of Justice, the Cabinet, or the President. In practice, CG also acts as interpreter on behalf of the lower echelons of the State. Whether or not an application is accepted is decided by CG itself. CG's interpretations of the Constitution mainly concern the mutual relations between particular authorities of the State or the relationship between different offices within each State authority. Some interpretations also concern economic relations between Iran and foreign countries. Through its frequent interpretations of the Constitution, CG can, and often does, use its influence to steer decisions in the desired conservative direction. Since 1981, the council have offered 151 interpretations to 70 articles of constitutional law. The number of interpretations range from 1 to 6 in some instance.

The membership autonomy or subordination

The Judiciary and Majles

On paper Iranian MPs enjoy a comprehensive immunity. Article 86 of Constitution laid down: "the representatives of Majles shall as such be free in expressing their views and giving votes and shall not be prosecuted nor arrested for their views as expressed in the Majles or the votes given in the discharge of their duties as such". Similarly, Article 84 of Constitution provides: "representatives shall be individually responsible before the people and shall have the right to express their views on all domestic and foreign issues of the country".³³² In practice however, the courts have summoned deputies in several instances for offences that include speeches made in the Majles, despite a doctrine of parliamentary immunity. In fact the judicial branch, whose head is appointed by the supreme leader, considered to be a significant barrier to MPs' independence³³³. Here the representative examples of the breach of parliamentary immunity quoted in "Country Reports on Human Rights Practices"³³⁴ will be unfolded.

In October 2003, reformist parliamentarian and outspoken critic Mohsen Armin was sentenced to 6 months in prison for insulting a conservative Majles member. The judge reportedly also stripped Armin of his "social rights" for one year for not appearing in court. Armin ascribed his absence from court to his assumption that he held parliamentary immunity. In August, Armin appeared in court in response to a complaint relating to speeches he made in 1999–2002 and an accusation of spreading lies. At year's end, Armin had not

³³² Iran Constitution, Article 86& 48

³³³ Hashemi, Seyed Mohammad. *Huquq-E Qsasi-E Jomhuri-E Eslami-E Iran*. Tehran: Nashr-e Dad Gostar, 2005.

³³⁴ US Department of State. *Country Reports on Human Rights Practices. 2003-2004*

been imprisoned.³³⁵ In spring 2001, security forces arrested then Majles member Fatima Haqiqatju for inciting public opinion and insulting the judiciary for criticizing the arrest of a female journalist and claiming that the Government tortured prisoners. She was the first sitting Majles member to face prosecution for statements made under cover of immunity. Haqiqatju was sentenced to 17 months in prison, although at year's end, she had not been imprisoned for this offence. Separately, in June, the public prosecutor summoned her to court and charged her with "propaganda against the system," "spreading lies with the intent of disturbing public opinion," and "insulting CG, the judiciary, and the Islamic Revolutionary Guard Corps." She was released on bail, but she was forbidden to leave the country. On November 29, Haqiqatju was summoned to a Tehran Penal Court due to a complaint by the Public Prosecutor based on her February 23, 2003, resignation speech from the Majles. She was charged with spreading lies to disturb public opinion, insulting officials, and propaganda against the Government.³³⁶ In August of the same year, a court summoned former Majles Deputy Mohsen Mirdamadi in response to a complaint from an Islamic Revolution Guards Corps member concerning published remarks by Mirdamadi that interference by military personnel in political affairs weakens the armed forces. At year's end, there was no further information on legal action; however, he had not been incarcerated. In January 2003, the judiciary halted efforts by the deputy speaker of the Majles, Mohammad Reza Khatami, to reopen the banned newspaper Norouz under the new name Rouz-e No, by extending the six-month ban on the original publication. Khatami was slated to replace former Norouz editor and parliament member Mohsen Mirdamadi, who, despite parliamentary immunity, was sentenced in May 2002 to six months in jail and banned from practicing journalism for four years for "insulting the state, publishing lies, and insulting Islamic institutions." At year's

³³⁵ US Department of State, *ibid.*

³³⁶ US Department of State, *ibid.*

end, there were no reports that Mirdamadi had been imprisoned; however, the newspaper has never re-opened.³³⁷

In his speech before the Majles, Khatami questioned the Judiciary's supremacy over the Majles and attacked the Judiciary's attempts to restrict the Majles's activities. He emphasized the Majles's legislative authority and its supervisory authority over other government bodies: "Despite the independence of the Judiciary, the Majles must be fully aware of how people are treated by the Judiciary just as it has to be fully aware of other ministries' performance." Khatami complained about the devaluation of the Majles's status, particularly in its present session, and railed against the conservatives' disrespect towards Majles members: "How come insulting the parliament has become as good as gold, but insulting certain other circles [i.e. the conservatives] is regarded as [damaging] the system?"³³⁸ After several pro-reform MPs have been summoned for questioning by the courts for comments made on parliament's open floor, the most senior judge Abbas Ali Alizadeh tells parliament in a letter: "No one has the right to interfere in judiciary affairs, or we will do our religious and legal duty. Why do you raise questions about legal proceedings for the sake of a bunch of so-called reformers and newspapers?"³³⁹ During the Sixth Majles, the parliamentary committee of the Article 90 Commission tried in vain to play the role of a liaison organ seeking to exert pressure on judiciary. The Article 90 Commission is a parliamentary body mandated by the Constitution to investigate and report on complaints by individuals against the three branches of government. When the press and parliament members pushed more vigorously for the rights of imprisoned journalists and activists, the commission served as the only means of official redress for many prisoners. The Article 90 Commission set up a human rights subcommittee in 2002 to handle complaints regarding the violation of citizen's rights. This subcommittee

³³⁷ US Department of State, *ibid.*

³³⁸ Sharq. 27 July 2002.

³³⁹ Majles. Minutes of Proceedings. 6th Majles, 2nd Year, 20 June 2002. 112

may, with the consent of the Chair, invite concerned individuals to a hearing and carry out on-site visits. The relevant authorities have a duty to cooperate with the Commission and its subcommittees. Cases of public interest are publicized through the Majles tribune and the media is allowed to publish the relevant report. In 2003, for example, a report on detained national religious political activists was published. Between March 2002 and 2003, the Article 90 Commission received 8775 complaints, a 40% increase from the previous year. In 2000 and 2001, the Article 90 commission was able to bring pressure on the judiciary regarding the arrests of journalists and students, treatment of political prisoners, and state accountability for violence against student protesters.³⁴⁰

Some of the most vocal MPs who repeatedly sought out information about the condition of political prisoners or who have openly criticized the judiciary's targeting of journalists and activists have been subject to similar treatment. Plainclothes agents attacked them during public appearances. One person who spoke with Human Rights Watch stated that: "The Article 90 Commission is important, and they fulfilled a very necessary function. But now, what can they do? Not only do they not have any enforcement power, but they are always getting arrested." In short, the commission, and particularly its public reporting mechanism was proved to be only a way to bring attention to their cases with no real enforcement power.³⁴¹ One of the most recent reports of the commission highlights the degree to which the environment in Iran has changed for the worse. The report on the death in detention of Iranian-Canadian photojournalist Zahra Kazemi presents a scathing indictment of the judiciary, and specifically the role of Chief Prosecutor in covering up the cause of Kazemi's death. However, rather than responding to the serious concerns raised by the Commission's report, the judiciary instead forced journalists to ignore the report. Only one print newspaper

³⁴⁰ Ansari Rad, Houssein. Dar Komisiun-E Asl-E Navad Che Gozasht, June and July 2006.

³⁴¹ ISNA web site, Tehran, in Persian 1011 gmt 2 Nov 03

in Tehran ran the full report. The chairman of the Majles Article 90, Hoseyn Ansari-Rad, said: “The refusal to accept a debate is a trick aimed at confusing the issue and avoiding a response. More than once, we have invited [Tehran prosecutor Sa’id] Mortazavi to appear in front of the committee and offer his explanation [on Zahra Kazemi case]”. Ansari-Rad added: “Majles has filed a complaint against Mortazavi. The matter has been referred to a court. He should now respond to the complaint. There is absolutely no room for debate.” He said: “Majles considers Mortazavi a defendant. The charges have been filed with the court. Mortazavi should be interrogated and given a chance to defend himself. There is absolutely no room for debate.”³⁴² When the seventh Majles formed its new Article 90 Commission, the commission announced that it was dropping all cases pending from the Sixth Majles. During the year, the commission took no effective action.

Majles turnover

The official term of office in Majles is four years and the number of legislators is 290. As discussed in the last chapter the executive are not empowered to dissolve Majles. As a result, the date of the next election is fixed in advance. Since the advent of the Islamic revolution in 1979, seven elections have been held. Because of the revolution all MPs in the first election were those who entered the legislature for the first time. As shown in the table 9 and 10, turnover in Majles is surprisingly high. During the last six legislative elections the minimum percentage of turnover has been 52 with a mean of 56.83. (Tables 9 and 10) Similarly the incumbency return rate has dropped to 23 per cent in the last two elections with the mean as low as 31.67. Then the turnover remained almost constant in the last legislative

³⁴² Hussein, Ansari Rad. Article 90 Commission Chairman. Personal Interview. 17 May 2006.

elections with a standard deviation of 3.488.³⁴³

Table 9: Incumbency Return Rate and Turnover in Majles

<i>No of elections</i>	<i>Incumbency Return Rate (%)</i>	<i>Turnover (%)</i>
1	38	60
2	38	58
3	30	60
4	38	52
5	23	58
6	23	53

Source: Saeid, Pedram. *Mahdoudiat-e Doran-e Nemayandegi*. Majles Research Center. No 378563. Tehran: 2003

Table 10: Minimum, Maximum, Mean and Std. Deviation of turnover in Majles

	N	Minimum	Maximum	Mean
Incumbency Rate	6	23	38	31.67
Turnover	6	52	60	56.83
Valid N (listwise)	6			

Source: Saeid, Pedram. *Mahdoudiat-e Doran-e Nemayandegi*. Majles Research Center. No 378563. Tehran: 2003

Majles facilities and funds

In general, Majles has adequate resources to hire staff sufficient to fulfil its responsibilities. Majles has approximately 600 staff, 190 of whom are personal staff to legislators. Each committee in Majles has a secretary, an administrative secretary and two clerical assistants. As such, approximately 87 staff provide support to the work of committees, and approximately 120 work in the Majles Research Centre (MRC).³⁴⁴ To handle the heavy weight of issues before them, the committees are also empowered to

³⁴³ Saeid, Pedram. *Mahdoudiat-e Doran-e Nemayandegi*. Majles Research Center. No 378563. Tehran: 2003.

³⁴⁴ Alaei, Housein. Majles Committee Secretary. Personal Interview. 16 June 2005.

consider the recommendations of external experts. Each committee therefore, has at its disposal the legal mechanisms and financial means with which to consult experts. At times they use *rapporteurs* to undertake specific pieces of work on behalf of the committee, which are then reported back to the committee.³⁴⁵ In addition, MRC may hire one-third of the staff. Majles has a 34-person Legislative Bureau and benefits from a 75-person Majles library. Yet, there is no clear distinction between the legislative staff and the partisan staff of individual legislators. At the beginning of each new session, the tenure of almost all Majles staff including those who provide legislators with organizational, technical and specialized assistance, along with the secretary-general's, ends. Intensified by Majles high turn-over, such massive change known as 'Majles clean-up' has been regarded as a significant obstacle to Majles institutionalization.³⁴⁶

Majles' MPs receive significantly higher salaries than most members of the population and enjoy a broad range of perks such as offices, housing, and automobiles. As soon as MPs start their career, they are paid the highest rank in the civil services salary system. The payment is lifelong and will be continued after their term of office in Majles.³⁴⁷ At the beginning of each new session, MPs are involved in hot discussion and usually through in camera session in discussing their remunerations. In the seventh Majles the majority faction initially decided not to allow giving facilities to the Majles arguing that "it is beneath the Majles' dignity and against MPs electoral mandate to be paid from the public purse". However it was not approved and the Majles president advised those MPs who do not want to receive a salary and automobile to give them as gifts to charities quietly.³⁴⁸

³⁴⁵ Alaei, Housein. *ibid.*

³⁴⁶ Mohseni, Majid. *Op. cit.*

³⁴⁷ Mohseni, Majid. 2005. *Op. cit.*

³⁴⁸ Majles, Minutes of Proceedings, 7th Majles, 1st Year. 15 July 2005.

The authority of Majles in adopting its Rules of Procedure

Majles enjoys exclusive authority to adopt and amend the regulation governing its functioning, known as Rules of Procedure (RoP), except those constitutionally mandated. This procedural autonomy is explicitly provided for in the constitution. Article 65 stipulated that “the manner of election of the President and the Presiding Board of the Assembly, the number of committees and their term of office, and matters related to conducting the discussions and maintaining the discipline of the assembly will be determined by the rules of procedure of the Assembly.” The constitution has also necessitated a two-thirds majority for the approval of the RoP of the Majles. The Majles’ RoP provides the MPs with an opportunity to ensure the relevance of its rules by re-adopting them at the beginning of each period.³⁴⁹ Typically, the current Majles adopts the rules of the previous Majles and make any amendments they find necessary. All MPs might make a contribution to the process of amending through a special committee in Majles responsible for amending RoP. To make a decision for changing provisions of the RoP in detail, it must seek opinions of the Majles representatives on the matter and then, according to the article 145 of the RoP, refer its report to committees and subcommittees for making a final decision. When they have finalized the amendment, it should be sent to the presiding board to be read out on the floor. In practice, despite shortcomings that obstructed proper administration of the former Majles, caused by the ambiguous nature of the RoP that led to different interpretations, MPs have made little, if any, attempts to make changes in the RoP. A quick review of the Majles RoP confirms that the changes were few and far between. For the first time over last 30 years, in seventh Majles, a number of MPs attempted to change the essence of the RoP. Some of them who have the experience of serving in previous terms of the Majles prepared a motion to put an end to this

³⁴⁹ "Majles’ Rules of Procedure." Iran, March 2004.

problem. The main aim of the motion was to inject more clarity and realism, defend rights of the Majles representatives, prevent the interference of other agencies in the Majles ' affairs, enhance the supervisory role of the Majles, and ultimately make the Majles committees more efficient.³⁵⁰ However, the effective opposition of members who advocated amending the RoP in the sixth Majles but opposed this in the seventh Majles paved the way for the postponement of the motion. They argued that the present RoP must be observed, and after the Majles representatives become more familiar with the RoP, they can try to amend it.³⁵¹ One opponent said: "This motion must be suspended to be put under more expert consideration. Amendments to the bylaw must be made with regard to its legal features." Other MPs said in opposition to his remarks: "What is this argument that the Majles representatives must do nothing until they become familiar with the bylaw?" He added: "This was a good opportunity to amend the bylaw from the beginning of the Majles."³⁵²

³⁵⁰ Hefze Manzilate Majles. Bill. 37895. April 2006.

³⁵¹ Alamai, Akbar. MPs. Personal Telephone Interview. 26 January 2006

³⁵² Majles, Minutes of Proceedings, 7th Majles, 2nd Year. 19 November, 2005.

Conclusion

In this chapter the place of Majles within the broader Iranian political systems was illustrated. In particular it delved into the constitutional foundation which set the stage for power struggle in Iran. It was demonstrated that the Iranian constitution designed a bifurcated system in which the Islamic component, symbolized in the institutions of the Great Leader, is superior to the democratic component, reflected in the presidency and Majles. The struggle over what was to become the Iranian constitution is regarded by some observers as a rapid evolution from an essentially liberal, democratic document [the preliminary draft document presented to the Assembly] to an outline for clerical rule [the adopted document of 1979 and its later amendment in 1989] in which the powers of the clerical establishment totally expanded at the expense of people, and it was definitely a major turning point in the subordination of Majles. Ironically, the separation of powers is mentioned but it is also stipulated that they function under the supervision of the absolute religious Leader. In other words unelected elements of Iran political system under the supervision of the Great Leader were to be superior to the elected ones and retain the ultimate control over them. In such a regime Majles as an elected institution enjoy little room for manoeuvre. The Great Leader has frequently exercised powers in the matters normally taken to be the province of Majles. It was discussed that Majles enjoys some autonomy with respect to the executive but it is absolutely subordinate to the Great Leader, CG and the Expediency Council. The most important conclusion that can be drawn is that in contrast to many countries the actual power conflict is not taking place between executive and Majles but it is operating somewhere else — in the Expediency Council or CG.

With respect to the membership autonomy it was revealed that the judiciary proved to appear as the most severe barrier against the MPs by frequent breaching the MPs immunity

protections. The turnover is high which left Majles with inexperienced MPs. The funds and facilities are adequate but the high salary and benefits of MPs made Majles susceptible to misuse. Finally it was declared that on paper, MPs enjoy the authority of adopting and amending Majles internal regulation but they have not used this authority effectively.

Chapter 6: Majles representativeness and deliberativeness

Introduction

The main purpose of this chapter is to explore the extent to which Majles is representative and deliberative. The theoretical presupposition of this chapter was discussed earlier. With respect to the representativeness, two different and complementary views were identified: representative as the fair reflection of population diversity and representative as meeting the expectation of constituencies. The operational indicators of the former are populations' characteristics (like ethnic, racial, religious, sex and age distributions), and issues attributed to legislatures' elections like electoral systems and the election integrity while the latter is distinguished by factors associated to the extent to which legislators devote their time to constituency services rather than to national policy making. The opposite concept of representativeness was coined as exclusiveness as a defining feature of authoritarian legislatures.

The deliberativeness element also was defined as the degree to which parliaments operate in accordance with the normative values of deliberative democracy including transparency and accountability. The central element was the transparency of internal organization of parliament, its openness to the public and the integrity of MPs.

The organization of this chapter is as follows. It is divided into two parts. The first part deals with representative aspects of Majles. Based upon two different perceptions of the representative concept, different issues will be discussed. The most important issues discussed under this headline are different aspects of Majles elections particularly the factors that prevent elections being held in a free and fair manner. The role of GC in the selection of

candidates and the integrity of electoral procedures are among significant issues which will be discussed in detail. Another pertinent issue is the education and gender of MPs as an indicator of representativeness. Finally a detailed discussion is devoted to the constituency service notion of representativeness by looking at how Majles is involved in this regard. The second part considers deliberativeness. Central to these discussions are several issues attributed to the organizational transparency including the openness and accessibility of the assembly and committees to the public. Given that transparency and integrity are two sides of one coin, the way Majles deals with conflicts of interest which promote the independence of legislators from private interests or unreasonable political pressures are also adopted as other key indication of deliberativeness in this study.

Representativeness

Majles Elections

One of the most controversial aspects of Majles which overshadows its democratic nature is Majles election. Elections in general have been a regular feature and integral part of the post revolutionary Iran. The Islamic Republic is always proud of holding an average of one election each year, or 36 elections by the time of writing, since its founding in 1979. The regularity of general elections helped institutionalize the place of the parliament in the Islamic Republic and more importantly, it “has brought a certain degree of pluralism to the essentially absolutist theocracy of the Islamic Republic”.³⁵³ Although the basic constitutional principles of universal, equal, direct and secret are applied to the election, it is not free and fair entirely and constantly unelected authorities resort to unfair practices to ensure electoral victory and stay in power. However, the elections occasionally lead to a new government that is considerably more democratic than its predecessor. Thus voting still decides the direction of popular political debates and more importantly affects the distribution of power and political offices at the national level and increasingly so at the local level as well as through legislative elections.

Furthermore, since other forms of political participation, specially the unconventional ones are increasingly constrained, voting has remained the only viable channel of civic engagement and central to the concerns of both citizens and government. The high voter turnout has been very important to the government as it has been regarded as a barometer of

³⁵³ Gheissari, Ali and Vali Nasr. Democracy in Iran: History and the Quest for Liberty. Oxford: Oxford University Press, 2006. P. 34

the legitimacy of the regime.³⁵⁴ Iranian voting participation suggests that the voters tend to stay away from the polls when they feel their votes have little impact. In contrast, a huge number of people have participated in the election when they believe that their voice is heard through the ballot boxes.³⁵⁵ Iran's seventh Majles received only a moderate endorsement from eligible voters with less than 51 percent casting ballots, the lowest for a parliamentary poll in the Islamic Republic's 25-year history as peoples got bored of reformist slogans. However, the voters' apathy left supporters of the unelected ruling clerics dominating Majles. The ruling government's strategies toward election have been depicted as oscillating between open and closed; however, they appeared to be more likely to manipulate the results and repress the opposition than to accept defeat and withdraw from power.

The voting is not compulsory, but since the participation in elections is regularly recorded by stamping a person's identity card, people who not have such a stamp must worry about getting into trouble when dealing with authorities.³⁵⁶ According to one report 50 percent of the voters cast blank and invalid ballots in the Majles elections.³⁵⁷ In addition, many religious leaders repeatedly declared that voting is the sacred duty of the faithful to participate and that abstaining from the elections is a reprehensible act according to Islam. The voting age was fifteen, the youngest voting age in the world.³⁵⁸ Since 60% of Iran's 65 million people are under 25 years old, the number of eligible voters will dramatically increase. The young were thought to be among the most ardent supporters of the radical agenda and more vulnerable to propaganda bombardment urging people cast their vote prior to any national election. Khatami's presidential election proved that the vast majority of devotees'

³⁵⁴ According to IDEA database on the voter turnout parliamentary election around the world since 1945, Majles election voter turnout is 67.6 percent which ranks 70 among 134 countries. For more information see IDEA site at: <http://www.idea.int/vt/viewdata.cfm>

³⁵⁵ Saied, Pedram. *Raftar-e Ray Dahandehan-e Irani*. MA Thesis. Imam Sadegh University. 1999.

³⁵⁶ As it was the case before Islamic Revolution that people have to show the stamp when applying for passport.

³⁵⁷ Iranian Labour News Agency (ILNA), Tehran, in Persian 13 March 2004.

³⁵⁸ Election Law. Article 13.

reformists are from among young people. The change of voting age from fifteen to sixteen made one million and eight hundred of potential reformist voters ineligible to vote. In a very recent amendment to election law the voting age was set at eighteen. In the following section two controversial aspects of Iranian elections including the role of CG and integrity of the system will be discussed.

The role of the Council of Guardians

A crucial issues undermining the integrity of Iranian election is the exclusionary gate keeping roles of CG in Iranian elections. Generally speaking, the elections in Iran are organized by the Ministry of the Interior. The supervision of elections, however, constitutionally is the responsibility of the Council of Guardians.³⁵⁹ The Council has always been superior to the Ministry of Interior, having the final word on elections in a way that no authority is allowed to interfere in their decisions and judgments.³⁶⁰ To run for a seat in the Majles, the aspiring candidates should register with the Executive Committee organized by the Ministry. The Executive Committee is responsible for enquiring about their background from a variety of resources, among them, the Ministry of Information, the Attorney General, State Personal Status Registry Office, Identity Control Office, and the International Police. Then they refer the lists of applicants along with the relevant documents obtained from the abovementioned sources to the Screening Committee set up by CG.³⁶¹ Although the CG decides on the eligibility of candidates based on the formal documents collected by Ministry of Interior, it has its own sources of inquiry as well, such as the Revolutionary Guards, Basij

³⁵⁹ "The Constitutional Law." Iran, 1989. Article

³⁶⁰ "The Law of Guardian Council's Supervision over the Election of the Islamic Consultative Assembly." Iran, 1994. Article 23.

³⁶¹ "Executive by-Law of Election Law of the Islamic Consultative Assembly ". Iran, 1999.

and Friday Imams.³⁶² It is the CG that takes the final decision with regard to each candidate's qualification. In the case of differences between the recommendation of the Executive Committee and that of the Supervision Committee, the CG is the ultimate arbitrator: "CG announces its final decision regarding the confirmation or rejection of each volunteer's qualification to the Interior Ministry twenty days after the central Supervision Committee has declared its definitive viewpoint."³⁶³ In the absence of political parties to nominate candidates for election, a large number of people register to run for election. For instance, in seventh Majles more than 8,000 people signed up for candidacy for the 290-seat Majles.³⁶⁴ The ratification of legitimacy of the candidates must be on a series of conditions stipulated by election law. Such conditions, however, are open to arbitrary interpretation and set in a way that it is easy to prevent unwanted people from being elected or even running as a candidate.³⁶⁵ CG usually refuses to make known its grounds for rejecting applicants, and does not even inform the candidates themselves as to these grounds.

In 2003, after GC budget was tripled through controversial procedures, it used this influx of funding to establish supervisory offices in the provinces that would participate in the vetting of candidates for elected office.³⁶⁶ The surplus funds also helped the CG to have the upper hand on election day as well. Reza Yusefian commenting on the soundness of the elections expressed much cause for concern and added: "CG's decisions to designate 15 supervisors to each ballot box, and the reports we received indicate increased ambiguities concerning the soundness of the elections." He added: "According to reports attempts has been made to exaggerate the overall number of votes to show high degree of participation

³⁶² Boroumand, Ladan, and Roya Boroumand. "Is Iran Democratizing? Reform at an Impasse " Journal of Democracy 11.4 (2000).

³⁶³ "The Law of Guardian Council's Supervision over the Election of the Islamic Consultative Assembly." Iran, 1994. Article 34

³⁶⁴ IRNA news agency, Tehran, in English 1045 gmt 20 Dec 03.

³⁶⁵ "Election Law" Iran, 1998

³⁶⁶ Samii, 2004, Op cit.

rather than increasing the votes in favor of a particular candidate.”³⁶⁷ On the remarks made by the head of Tehran Supervisory Board concerning the second count of votes to be carried out by CG, he said: “Unfortunately CG is trying to perform the two tasks of supervision and execution at the same time.”³⁶⁸ Yusefian also stated that: “There are speculations that CG will be trying to count the votes in the same biased manner that it disqualified the candidates in which case we do not know where we should take refuge.” Yusefian also said: “Considering CG’s support for a particular faction during the qualification process, the [correct] count of the votes will be surprising.”³⁶⁹

Among its supervisory rights, CG also includes the cancellation of election results in certain wards which it considers improperly run. In addition, it can cancel all or part of the votes in certain ballot boxes. CG can also suspend elections in certain towns and provinces under the pretext that they may cause unrest. This right has been used by CG in all parliamentary elections hitherto held. In the elections from the third to the sixth parliamentary periods, the results were cancelled in 16, 11, 14, and 10 Wards, respectively. As an example of the cancellation of votes is the elections of the sixth parliamentary period, when in Tehran alone CG declared 2 million votes, to be invalid. This amounted to 25 percent of all votes cast in Tehran. This practice can often lead to alterations in the election results. In the case of the Tehran elections just mentioned, Gholam Ali Hadad Adel who fought a losing battle before the cancellation, afterwards advanced to the 28th place, i.e., to the rank of the elected and went to parliament. Instead, Ali Reza Rajaei, the candidate of Nationalist groups and the editor of reformist journals who hold 28th place in the Ministry of the Interior list was moved to 34th place and stayed away from parliament. As one of the respondents stated “the number of cancellations is directly dependent on CG’s measure of success in controlling the various

³⁶⁷ Yusefian, Reza. MP. Personal Interview. 20 March 2005.

³⁶⁸ Ettelaat, 24 November 2004.

³⁶⁹ Yusefian, Reza. 2005. Ibid.

phases in the overall procedure of the elections.”³⁷⁰ Clearly, the role of CG questions the democratic character of Iran’s parliamentary elections. Thus, it is said that in Iran all elected officials must in effect submit to two elections, first that of CG and the second that of universal suffrage.

Electoral system

The design of the Iranian electoral system has always been controversial and the subject of prolonged discussion due to its abnormal design. The Iranian electoral formula is that of a plurality held in a two-round system. In the first round candidates need over twenty five percent (it used to be an absolute majority or fifty percent but changed to thirty percent and finally twenty five percent) of the total votes cast in their constituency to win the first round. If no candidate achieves such a given level of votes, the candidates twice the number of seats left to be filled in the given constituency with the highest number of votes must compete in the second round of elections. To win in the run-off election, a (simple) mere plurality of votes is needed. The Majles hold 290 representatives of the people of Iran from 26 counties divided into 207 constituencies. One seat from five of these constituencies is allocated for the representatives of the religious minorities of Iran. The number of seats allocated to each constituency or district magnitude ranges from one seat for small and medium-sized towns and cities to multiple seats for larger cities. For example, Tehran with its suburbs of Shemiranat and Shahr-e Rey is the largest constituency, having 30 seats in the Majles. Tabriz has six seats in the Majles; Esfahan and Mashhad have five each; Shiraz has four; Ahvaz, Abadan, Ardebil, Rasht, Kermanshah, Qom and Urumiyeh have three each. 22 constituencies have two seats and the rest of 170 constituencies have only one seat.

³⁷⁰ Unknown respondent, Interview Tehran, Summer 2009

The plurality model with a second ballot served the interest of Iran's ruling power bloc at the expense of the voters. In the absence of political parties and the presence of a large number of independents, candidates sponsored by the major factions enjoyed a clear advantage. From the voters' point of view, it was difficult to know all the candidates and their positions. For example, in multiple-member constituencies, such as the one in Tehran where some 170 candidates contested 30 at-large seats, only major factional candidates received publicity. In the first round, the voting ballot was a write-in form. Voters fill in the name of their choices, a questionable practice in a country where the illiteracy rate is high. Electoral laws allow illiterate voters to be accompanied to the election booth by a literate person or "assisted" by an official "volunteer" in the polling station. The write-in ballot form is not only questionable for illiterate voters, but also for literate ones, who must remember no less than 30 names. As a result, voters often carry a copy of the factional list to the booth. The major factions distributed their list of 30 choices. The lists were mailed out, or distributed in the mosques, in the streets, and appeared in newspapers and on wall posters. It is not surprising that all candidates supported by the major factions—except for one independent candidate—were those who received the highest number of votes in the first round in Tehran. Independent Islamist candidates were the real losers in the elections; in fact, their participation in large cities was hardly noticed. Thus, such an electoral system has accounted for the elimination of smaller groups as many dependent or minority parties saw the system as another strategy by the ruling parties to exclude them from the political platform.

Election frauds

There are several loopholes in Iranian electoral practice which make it vulnerable to the frauds. The most apparent frauds are occurred in election campaigns. The key to success in a campaign is access to informal institutions such as influential military and clergymen and

their *bonyads* and publishing houses. In the 1980s and 1990s the major factions had access to or owned public media and private publishing centres. In contrast most of the independent candidates had neither such access nor support. The electoral laws prohibited the military and *faqih* and *imam jomehs* from intervening in elections, but in practice they always take the side of their favourite candidates. Surprisingly there are no rules governing campaign finance and thus Majles candidates were not required to publish their campaign expenses. There appear to be few restraints on privileged interests wielding influence over the electoral process. Information on campaign contributions by other interests in the business community, the military, or government organizations, is also unavailable. It was expected, however, that candidates or the groups supporting them would conduct fund-raising, open bank accounts in which contributions could be deposited and volunteer in labour-intensive processes during the official campaign week.

Another drawback is associated with the voter registration. Iran is among the few countries in which voters are not registered. The lack of registration increases the likelihood of the movement of voters between the constituencies and fraud by vote buying. Now and again, turnout is reported to be more than hundred per cent in some constituencies as voters moved to that constituency from somewhere else. In recent years, the Iranian elections have witnessed an unprecedented increase of interventions by the military. It is frequently claimed that the Revolutionary Guards and *basij* mobilized their constituencies for particular factions. The Interior Ministry in the election of seventh Majles hired the Basij organization to assist them on polling day. Several reformist groups claimed numerous cases of ballot-box fraud by Basij in the presidential elections of 2005 and in the December 2006 local council elections; in the latter polling, even the Justice Ministry acknowledged some 290 cases of election offences in Tehran alone. All radio and television broadcasting, the main source of news and information for nearly all Iranians, is banned legally from involvement in Majles campaigns.

However, they are strictly under the control of the supreme Leader’s office and support indirectly conservatives. This gives conservative candidates a strong advantage during electoral campaigns especially through negative advertisement.

MPs’ Characteristics

To this point the role of Majles election as the main indication of the representativeness of Majles was taken into consideration. In particular, the process through which Majles election has contributed to the exclusion of the opponents and harmed the representativeness of Majles were discussed. In this section the main focus will be placed on the results of Majles election as manifested in the diverse characteristics of MPs in Majles assembly.

A quick review of MPs in the previous sessions of Majles indicates that only a small number of Iranian women have won seats in the Majles: four of the 324 members elected to the first post-revolutionary parliament were women, and the numbers remained in the single-digits until after the death of Khomeini and the end of the Iran-Iraq War in 1996. 15 women were elected to the fifth Majles (1996) (5.1% of MPs), 11 to the sixth (2000) (3.7% of MPs) 13 to the seventh (2004) (4.7% of MPs) and 8 to the eighth (2008) (2.8% of MPs).³⁷¹ (Table, 11)

Table 11: the gender diversity in Majles

Session of Majles	1	2	3	4	5	6	7	8
Year of election	1980	1984	1988	1992	1996	2000	2004	2008
Gender								
Male	323	273	274	259	252	284	272	277
Female	4	4	4	9	15	11	13	8

Sources: Majles. Majles Annual Reports. 20 vol. 1980-2007

³⁷¹ Majles. Majles Annual Reports. 20 vol. 1980-2007

The Iranian women in Majles have attracted the attention of a number of scholars in recent years. For instance, Afshar noted that in spite of their diverse socio-economic backgrounds and political and religious views, Iranian women politicians have generally been able to work together, and have made an important contribution to “gradually clawing back rights denied to them”, by “assiduously formulat[ing] their demands in terms of Islamic teachings”. Afshar suggests that “by situating their demands firmly in the context of the Islamic teaching, women parliamentarians have formed the only long-lasting, acceptable political opposition in a system that does not allow political parties and has driven underground almost all other opponents”. She attributes this success to the women’s ability to use their family networks and knowledge of Islamic law to ensure that they were perceived as loyal defenders of Islam.³⁷² Mir-Hosseini provides insight into the career and resignation of Fatemeh Maqiatjoo, a female reformist MP. Mir-Hosseini also discusses the more conservative orientation of the 12 female MPs elected to the seventh Majles, who have already distanced themselves from earlier female MPs’ efforts to prompt Iran to sign the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and facilitate single Iranian women’s opportunities to study abroad.³⁷³ Paidar’s 2002 chapter “Encounters between Feminism, Democracy and Reformism in Contemporary Iran” places the work of Iranian women MPs in a broader political and theoretical context. Paidar highlights the “opportunities that women have created and used to enact their rights within the existing authoritarian context...illustrate[ing]...the paradox of weak democratic institutions and active female citizenship.” Paidar suggests that a “new window of opportunity...has been opened through the ongoing dialogue between and within the

³⁷² Afshar, Haleh “Competing Interests: Democracy, Islamification and Women Politicians in Iran” Women, Politics and Change, Ed Ross, K. Oxford: Oxford University Press. 2002. p112.

³⁷³ Mir-Hosseini, Ziba. “Fatemeh Haqiqatjoo and the Sixth Majles: A Woman in her Own Right”, Middle East Report 233. 2004.

democratization and women's rights movements. The new strands of political thought and discourse and the dialogue between them...present more emancipatory potential for women's rights than democratic institutions have had in Iran since their inception." The force of Paidar's argument is weakened when considered in the context of the resurgence of conservatism and restrictionism in Iran since Ahmadinejad's election in 2005.³⁷⁴

Apart from gender another significant characteristics of Majles' MPs is the number of clerics as Majles MPs. A quick review reveals that there is a considerable decline in the number of clerics from 50 percent in the first and second session of Majles to around 15 percent in the 2000s. The percentage of Majles MPs from small towns has oscillated around 50 percent. Given that only 20 percent of Iran's population lives in small towns, it can be argued that Majles represented the MPs of small towns on an unequal scale. One-third of Iranian populations are still living in villages where in the 1980s and 1990s, 15% of MPs represented them their proportions declined to only 6 percent of MPs in the 2000s. With respect to the MPs level of education, there is a decline in the number of MPs who did not finish high school, approximately consistent with the trend in the general Iranian population. The percentage of MPs with graduate degrees, on the other hand, decreased dramatically in the late 1980s and 1990s to reach to the level of the first and the second Majles of the early 1980s. The decline in part reflects the growing level of education in the general population, but should mainly be associated to the condition of candidacy prompted in election law by Rafsanjani's camp which will be discussed later in detail.

³⁷⁴ Paidar, Parvin "Encounters between Feminism, Democracy and Reformism in Contemporary Iran" Molyneux, M. and Razavi, S. (eds.) in Gender Justice, Development and Rights Oxford: Oxford University Press. 2002. p, 240.

Table 12: the MPs status in eight Majles sessions

Session of the Majles	1	2	3	4	5	6	7	8
Year of election	1980	1984	1988	1992	1996	2000	2004	2008
Clerial presense								
Clerical	161	149	80	63	53	37	43	44
As (%) of total2	(49%)	(54%)	(29%)	(25%)	(20%)	(12%)	(15%)	(15%)
Place of Birth								
Cities	123	90	78	93	83	103	117	107
Small towns	147	150	161	122	113	176	137	155
As (%) of total2	(45%)	(54%)	(58%)	(46%)	(43%)	(59%)	(48%)	(54%)
Villages	50	35	45	45	67	18	18	21
Holy cities of Iraq	7	2	4	4	2	0	0	2
Education								
High School or less	23	20	31	17	4	11	4	0
Bachelor degrees and diplomas	109	103	146	109	91	101	76	74
Graduate degrees	195	154	101	68	99	166	157	169

Sources: Majles. Majles Annual Reports. 20 vol. 1980-2007

The occupational backgrounds of Majles MPs often reflect their educational backgrounds. What is striking is the small percentage of MPs who are professionals, for example, attorneys, engineers, doctors, university professors, and others with specialized university training or advanced degrees. In seventh Majles the number of veteran Revolutionary Guards dramatically increased, gaining close to 30 percent of the seats in Majles which reflected the militarization of politics in Iran after the Ahmadinezhad presidency.³⁷⁵

³⁷⁵ Ehteshami, Anoush , and Mahjoob Zweiri. Iran and the Rise of Its Neoconservatives: The Politics of Tehran's Silent Revolution. London: I.B. Tauris, 2007.

Policy responsiveness

MPs in Iran especially those from small towns and villages are reported to spend a large portion of their time for in their constituents. One respondent explained the daily routine of Majles MPs: “They almost every everyday meet a large number of people who want MPs to take time to address their concerns and solve their problems caused by other sectors, especially the judicial and executive branches.”³⁷⁶ Another respondent stated that “In many cases they simply request them to provide some amount of money. The poor people expect the MPs who are wealthy in their eyes to assist them financially”³⁷⁷. These local commitments in several instance prevented MPs from arriving in time to parliament to attend the assembly sessions. Once MPs are in Majles, the individuals still keep calling on them.³⁷⁸ In the constituencies, days will be spent on solving problems including requests of finding someone a job or an accommodation, arrangement of personal loan and mortgages, application for donations, settlement of individuals or groups problems, delivery of other services, or just attending in social day to day life and ceremonies like funerals and other private issues.³⁷⁹ In the light of this discussion it is apparent that the highest priority is given to the local interests rather than public policy making.

³⁷⁶ Alami, Akbar, Personal Interview, Summer 2009

³⁷⁷ Ibid

³⁷⁸ Saied, Pedram. Khadamat be houzehaye Entekhabie. Majles Research Center. No 178654. 2004.

³⁷⁹ Saied, Pedram. *ibid*.

Deliberativeness

Plenary Debates

It is no exaggeration to claim that the most noticeable manifestation of Majles deliberativeness is the speeches delivered by MPs prior to the formal agenda of Majles, known as pre-agenda speeches. Free to hold and air in the Assembly, these speeches are intended to be individual and personal expressions of views and opinions regarding the most crucial public issues. Majles Rules of Procedure stipulates that every MP who wishes to express himself/herself on any subject that needs to be brought before the Majles and the nation may do so through a pre-agenda speech. Each MP is assigned 10 minutes for the speech but he or she may share such speaking time allotted with other MPs giving up a minimum of 3 minutes, or his/her entire time to another MP. However, MPs using up time allotted to them shall speak only for a maximum of 30 minutes during pre-agenda time.³⁸⁰ The pre-agenda speeches, have always been crucial. In one event³⁸¹ a row in the Majles was sparked by a pre-agenda speech by a reformist deputy. The minority [conservative] faction of the Majles strongly protested about his comments on the duties of the Assembly of Experts as outlined by the constitution. A deputy from the minority stood up and shouted "shut up" while reading a section of the constitution on the responsibilities of the Assembly of Expert. Simultaneously, another deputy ran to the tribune, darting sharp words at him. Mohammad Reza Khatami, who was substituting as Majles president for Mehdi Karrubi, told the protesting Majles deputies, who were moving towards the podium: "The pre-agenda speaker has acted according to his legal duty and has read an article of the constitution." Ignoring

³⁸⁰ "Majles' Rules of Procedure." Iran, March 2004.

³⁸¹ Personal observation. 28 July 2003.

Reza Khatami, members of the minority faction removed the microphone from the podium, preventing the pre-agenda speaker from continuing his speech. Meanwhile a rush by the minority faction towards the podium prompted members of the reformist faction to enter the scene to try to calm the situation down. Other minority deputies moved towards the podium with the apparent intention of getting physical with him, but were blocked by the reformist faction. In an attempt to prevent the minority faction from tearing the speaker's speech, Reza Khatami repeatedly asked the pre-agenda speaker to remove his notes from the podium and continue his speech. The Majles deputies were able to prevent him from being physically assaulted. But rude and profane words were being shouted in the Majles. He continued his speech while the minority members continued their strong protest around the podium. The pre-agenda speech ended in the midst of a shouting match between the minority and majority faction on the Majles floor.

According to Majles Rules of Procedure each MP has the right to publicly reflect on bills under consideration. A list of speakers is often drawn up in advance. Those MPs who registered earlier take priority over those registered later. The presiding officer determines the practical details of the debate such as the calculation of speaking time. Majles Rules of Procedure have no guidance on how presiding officers do their jobs to ensure that the time for speeches is divided out among political groups in proportion to their seats. As one minority MP stated, his share in debate has been five minutes in two months.³⁸² However some MPs tend not to get involved in plenary debates; for instance in sixth Majles 13 MPs accounted for 50 percent of the suggestions while 15 MPs never spoke and 149 MPs made no suggestion. It is partly because the main decisions are within committees and, as an MP stated, the output of

³⁸² Khatami, Reza. Former Majles President Deputy. Personal Interview. 27 March 2005.

Majles is a result of what has been done by MPs collectively.³⁸³

Majles has two set times or readings in which legislation can be publicly debated. The first reading generally consists of a general debate on the principles of the bill, and the second consists of a detailed examination of the clauses, and of amendments proposed by committee. Ideally, since the will of the majority is usually already reflected in the content of the bill, compensatory steps are taken to provide for the views of the opposition to be heard. The allocation of speaking time for opposition groups is the same as those representing the majority. Although bills are carefully reviewed in the first and second rounds in the committees of the Majles,³⁸⁴ the debates on the floor of the Majles are expected to have a more important role.³⁸⁵

In the committees the voting practice is relatively democratic. Yet, the committee meetings are absolutely closed to the public and the media. No public hearing is held when examining the legislation. Minutes and related documentation from such meetings are not published. These documents are archived somewhere in Majles but they are classified as top secret documents. The reporting of the committee meetings may be announced by members after the termination of each session.³⁸⁶

Plenary Voting

The voting in Majles is made in public, combining the use of non-recorded and recorded methods of voting. The recorded voting must be held in Majles if demanded by at least 10 MPs. However, the voting records of MPs are not published. The method of unrecorded voting is by a show of hands and the recorded one by paper on which the name of MPs put

³⁸³ Majles. Majles Annual Reports. 20 vol. 1980-2007

³⁸⁴ "Majles' Rules of Procedure." Iran, March 2004.

³⁸⁵ Alami, Akbar. 2006. Op. cit.

³⁸⁶ Alaei, Housein. Op. cit

down. The exceptions to the publicly recorded voting apply to the election of the presiding officer, CG jurists, internal committee elections and votes of no confidence in ministers.³⁸⁷

Obviously, only legislators have a vote on issues before the legislature as the position of membership of the Majles shall be personal and may not be assigned to another.³⁸⁸ The Majles may not delegate the right to legislate to another person or committee. However, in necessary cases it may delegate the right to legislate certain laws to its own internal committees, with due observance of the provisions of Article 72. In this case, such laws shall be enforced on a trial basis for the period set by the Majles. Their final approval, however, shall rest with the Majles. Likewise the Majles may delegate to its relevant committees the permanent approval of articles of association of Government agencies, companies or organizations, or those affiliated to the Government, with due observance of the provisions of Article 72, and/or authorize the Government to approve them. In such a case, government approval shall not be inconsistent with the principles and rules of the country's official Faith or the Constitution and the issue shall be determined by CG in the manner laid down in Article 96. Moreover, government approvals shall not be inconsistent with the general laws and regulations of the country. While the Government notifies such approval for implementation [to the ministries concerned], it shall also notify the same to the Majles President who shall examine and state whether or not they are inconsistent with the said laws Article 85.

Accessibility

According to Article 69 of the Constitution, Majles sittings should be held openly and a full report of each sitting is released to the public through the radio and the official gazette.

³⁸⁷ Majles. Majles Annual Reports. 20 vol. 1980-2007

³⁸⁸ Iran Constitution, Article 72.

The radio carries a live broadcast of the Majles deliberations. Coupled with radio, the Ministry of Justice Formal Newspaper (gazette) also publishes the proceedings in detail for the public. The plenary debates are also accessible on-line through the Majles website.³⁸⁹ People as well as foreign and domestic reporters can attend the Majles open sessions. According to the Rules of Procedure, Article 177, reporters from the press, radio, and T.V. as well as visitors holding entry access cards specially issued for the day's sitting are permitted to the parliament building to attend the place earmarked for them. About 300 such persons on the days when there is an open session are accommodated. The rules and practice governing the granting of building passes to the media virtually follow the flow of free information. A relatively well equipped Public Relations Department of the Majles will make every necessary coordination in this regard.³⁹⁰ The department has a media relations office or spokesperson who is elected from among the presiding officers and directly is accountable to the president. Majles also employs a number of staff to actively push the activities of the legislature.

Broadly speaking, Majles frequently make available reasonably accurate, unbiased information about the activities of the legislature through the Public Relations Department. The problem of creating a party bias in the dissemination of information comes from outside Majles. In the sixth Majles, MPs accused the national television, governed by the Leader and paid from the public purse, of giving unfair coverage to Majles news. For instance, they condemned it for its blackout of the news about the sit-in protest of the reformists MPs in the parliament house against the illegal action of CG. Iran's 24-hour television news network (IRIB) has not been seen to broadcast any reports on the resignation of Majles deputies. On other occasions, IRIB did not broadcast the joint statement of the president and the Majles

³⁸⁹ The official site of Majles is : www.Majlis.ir

³⁹⁰ Hosseini, Ahmad. Majles Press Correspondent. Personal Interview. 11 April 2005.

president when they were alarmed that the rights and votes of the people were being ignored by CG.³⁹¹

In Iran several spoken languages exist, however, it does not constitute an obstacle to free political participation because no Iranian has difficulty with the officially recognized language, Farsi. Thus language is not a barrier for deputies and citizens to get involved in Majles affairs. Majles have also made sufficient effort to accommodate the special needs of persons with disabilities because the recent eight-year war has resulted in many with disability, a few of which have occupied Majles positions.

Transparency and Integrity

To date, Majles has failed to approve and enforce rules on conflicts of interest which promote the independence of legislators from private interests or unreasonable political pressures. In the sixth Majles, a number of MPs called on the Majles Research Centre to set out a framework for fighting corruption in Majles, however, no one dare to sign a letter to request officially the drafting of a Bill on the matter.³⁹² In the seventh Majles, the Bill was drawn up but it was suspended. One MP stated that when more than eighty per cent of MPs are pregnant with corruption how can we expect that they show an interest in such a Bill?³⁹³ In Iran MPs are not required to disclose their financial assets and business interests before, during or at the end of their post. In many cases MPs' lives change completely after they come to Majles.

Majles also suffered from the lack of sufficient regulation for the protection of the dignity of the legislature. Majles' RoP refers to some points but they are neither sufficient nor obligatory. For instance they require that all deputies shall be present at the Majles open

³⁹¹ Sharq, 28 April 2004.

³⁹² Personal Observation. Summer, 2002.

³⁹³ One MP told me privately.

sessions 15 minutes prior to their commencement on dates which shall have been determined earlier and notified to them. Any MPs failing to appear on time, or are late, without any plausible excuse, shall be taken to task by a reprimand of the Majles Presidium. Any MP failing to be present at the time of voting on a motion may also be subject to a reprimand irrespective of whether the voting is open (by a show of hands), or by secret ballot.³⁹⁴ However, RoP is often disregarded by MPs because of its lack of enforcement. Majles Speaker Behzad Nabavi regards MPs' unjustified absence and delays as prime examples of MPs' misbehaviour. Nabavi, who chaired the sixth Majles, said: "We have had many problems in running the Majles because of excessive absenteeism by MPs. At times, a quarter of MPs were on leave or duty trips, more than half the members of committees have taken leave without their applications for taking leave being confirmed; and some others were absent without applying for leave or going on a duty trip."³⁹⁵

Majles RoP also stipulate that if deputies fail to conduct themselves according to the rules set forth by the Majles and indulge in improper conduct then the Majles President may do one of the three things or both as follows:

- ◆ Administer a verbal reprimand directed at the offending deputy.
- ◆ Give a warning to the deputy concerned.
- ◆ Summon him/her to the Presidium of the Majles to provide an explanation of his/her conduct.

It also mentions that it is not permissible for Deputies to interrupt speeches being made by other Deputies, to create disturbances of any kind or cause disorder in the Majles, to level personal accusations against Deputies or make protestations of an unbecoming nature. The Majles president in such an event will reprimand the offending deputy according to the provisions of the Majles Rules of Procedure.

³⁹⁴"Majles' Rules of Procedure." Iran, March 2004.

³⁹⁵ Majles, Minutes of Proceedings, 6th Majles, 4th Year. 15 July 2004.

The Presidium of seventh Majles has taken best advantage of technology to bring discipline back to Majles. They used closed circuit television of the Majlis, which is equipped with six cameras, to embarrass irresponsible MPs. For instance, in one case during a most sensitive meeting of the Majles, suddenly the big screens showed one of the clerical Majlis MP who was busy talking on his mobile phone. This deputy, who did not know his picture was being shown, talked on his phone for a few minutes. But even when he realized what was going on, he just smiled and finished his conversation. This made the other MPs laugh and Majles president said: "I have told the control room to film those who are talking on their mobiles." After a short time the cameras showed three female MPs, who were talking on their mobile phones under their chadors [Islamic veil]. In another case, these cameras which were looking for subjects in the Majles found one MP who was talking on his mobile phone. When the cameras focused on him he was not talking but when the cameras were not on him he continued talking. His picture was shown so much that he finally ended his call. The cameras in the Majles also filmed those MPs who were asleep or busy reading the newspaper during the debates. Hadad-Adel, president of seventh Majles, after taking these measures addressed MPs: "The world is God's scene. Now think about the day that God films our actions. What will happen?"³⁹⁶

³⁹⁶ Personal Observation. Summer, 2005.

Conclusion

Having unveiled Majles representativeness and deliberativeness, one can conclude that it does not fully comply with these democratic values. The most crucial factor undermining the representativeness of Majles is the exclusionary gate keeping roles of CG in Majles election. The Council is given absolute authority to disapprove Majles candidates on the ground of arbitrary interpretation of election laws. It also has the final word in any dispute related to election in a way that no authority is allowed to interfere in their decisions and judgments. Another obstacle against Majles election is the electoral formula. The plurality model with a second ballot served the interest of Iran's ruling power bloc at the expense of the voters. Majles election is also vulnerable to frauds. The interference of informal institutions such as influential military and clergymen and their *bonyads* is a prime example of unfair access to the campaign resources. With respect to the MPs characteristics, it is observable that only a small number of Iranian women have won seats in the Majles. The percentage of Majles MPs from small towns outnumbered other geographical divisions of countries. These and other quantitative characteristics of MPs indicate unequal reflection of Iranian population diversity. Finally the time and energy invested in constituency services workload leave the MPs with little time for dealing with important law making and monitoring duties.

Majles is also scarcely characterized as deliberative in terms of deliberativeness criteria defined in this research. Yes, Majles sittings are held openly and a full report of each sitting is released to the public through the radio and the official gazette but Iran's 24-hour television news network (IRIB) run under supervision of the Great Leader has not been seen to remain impartial in broadcasting the reports of Majles. The pre-agenda speeches are an outstanding opportunity that gives the MPs to express their views and opinions regarding the most crucial

public issues. However the minority has little chance to use this tribune. It is also the case regarding the time for any other speech in the assembly. The committee meetings are absolutely closed to the public and the media and no public hearing is hold when examining the legislation. Finally to date, Majles has failed to approve and enforce rules on conflicts of interest which promote the independence of legislators from private interests or unreasonable political pressures. Majles also suffered from the lack of sufficient regulation for the protection of the dignity of the legislature. In the light of above discussions it is evident that Majles served as a means to exclude the opponents rather than represent the populations. In addition its functions and internal organization shrouded in secrecy and as result the integrity of Majles is seriously undermined.

Chapter 7: Majles and the resilience of regime in action

Introduction

The previous chapters predominantly focused on the environmental and institutional determinants assumed to shape and condition the role of Majles in regime longevity. The primary aim of this chapter is to explore how in practice Majles fulfil this role. To put it in other way, this chapter seeks to explain those functions or performances of Majles by which it contributes to the survival of regime. Two significant functions of parliaments in the regime survival were identified earlier: co-optation and manipulation.

Legislature co-optation was defined as those strategies which seek to offer selectively legislative seats to a given group of opponents within oppositions to make concession and induce their cooperation. As discussed earlier the net result of these strategies is to divide oppositions or reinforce their disunity. In the Iranian case, there are deep differences and divisions among the oppositions. As a result co-optation strategies largely accentuate these existing fractions. In this sense, it is necessary to make sense of the ideological diversity within Iranian political groups and factions and then to explore the extent to which they were given seats in Majles or prevent from entering into the assembly.

Majles also acted as the main agent of manipulation of political institutions through its law making function and by this contributed to the stability of the Islamic Republic. Included among more than 2000 laws enacted by Majles are those laws which deal with the main political institutions including elections, political parties, and elected local councils. Reviewing a sample of such laws help to understand the extent to which Majles fostered the survival of regime through legislation function. To examine this role the main concern here is

the centrality of Majles in making such law. Occasional reference is also made to the context and other factors the extent to which such law run against democratic values.

Co-optation Role

The short history of post-Revolutionary Iran is marked with the ongoing attempts of the regime to divide the opponents into insiders (*khodi*) and outsiders (*gheir-e khodi*). The weakness of the outsiders as a result of their diverse ideological divisions and ongoing rivalry allowed the regime to co-opt some groups or eject the others. In addition the line between elite and opposition is blurred and insiders increasingly turned out to be outsiders.³⁹⁷ Ayatollah Khomeini, as the leader and mastermind of the Islamic Revolution, overthrew the authoritarian regime of Mohammad Reza Shah with the support of a diverse range of groups. The members of the ex-regime were summarily executed or extremely marginalized, but the power struggle continued between the different elements that had contributed to the revolution including seculars and Islamic groups. The Islamic groups were mainly the members of IRP, a party consisting of a closed circle of clerics whose main commonality was the loyalty to Ayatollah Khomeini. They were populist Islamic radicals, intent on establishing an Islamic state governed by Islamic law. Shortly after the Islamic Revolution the power of Islamist was consolidated and their opponents were gradually eliminated. The exclusion of Islamist opponents began with the election of first Majles and since then Majles turned into the main institution, encapsulating the loyal oppositions and excluding those were regarded as outsiders. On the advent of the Islamic Revolution, as soon as the new constitution was ratified, an election law was drafted by the Revolutionary Council which consisted of Khomeini's close adherents. The document was written by Khomeini's close adherents to "guarantee the election of the true representatives of the people." However, it proved that for those who were being gradually excluded from the political arena, the law was a wise attempt

³⁹⁷ Majles Former Deputy, Personal Interview, Tehran Summer 2009

to consolidate the rule of the clerics.³⁹⁸ Inspired by the French model, the law stipulates a second ballot majority electoral system in that the elections would be in two stages in which candidates must receive an absolute majority, meaning over fifty percent of the vote. Without an absolute majority, the candidates with the highest number of votes must compete in the second round of elections. With the exception of the IRP, most groups condemned the new law because the smaller groups—such as the Mojahedin, the National Front, and the National Democratic Front, and the Marxist Fadai—saw the new law as a strategy by the clerics to exclude them from the political arena. These groups wanted a proportional representation system under which they could gain a minimum representation. In the 1st Majles none of their candidates could have that absolute majority in the first round. Defenders of the new law, Rafsanjani and Mahdavi Kani, argued that the large numbers of small parties and candidates made the two-round system a necessity.³⁹⁹ As a result, the first Majles (1980-1984) was dominated by the Islamic Republic Party (IRP) which formed a loose coalition with the Liberation Movement of Iran (LMI). Since the main aim of the IRP was much too general, it was more a movement than a party with specific aims and objectives.⁴⁰⁰ The discipline in the ruling IRP was not so tight as to ensure the endorsement of President Khamanei's first nominee as prime minister. The fact that left-of-centre Mousavi won the deputies' vote of confidence by three to one showed that the Majles had more leftists than conservatives. Most of the rest would be Independents. Confusingly, while pursuing different agendas, many conservatives and leftists (including Mousavi) belonged to the IRP. Within two years of its formation, the IRR and its allied groups occupied almost all political posts within and outside Majles. As years passed, IRP factions had become so deeply divided on socioeconomic issues

³⁹⁸ Kian-Thiebaut, Azadeh. "Political and social transformations in post-Islamist Iran." Middle East Report Fall 212 (Autumn, 1999)

³⁹⁹ Baktiar, Bahman. 1996. Op cit.

⁴⁰⁰ Jomhour-e Islami. 29 January 1999.

and foreign policy, between pro-private sector conservatives who favoured increased diplomatic and economic links with the West (except America) and pro-public sector leftists who opposed closer ties with the West, that their infighting impeded the workings of the executive and the legislature.⁴⁰¹

In the elections for the 2nd Majles (1984—88), it was the turn of the liberal-Islamicists of the Liberation Movement to be excluded. Although they had been represented in the first Majles, this time they were forced to stay away from the elections on the ground that they would have only paid lip-service to *velayat-e faqih* and thus they declared unsuitable as candidates. In the second Majles, the division within IRP were not exacerbated mainly because Khomeini was keen to maintain a balance between the two factions. Majles again endorsed Mousavi when President Khamanei presented him as his choice after his own reelection in 1985. In fact Khomeini favoured Mousavi as he had no choice but to go along with what Khomeini wanted.⁴⁰² By mid-1986, the tension between two IRP factions had become so acute that Khomeini appointed a mediation council to conciliate them. It failed. So he ordered the party's dissolution in July 1987.

To provide political alternatives to the people, Khomeini encouraged the radicals—those who gave priority to social and economic justice at the expense of free enterprise—within the long-established Association of Combatant Clergy (ACC) to separate and form the Society of Combatant Clerics (SCC) in March 1988, and set up its own religious network. Led by Hojatalislam Mahdi Karrubi, it fared well in the general election.

As long as Khomeini was still alive, conservative dominated CG was not able to make the most of this power. Thus only a few candidates who were classified as left-wing extremists were excluded from the elections to the 3rd Majles (1988—92). In the third Majles

⁴⁰¹ Zarifi Nia, Hassan. Kalbod Shekafi Jenahay Siasi Dar Iran 1358-1378. Tehran: Nashre Azadi Andisheh, 1999.

⁴⁰² Brumberg, Daniel. *ibid.*

(1988—92), the leftist camp including the SCC and the other moderates gained the majority of two-thirds of the deputies.⁴⁰³ However, the leftist-dominated Majles resisted Rafsanjani's plans to liberalize the economy to the extent that he cooperated with Khamanei, now raised to Leader, to guarantee the fall of leftists in the elections to the fourth Majles in April 1992 by urging the Council of Guardian to prevent them from entering into Majles. Exclusion from the elections for the 4th Majles, which took place three years after Khomeini's death, was unprecedented. Out of 3,150 aspirant candidates, 1110 were declared unsuitable by the Council of Guardians. Amongst them were almost all the top figures of the radicals, including 45 members of the 3rd Majles, some of whom had been members since the first Majles.⁴⁰⁴ In a Friday prayer sermon in March, Khamanei endorsed the scrutiny system used by the Council of Guardians, and upheld Rafsanjani and his cabinet.⁴⁰⁵ Winning 150 seats, economic reformers, who were also social conservatives, emerged as the majority. And leftist MPs were reduced by half, reaching to ninety. Hojatalislam Ali Akbar Nateq-Nouri, the leader of the conservative ACC, became the Majles president. From the floor, conservative deputies, opposed to "Westoxication" (their term for Western cultural imperialism), began attacking Hojatalislam Muhammad Khatami, who had been Minister of Culture and Islamic Guidance since 1982, for his failure to tackle the threat posed by the invading Western culture. Their views were given wide publicity by the largely conservative press. Under this pressure, Khatami resigned in July 1992.⁴⁰⁶

However, the parliamentarians, favouring a strong private sector and economic liberalization split when Rafsanjani, reelected in 1993 on a much-reduced mandate (63

⁴⁰³ Baktiar, Bahman. Op. cit

⁴⁰⁴ Etelata, 27 April 1992

⁴⁰⁵ Sarabi, Farzin. "The Post-Khomeini Era in Iran: The Elections to the Fourth Majlis." Middle East Journal 48.1 (Winter 1994).

⁴⁰⁶ Butcha, Wilfried. Who Rules Iran? The Structure of Power in the Islamic Republic. Washington: A Joint Publication of The Washington Institute for Near East Policy and the Konard Adenauer Stiftung., 2000.

percent on a voter turnout of 56 percent), extended reform to the economy's external dimension—with economic nationalists in the conservative camp opposing his moves. Their resistance to Rafsanjani's plans led to the President's supporters to keep distance with the traditional right-wing camp and, in January 1996, sixteen top technocrats and politicians published an open letter, calling on the electorate to vote for those Majles candidates who were dedicated to prosperity and modernization of Iran as proposed by Rafsanjani. This led to the establishment of the Servants of Construction (SOC) which contested in the forthcoming election.

In the fifth Majles election, the Great Leader Khamanei warned electors not to be misled by candidates who wanted to emasculate the foundation of Islamic beliefs under the cover of “freedom and liberalism.”⁴⁰⁷ Following this, the Council of Guardians—taking its cue from the Leader—rejected as many as 35 per cent of the prospective candidates. Again there were, among the rejected candidates, a large number of members of the official and unofficial opposition and even members of the 4th Majles. The credentials of only 3,276 of the 5,365 people who registered as candidates were approved.

One of the underlying forces of the Islamic Revolution was the enduring coalition between merchants and the lower social class. During the election, the conservative faction made best use of this alliance. But in this process they lost the support of the modern middle class which shifted their loyalty largely to the mainly centrist SOC.⁴⁰⁸ Accordingly, the conservatives' number in the fifth Majles (1996-2000) declined to 120. Yet their number was more than the combined strength of the left-wingers and centrist SOC members at seventy.

In the 1997 presidential poll, Khatami won in a landslide victory on a reformist platform. An important consequence of Khatami's win was that the term “leftist” almost disappeared

⁴⁰⁷ Etellat, 22 March 1996.

⁴⁰⁸ Keshavarzian, Arang. Bazaar and State in Iran: The Politics of the Tehran Marketplace. New York: Cambridge University Press 2007

from the scene, giving its way to “reformist/reformer,” which covered everybody who was not a conservative or hard-line fundamentalist.⁴⁰⁹ Fundamentalists and right-wingers wanted to maintain the status quo while centrists and leftists advocated widening of the freedom of expression, association, and assembly within the constitution.⁴¹⁰ They invoked republican elements of the 1989 constitution. Given this, and the unprecedented citizens’ protest in 1999 which focused on political freedoms, the country prepared for the elections to the sixth Majles (2000-2004) in mid-February 2000.⁴¹¹ It was the moment of truth for exclusionary role of CG. Reformists feared that the conservative Council of Guardians would disapprove the qualification of their candidates on a large scale. But this did not happen. The radical drop in the number of rejected candidates may be associated to the struggle of the Ministry of the Interior under Khatami's administration and fears of the people’s reaction. It can also be argued that it was a wise decision to encapsulate the opposition within Majles. The relatively free and fair election led to the reformist victory, praised by the US, the European Union and Russia in which supporters of reformist President Khatami swept aside the Iranian old guard of hardline conservatives. Of the 6,800 aspiring candidates for 290 Majles seats, only seven percent were barred. A dozen conservative groups, dominated by the ACC and the Miscellaneous Islamic committees’ formed an alliance called the Followers of the Imam’s and Leader’s Line. It emphasized improvement in economic conditions rather than political reform. On the other side, eighteen reformist factions—ranging from the reformist SCC to the progressive reformers Islamic Iranian Participation Front (IIPF) to the centrist SOC—formed the Second Khordad/May 23 Front, named after the (Iranian) date on which Khatami scored his landslide victory. The IIPF’s programme included greater media freedom, including

⁴⁰⁹ Butcha, Wilfried. Op. cit

⁴¹⁰ Arjomand, Saeed. "The Rise and Fall of President Khatami and the Reform Movement in Iran." Constellations 12.4 (2005).

⁴¹¹ Ansari, Ali. "Continuous Regime Change from Within." The Washington Quarterly 26.4 (2003).

privately owned radio and television channels, and reform of government bureaucracy.⁴¹² On polling day, with thirty-two million electors participating, the turnout was 83 percent, a record for Majles elections, and 12 percent higher than in the previous poll. Winning almost two-thirds of the seats, the May 23 Front emerged as the clear victor. The conservatives' score was sixty, and the independents' fifteen.⁴¹³ Karrubi became the new Majles president by a huge majority with nobody voting against him, and sixty-two deputies abstaining. The breakdown of the 186 deputies voting for Mahdi Karrubi was: ninety-five members of the IIPF, thirty of the SCC ten of the longer-established Mujahedin of Islamic Revolution, made up of leftist laypersons, thirty of the SC, and fifteen independents.⁴¹⁴ In Tehran, reformists roared to victory —with IIPF leader Muhammad Reza Khatami, the president's younger brother, who had set up the IIPF as a platform for his elder brother's reformist ideas in late 1998. At the bottom of the list appeared Rafsanjani despite the fact that, on the eve of the election, he had published full-page advertisements in newspapers and distributed two million flyers. Later, when his election was challenged, Rafsanjani decided to withdraw his name rather than face possibly embarrassing scrutiny by neutral auditors. During the four-year tenure of the Majles, reformists found their modest attempts at democratization squashed repeatedly by the Council of Guardians. It vetoed many bills regarding democratic institutions and procedures.

In the seventh Majles election CG did not hesitate to disqualify an astonishing 3,600 candidates out of 8,157 from running for the Majles elections. They included 83 serving members of parliament, most notably Muhammad Reza Khatami the deputy to Majles speaker and the most prominent reformist MP. In response, reformists staged a sit-in at the Majles for three weeks. Reformist parties threatened also a boycott of the elections. But when

⁴¹² Saharq, 25 April 2000.

⁴¹³ Majles, Majles Annual Reports, 20 vol. 1980-2007

⁴¹⁴ Majles, Minutes of Proceedings, 6th Majles, 1st Year. 20 June, 2004.

disqualified deputies staged a sit-in at the Majles, there was not a single public demonstration in their favour. “The general public witnessed four years of constant bickering between the Majles and other organs of the government and got fed up,” Jim Muir, the BBC’s correspondent in Iran, stated. “They thought this was a quarrel among politicians, and took little interest.”⁴¹⁵ Khatami and Karrubi called upon CG to carry out a “fundamental review” of the disqualifications. Under pressure from Khamenei, CG eventually reinstated roughly 1000 of the candidates it had previously disqualified on 30 January. It was hardly a compromise as, despite the reformists, the council has already disqualified some more reformist candidates. With 2530 candidates still barred from running, reformists argued that the disqualifications had created 132 seats that were guaranteed to go to the conservatives due to lack of any serious contender. The Interior Ministry declared that it was impossible to hold free and fair elections under the circumstances.⁴¹⁶ When the final list of candidates was announced, 124 deputies rushed to the Majles president’s podium and handed in their resignation one by one to him after a leading reformist, Muhsin Mirdamadi, had read aloud his letter of resignation—broadcast live on state-run radio. He said that the totalitarians planned “to eliminate the republicanism of the system and turn its Islam into a Taliban version of Islam [as in Afghanistan, from 1996 onward].” Another deputy, Rajab Ali Mazrsoui, said, “An election whose results is decided beforehand is treason to the rights and ideals of the nation.”⁴¹⁷ Some in the reform movement proposed that the Khatami government’s Interior Ministry should refuse to conduct the general election or include the rejected candidates’ names on the contestants’ list, or postpone the poll to gain time to resolve the crisis satisfactorily. But Khamenei decreed that the poll must be held on February

⁴¹⁵ Quoted in Hiro, Dilip, 2008, Op.cit. p 256

⁴¹⁶ Sharq, 2 December 2004

⁴¹⁷ Majles, Minutes of Proceedings, 6th Majles, 4th Year. 15 January, 2004.

20 as scheduled. Eventually, Khatami followed his demands, stating that the Interior Ministry would carry on the elections as planned. The reformist camp split. Eight of the twenty-two groups in it decided to participate, including the SCC to which Khatami and Karrubi belonged. These groups formed a coalition called the Construction and Development of Iran. After co-opting moderate conservatives and independents, it fielded candidates for all the seats. Khatami and Karrubi appealed to the electorate to vote while fourteen reformist groups, including the IIPF, boycotted the poll. Because of this, the voter turnout became a crucial element in the upcoming contest in that 50 per cent voter turnout would satisfy Khamenei's call for a successful election.

The conservatives, contesting under the umbrella of the Builders of Islamic Iran (BII), were led by Gholam Ali Haddad-Adel and clandestinely guided by Mojtaba, Khamenei's son. Instead of chanting such ambiguous slogans as freedom, reform, and civil society, the new Majles concentrated on inflation, unemployment, state control of the economy, and social justice. According to the reformist-run Interior Ministry, 50.6 percent of the forty-six million voters participated in the poll. In Tehran the turnout was 30 percent versus 63 percent in 2000, which was also the national figure. The national statistic on the voter turnout was twice the reformist camp had predicted. At the same time, since the figure was marginally above 50 percent, conservatives claimed legitimacy. Little wonder that the general mood was of disillusionment and apathy, not of revolt. The 189 conservatives were divided into pragmatic (about 10 percent), mainstream (roughly 75 percent), and ideological hard-liners (10 to 15 percent). When the Seventh Majles met on May 27, it elected as president Hadad Adel, whose daughter was married to Mujtaba Khamenei, a son of the Leader.

The summary of the results of co-optation strategies manifesting itself in Majles is shown in the table 13.

Table 13: The results of co-optation strategy represented in Majles between 1980 and 2008

Majles sessions	Offered Majles Seats	Disqualified from running for Majles election
I (1980-1984)	IRP and allies 48.2 LMI 20 Independents 31.8	Secular groups
II (1984-1988)	IRP 48.2 Independents 51.8	Liberal-Islamist
III(1988-1992)	ACC and allies 48.3 SCC 37.2 Independents 24.5	Few left-wing
IV(1992-1996)	ACC and allies 67.6 Independents 33.4	The majority of left-wing (SCC)
V(1996-2000)	ACC and allies 40.8 Independents 29.6 SOC and allies 296	The majority of left-wing (SCC)
VI(2000-2004)	ACC and allies 25.5 IIPF and allies 74.5	Unsuccessful attempt of reformist disqualification
VII (2004-2008)	BII 82.5	The majority of reformists and left-wings

Source: Author, data collected from various resources by author

Legislation Role

To this point, it was explained how Majles acted as an institutional platform to co-opting the loyal political oppositions while ejecting or marginalizing alternative political groups. This section deals with another important function of Majles by which it tends to help the regime to remain in power. There is little doubt that Majles is central to the manipulation of political institutions to the regime advantage. It is largely because parliament has long been the focal point of law making in Iran. By considering a series of laws regarding the main Iranian political institutions it will be demonstrated how Majles contributed to the consolidation of the regimes through its legislation function. The underlying premise here is that Majles has the power and authority to propose laws or make significant amendments rather than merely approve the decisions has been made somewhere else. This in part can be understood by considering its actual power and capacity during different stages of law making process. In the following pages three important laws will be reviewed.

Election laws

Before turning to the law cases it is imperative to make sense of the origin of such laws. The context within which the laws originated dates back to the early days after the proclamation of the Islamic Revolution. At the time, the former parliament had been dismissed and the law-making authority was delegated to the Revolutionary Council, a temporary institution whose main task was to deal with the country affairs in the absence of a permanent government.⁴¹⁸ The first draft of election law formulated by the Revolutionary Council was amended by Majles 43 times by the time of writing this thesis. Yet, two defining

⁴¹⁸ Revolutionary Council was designated as the supreme decision making and legislative authority a few months prior to the victory of Revolution. Throughout its existence from 18 February 1979 to 14 March 1981 it enacted 1525 laws. With inauguration of Majles it was dismissed.

moments can be identified in which the law was dramatically changed. The first turning point was, in the beginning of 1984 when a comprehensive new draft law was introduced in Majles by the executive. A general glance indicates that the new law was not very much different from the previous one. However, once Majles had completed its burdensome process of voting on each article, substantial changes appeared in the final document. The most substantial changes were attributed to the setting of candidates' qualification. To be eligible, a candidate should have "spiritual, as well as revolutionary commitment to Islam, and provide 'evidence' of loyalty to the Islamic Republic." Second, he must have "total loyalty to the Great Leader, Imam Khomeini, and *velayat-e-faqih*. If it were not for CG's amendments, the draft bill was even more restrictive and exclusionary. The Council of Guardians also had its role in amending the draft bill. The draft of Article 32 had broadly stated that "anyone who held a political, or administrative position during the Shah's regime, will not be eligible." The council changed the article to apply only to an individual who had been involved as an "active and significant player" in the former regime. CG completely rejected Article 30 of the bill, stating that candidates could run in the regions in which they were born and in whose in which they had resided for only six months prior to the elections.⁴¹⁹ With the insistence of the advocates of Rafsanjani in Majles, the clauses containing certain rules were also inserted. It was required now for the candidates to have political and social astuteness and provide proof of a formal education. In the previous election, the candidates simply stated on their applications what educational background they had without submitting any documentation. According to Dr Abbas Shaybani- a strong Rafsanjani supporter throughout the Majles- the pro Rafsanjani group wished that the insertion of these clauses would push voters to elect

⁴¹⁹ Majmoey-e Nazarat-e Tafsir-e Shoraye Negahban. Tehran. 1994.

those with university credentials.⁴²⁰

The second crucial moment was in the late 1999 when the lame duck 5th Majles, surprised by the reformist landslide victory in the presidential election reacted by initiating a version of the bill that increased considerably the supervisory powers of the Council of Guardians in every stage of Majles elections. According to Article 3 of the bill, "the Guardians Council will have the supervisory task in every stage of the parliamentary elections. This supervision will be expedient and comprehensive in every election related to the Majles." Article 60, which was approved later, authorized the Council of Guardians to "disqualify any candidate for the parliament who commits any type of offence - or any offence which may affect the outcome of the election - and declare the election null and void." Another bill gave the authority to the Council of Guardians to have two supervisors at each polling place. In 1999, the Expediency Council attempted to make the Council of Guardians explain its reasons for rejection to the candidates themselves under certain conditions. In practice, however, the Council of Guardian has often refrained from doing so.⁴²¹ In reformist dominated 6th parliament the MPs attempted to pass legislation laying down guidelines that limited the circumstances under which candidates could be disqualified. According to the new bill anyone can be a candidate unless he or she is declared ineligible beyond any doubt. In other words the ineligibility must be approved rather than the eligibility. The approbatory supervision has also been changed to simple supervision. It was obvious that the bill would be rejected by the Council of Guardians.

In the light of these discussions it becomes apparent that the manipulation of Majles election laws including the motions stipulating vague and arbitrary condition for the candidates' qualification and also giving the absolute authority for the Council of Guardians

⁴²⁰ Etellat, 29/12/ 1996

⁴²¹ Kayhan, 29 June 1999.

to screen candidates' qualifications has been in line with other efforts to consolidate the regime and exclude the opponents.

Political Parties Laws

Another prime example of Majles manipulation of political institutions law is its initiatives in Political Parties Laws. Having lived in a dictatorship for ages, a great number of groups came to set up their own political organization shortly after the Islamic Revolution. Article 26 of the constitution stipulated the freedom of association by stating “Parties, societies, political and corporate associations, as well as Islamic organizations and organizations of the recognized religious minorities, are free”, as long as they do not damage “the foundations of the country’s independence, freedom, national unity”, or “Islamic principles and the foundations of the Islamic Republic”. The explicit intention of Article 26 gave rise to the explosion of diverse political organizations. The prevailing freedom to found organizations triggered virtually all extant political thought and trend to create their own organization. As a result, in the first few months after the revolution the number of political organization exceeded 100.⁴²² However, the freedom, which made it possible to form these organizations, was short-lived. There has long been conflict between Islamic and secular groups struggling for power. The Islamic Revolution brought these old conflicts to the surface. The ruling clergy employed any means to eliminate the political organizations that they found unacceptable. In particular Majles played a significant role in this regard by taking the initiative in proposing a law concerning political parties.⁴²³ The law initiated by Majles called “The Law on the Activities of Parties, Societies, Political and Corporate Organizations,

⁴²² Etelaat, 26 June 1979.

⁴²³ Amir Arjomand, Said. The Turban for the Crown: The Islamic Revolution in Iran. New York: Oxford University Press, 1988.

Islamic Associations and Associations Founded by Recognized Religious Minorities”. Among others, this law made the formation of parties dependent on formal approval of the Ministry of the Interior. The approval should be issued by a commission called the article 10 commission composed of one representative of the chief public prosecutor, one from the Supreme Court, one from the Ministry of the Interior and two MPs. The article 10 commission also continuously retrain supervision over the activities of approved parties and organizations. In cases where it understands that the activities of any party are against the law it can withdraw its approval and propose before the courts that the party be dissolved. Ten loosely defined offences provide justifications for requesting that a party be dissolved. These include activities ‘which exploit the existing religious, racial and cultural diversity in Iranian society in order to stir up or intensify conflict within the ranks of the Iranian nation ... which harm the Islamic principles and foundations of the Islamic Republic ... which promote anti-Islamic propaganda’, as well as those which involve ‘the distribution of books and other publications that lead people astray’, or undermine the independence of the country.⁴²⁴ This list of offences represents the same accusations that the ruling clerics had often made against the political parties which were repeated by their supporters during the parliamentary debate over the law. For instance, MP Hosein Harati warned against emulating a Western model of political parties. Rather he stated that the Islamic Republic was itself a model that others should emulate. “We do not want democracy but a republic which is under the supervision of *velayat-e faqih*.” He characterized ‘the small political groups’ that had come to existence after the revolution as ‘products of Russian or American origin’ and stressed that the law should curtail their activities.⁴²⁵ Similarly another MP, Mohammad Taqi Besharat, declared that the law would ensure the freedom only of those who pursue the progressive goal as

⁴²⁴ The Law on the Activities of Parties, Societies, Political and Corporate Organizations, Islamic Associations and Associations Founded by Recognized Religious Minorities. Majles. 1984

⁴²⁵ Majles, Minutes of Proceedings, 2nd Majles, 4th Year.

velayat-e faqih. He described the oppositions of the regime as ‘microbes in the body of society’ and said that ‘measures of hygiene’ should be applied in society that was thus afflicted.⁴²⁶ During its second reading, MPs put forward proposals to make the bill more austere. Movahhedi Savoji proposed that groups with suspicious platforms should simply be refused an approval - there was no need to wait until they contravened the law.⁴²⁷ To prevent the fomenting of a conspiracy by parties, Ayat proposed that they be obliged to reveal the names of their members to the commission provided for in Article 10 of the proposed law. However, a proposal to define offences cited in the law as political which, in accordance with Article 168 of the constitution, would have meant that they would be tried before a jury, was rejected. The opposition declared itself to be against the bill, but they were in an absolute minority. For instance, Mohammad Mohammadi contended that it was in tune with the spirit of despotism. Mohammad Mojtahed Shabestari pointed out that it was contrary to the constitution which did not stipulate that parties could only be founded if they received approval from the government authorities.⁴²⁸ Since the prohibitions on parties after the revolution were for the most part imposed before the law on parties was passed, one must again conclude that the real purpose of this law was not simply to regulate political parties. The fact that for a number of years there was no question of enforcing the law also leads to the same conclusion. The Majles election of 1996 and particularly after the presidential election of Mohammad Khatami, who was an advocate of their role in civil society, was considered to be a resurgence of political parties’ activities. Surprisingly, despite reformists MPs’ pledge in the sixth Majles election to promote the democracy and civil society they were very reluctant to talk about political parties’ law. All their efforts to try to enhance the political parties law is confined to a governmental decree to allocate financial assistance to

⁴²⁶ Ibid

⁴²⁷ Ibid

⁴²⁸ Ibid

existing political parties.⁴²⁹

Press Law

A very interesting case in which Majles appeared both in favour and against an authoritarian institution is the case of Press Law. Following the Islamic Revolution, freedom of speech and expression thrived, albeit briefly. In contrast to the former regime in which censors sat in the editorial rooms of newspapers and the state-run radio and television, the Islamic Revolution pledged to uphold and respect press freedom. This appeared in Article 24 of the constitution by stating that: “Publications and the press have freedom of expression except when it is detrimental to the basic principles of Islam or the rights of the public”. “The details of this exception will be specified by law.”⁴³⁰ On paper this was a vast improvement compared to previously. However, the subsequent events unveiled the weak points of the revolution’s commitment. Imposing constraint on the press was manifested in the law passed in the early months after the revolution and was approved by the Revolutionary Council in 1979. The second was passed by Majles and approved by CG in 1986 in the midst of the Iran-Iraq War. Although the first law restricted the freedom of the press, it was far less drastic than the second. Even while the bill for the second law was being discussed in Majles, the censorship and the restriction on the press were so harsh that some MPs could not refrain from characterizing the law as superfluous and in fact harmful. Mohammad Ali Hadi MP declared that the problem with the press was not the lack of a regulatory law, but rather the fact that criticism was not tolerated and thus the press underwent self-censorship and avoided publishing any material on controversial subjects. He compared the problem of the press to that of Majles. In parliament too everyone had to consider his words ‘a thousand times’

⁴²⁹ ⁴²⁹ Majles Former Deputy, Personal Interview, Tehran Summer 2009

⁴³⁰ IR Iran Constitution, 1987.

before speaking. He feared that if the bill in question were passed, the press would be hindered from publishing the little bit that it still dared to say those days.⁴³¹ ‘Ali Panahandeh MP drew attention to the population’s annoyance at the way the press was obliged to toe the party line: ‘The media’ he stated, ‘are either directly censored or they censor themselves.’⁴³²

As the decade progressed, in the absence of well-organized and properly structured political parties, newspapers became their surrogates. Their circulations indicate the size of their support after Khatami’s victory. As such, from the summer of 1988 until the aftermath of sixth Majles polls of 2000, the press had a significant impact on democratization. The impact of the press is so profound in this period that some observers called it as ‘the press revolution.’ But this left the conservatives vulnerable to charges that they stood in the way of civil liberties—an unpopular stand they were not yet prepared to take in public. They, therefore, rallied their forces within the institutions they still controlled, primarily the judiciary and the intelligence service. At first, they put pressure on the Ministry of Islamic Guidance to limit the domestic press. However, they soon realized that it was far better to use the courts which they dominated, to close newspapers and imprison leading publishers and editors.⁴³³ At the same time, the conservatives assembled a package of tough new press restrictions and then rammed them through the last days of the fifth Majles, just before the reformers and independents were due to take over the Majles. Among the key changes was a ban on any criticism of the Islamic constitution, whose shortcomings and contradictions were seen by many reformers as an obstacle to democratic reform. The new law also made it easier to close newspapers without trial and effectively required security clearances for all journalists, giving the secret police veto power over who could and who could not work.⁴³⁴

⁴³¹ Majles, Minutes of Proceedings, 4th Majles, 2nd Year.

⁴³² Ibid.

⁴³³ Majles Former Deputy, Personal Interview, Tehran Summer 2009

⁴³⁴ Majles, Minutes of Proceedings, 5th Majles, 4th Year

Many saw the revised press regulations, passed by an outgoing Majles in the face of enormous popular opposition, as a payback for Khatami's promises to implement the rule of law.

The new Majles had every intention to revise the law. Reformist MP Mohammed Reza Khabaz told the legislature: "The newspapers are the voice of the people. We must not silence the people's voice by our actions". Another MP Reza Akrami said: "These [changes] guarantee the correctness and health of the press".⁴³⁵ The new draft was prepared and introduced by MPs. But to their surprise and disappointment, on the scheduled date for debating and voting on the amendments to the Press Law, Majles president Karrubi read out a letter he had received from Leader Khamanei the night before. "If the enemies of Islam, the revolution, and the Islamic system take over or infiltrate the press, it will be a big danger to the country's security and the people's religious beliefs," said Khamanei. "Therefore I cannot allow myself and other officials to keep quiet in respect of this crucial issue. The bill is not legitimate and not in the interest of the system and the revolution." Reformist leaders had reckoned that the Council of Guardians would veto the bill and that it would end up with the Expediency Council headed by Rafsanjani since 1997. But neither they nor their ranks had anticipated that Khamanei would make this drastic, unprecedented intervention at this early stage. His vetoing of the bill meant indefinite suspension of the matter. There were angry and shouted protests in the chamber. Scuffles broke out between reformists and conservatives.⁴³⁶ But Khamanei had acted within his powers as described in Article of 110 of the constitution, which charged him with "delineation of the general policies" of the Islamic Republic. "Our constitution has the elements of the absolute rule of the Supreme Clerical Leader, and you all know this and approve of this," said Speaker Karrubi. "We are all duty bound to abide by

⁴³⁵ Khaneye Mellat. online at: Majlis.ir. Accessed 20 Jun 2000.

⁴³⁶ Abdo, Geneive, and Jonathan Lyons. *ibid.*

it.”⁴³⁷ The next day, thousands of raucous conservatives assembled outside the Majles complex to demonstrate their backing for Khamanei’s edict. The situation was so surcharged that many onlookers felt that the chanting crowd might storm the building. It did not. As the existing Press Law banned direct criticism of the Leader, the reformist bloc directed its anger at its conservative rivals. On August 13, a motion pledging to advance reform and accusing the conservative bloc of manipulating Khamanei’s letter was signed by 161 deputies (out of 274).⁴³⁸

The following day, Ayatollah Ahmad Jannati, head of the Council of Guardians, spoke “You cannot save Islam with liberalism and tolerance,” he declared. “I am announcing clearly and openly that the closure of the [pro-reform] newspapers was the best thing the judiciary has done since the revolution.”⁴³⁹ Faced with this reaction, the reformist centrist-leftist majority in the sixth Majles decided to lower its horizons. It knew only too well that the institutions directly controlled by the Leader, and functioning outside the purview of the Majles, included the Ministry of Intelligence, the judiciary, the military, the Islamic Revolutionary Guard Corps, the state-run radio and television, and the richly endowed foundations which controlled a substantial segment of the economy.⁴⁴⁰

The subsequent efforts to amend the law also proved fruitless. The decree of the Leader was so changeless and immutable that prohibited even discussion on the issue. Two years later, an amendment to make minor changes including the removal of limitations on the geographical distribution of a publication and the elimination of restrictions on subjects that could be covered by a publication was proposed by MPs. CG rejected the bill citing that the

⁴³⁷ Majles, Minutes of Proceedings, 6th Majles, 1st Year. 6 August, 2000.

⁴³⁸ Majles, Minutes of Proceedings, 6th Majles, 1st Year. 13 August, 2000.

⁴³⁹ Keyhan. 14 August, 2004.

⁴⁴⁰ Majles Former Deputy, Personal Interview, Tehran Summer 2009

Supreme Leader of the Revolution's [Khamene'i's] letter to the Majles about the Press Law has ruled that it [the amendment] contravenes the shari'ah and Article 57 of the constitution⁴⁴¹

In subsequent years, the Judiciary authorized by law, closed more than 20 newspapers and journals. The UN Special Rapporteur in 2004 deplored "the climate of fear induced by the systematic repression of people expressing critical views, including imprisoning 23 journalists and closing 98 publications."⁴⁴² Despite courageous attempts to keep alive the relatively free press that had generated so much public excitement, press freedom was doomed.⁴⁴³

⁴⁴¹ Article 57 states: "The powers of the government in the Islamic Republic are vested in the legislature, the judiciary and the executive powers, functioning under the supervision of the vilayat al-amr and the leadership of the ummah...", i.e. under the supervision Khamene'i

⁴⁴² UN Special Rapporteur in 2004. On line at: <http://sociologyofiran.blogspot.com/2006/01/human-rights-in-iran.html>. Accessed 19 January 2006.

⁴⁴³ Majles Former Deputy, Personal Interview, Tehran Summer 2009

Conclusion

Throughout this chapter it was demonstrated how the Iranian ruling elites used Majles to co-opt the opponents and manipulate the political institutions. Majles was identified as a forum through which the founding members of IRP, the conservative clerics loyal to Ayatollah Khomeini, were able to reinforce the disunity of opponents and make policy concessions with them. In this process, the exclusionary formula of electoral system and supervisory role of CG facilitated Majles role in dividing the opponents and making concession with them. It was discussed that in the first Majles, a few Liberal-Islamist were elected to Majles while all secular groups were eliminated. Since 1984 only candidates unequivocally committed to velayat-e faqih have been allowed to run. As a result the Liberal-Islamists which were offered Majles seats in the first Majles session were barred from running the election. With the passage of years the differences among those loyal advocates to Khomeini came to the surface and fundamental ideological divisions and power rivalry became apparent. Two apparent divisions were Conservatives and Radicals. Upheld by Ayatollah Khomeini, Radicals formed the majority in the second (1984-1988) and third Majlis (1988— 1992), but after Khomeini's death the conservatives gained unprecedented power. They dominated the CG and through which they abrogated to themselves the right to vet candidacies and proceeded to invalidate the candidacies of most radicals. Consequently, conservatives dominated the fourth and fifth Parliaments (1992-2000) with pragmatist supporters of Rafsanjani forming the minority. The sixth Majles was an exception. The majority of sixth Majles seats were taken by reformists. In fact, the conservative encapsulate their reformists' opponents in Majles to make concession and more importantly exercise control over them. For the Majles elections of 2004, however, conservative had upper hand in power, feeling no obligation to make concession with outsiders. As a result, CG disallowed the majority reformist candidates, including about eighty sitting MPs.

The centrality of Majles is distinctly traceable in almost all attempts to manipulate the law regarding political institutions in regime advantages. The most notable example is election laws. It was Majles initiative that legalized the vague and arbitrary condition for the candidates' qualification and increased the exclusionary role of Council of Guardians to screen candidates' qualifications. In the same token, Majles played a decisive role to impose severe restriction on the political parties and also the establishment of a commission called the article 10 commission retaining supervision continuously over the activities of approved parties and organizations. The amendment of Majles in Press Law resulting in the package of tough new press restrictions in the last days of the fifth Majles made it easier to close newspapers without trial and effectively required security clearances for all journalists, giving the secret police veto power over who could and who could not work. In general, a cursory review of the laws passed by Majles regarding the main democratic institutions reveals that Majles has enhanced authoritarian institutions much through its legislative role. None of the laws reviewed offers a contribution to democracy and each contradict significantly democratic values.

Conclusion

Most of this research has grown out of the author's previous employment in Majles Research Centre in sixth Majles session between 2000 and 2004. This period coincided with the most flourishing time in Majles history. Since Islamic Revolution, it was for the first time that a number of reformist-minded MPs forced their way into the Majles pledging to make the most of Majles capacity to accomplish the democratic missions. With this conviction in mind and overwhelmed with the mainstream literature in parliaments and democratization, the departure point in the first draft of the research was the premises that parliaments can and should make much contribution to the consolidation of democratization in the context under study, Iran. Yet, once the sixth Majles session came to a close, the balance sheet of what it was able to gain showed that the high hopes about the role of Majles in democratization had been completely dashed. In the hindsight of this session, it became evident that the experience of democratizing or newly democratized countries have not fared well when extended to the Majles case. Instead, the scholarship on parliaments under authoritarian regimes proved to be more appropriate to this case. As a result, the current draft draws exclusively on these literatures and their alternative theories.

Rather than a mere review of the relevant literature on the role of legislatures in regime change and durability in authoritarian regimes, this study sought to develop a comprehensive framework based on the legislative institutionalization by which one can understand and analyze the capacity and performance of legislatures in the authoritarian context. As such, this research serves to be both a product of and a supplement to extant literature on legislatures under authoritarian regimes. It also offered a better understanding of the complex story of Iran's post revolutionary parliament Majles, an outstanding institution in a country

that is frequently heard about but rarely understood. Several conclusions can be drawn from the research.

For one thing, despite enduring quest for democratization and intermittent movements away from authoritarian regimes in the course of contemporary Iranian history, the democratic openings either stalled or aborted exclusively in Iran. The democratization process proved to be an unsuccessful struggle in Iran, characterised by one step forward two steps back. Given the resilience of authoritarianism in Iran, the alternative question in this context, however is how institutions may generate the conditions to contribute to the longevity of authoritarian regimes rather than how they can contributing to democracy. As such, central to this study was the conditions under which Majles could contribute to the resilience of authoritarian regimes. Inspired by legislative institutionalization approach three main characteristics were identified: subordination as oppose to autonomy, exclusiveness as oppose to representativeness and secrecy as oppose to deliberativeness.

With respect to subordination criteria it was demonstrated that Majles is greater in subordination. Majles is caught between powerful and influential formal and informal institutions. In particular, informal institutions outside Majles have a decisive impact on the autonomy of Majles and its contribution to the survival of the current regime in Iran. It put into question the widely accepted idea that Iranian political culture as the main reason for democracy failure in Iran by offering empirical evidence from recent polls. Instead it discussed relatively overlooked factors, informal institutions, which have been an outstanding consequence for democratic fate in Iran. These informal institutions constitute a secret network which exerts absolute control over Majles. In the absence of political parties, factions are in charge of offering Majles candidates lists and also able to mobilize thousands of volunteers through their vast networks of mosques and foundations. The Ahmadinezhad's presidency in 2005 also ushered in an era in Iranian history viewed by many observers as

militarization of Iran politics. This encouraged many IRGC members to occupy Majles seats. The dominance of factions and military endangered increasingly Majles autonomy.

There exists a labyrinth of formal institutions constraining the autonomy of Majles in many ways. In particular, the Iranian political system is marked by the coexistence of multiple centres of powers nested in numerous unelected and elected institutions. The unelected institutions were created by the hard-line clerics shortly after the Islamic Revolution and share overlapping responsibilities with the elected ones. They, however, served to be superior to the elected ones and retain the ultimate control over them. Majles as an elected institution is no exception. The Great Leader is at the helm of power in Iran. The frequent intervention of the Great Leader in very sensitive issues, normally falling within the authority of Majles, has increasingly jeopardized Majles autonomy. In addition, CG rule on the constitutionality of Majlis actions has increasingly vetoed Majlis actions. The numerous parliamentary decisions rejected by CG reveals the limitation of the legislative role of Majles. The Expediency Council, initially established to mediate between Majles and CG, turned out to an institution enjoying legislative authority capable of framing legislation independently of Majles and CG. As discussed, Majles enjoy some autonomy with respect to the executive but it is absolutely subordinate to the Great Leader, CG and the Expediency Council. The membership autonomy of Majles is also curtailed in several senses. Although Iranian MPs enjoy a comprehensive immunity, the courts have summoned deputies in several instances for offences that include speeches made in the Majles. It was also shown that more than half of the deputies are elected to parliament for the first time. The high turnover of new MPs in Majles, is striking indicator of the lack of professionalization which ensured the subordination of Majles. Likewise, massive staff clean-up at the beginning of each new period is another factor that accounts for the lack of Majles institutionalization.

Majles also fell short of meeting the representativeness and deliberativeness identified as

decisive criteria, distinguishing authoritarian from democratic legislatures. The exclusionary gate keeping role of CG in vetting the aspirants to run for Majles election was identified as the most formidable barrier against Majles representativeness. In fact, the members of parliaments ultimately are elected from among the candidates approved by the Council of Guardians. Another barrier Majles election faced is the electoral formula. The plurality model with a second ballot served the interest of Iran's ruling power bloc at the expense of the voters. Fraud and corruption are rampant in Majles election. The interference of informal institution such as influential military and clergymen and their *bonyads* is a prime example of unfair access to the campaign resources. The quantitative characteristics of MPs in terms of gender and social status indicate unequal reflection of Iranian population diversity. Finally the constituency services workload leave the MPs with little time for dealing with important law making and monitoring duties.

Deliberativeness, as defined in this research can scarcely be regarded as an integral feature of Majles. Majles sittings are held openly but Iran's network (IRIB) run under supervision of the Great Leader has frequently distorted the news releasing biased interpretation. The committee meetings are absolutely closed to the public and the media and no public hearing is held when examining the legislation. Finally to date, Majles has failed to approve and enforce rules on conflicts of interest which promote the independence of legislators from private interests or unreasonable political pressures. That made Majles prey to corrupt interests, exercised through powerful informal networks outside Majles. Majles also suffered from the lack of sufficient regulation for the protection of the dignity of the legislature.

In the light of above discussions it is evident that Majles is subordinated to influential and powerful formal and informal institutions serving as a means to exclude the opponents

rather than represent the populations and internal organization shrouded in secrecy and as a result the integrity of Majles is increasingly in question.

With respect to the Majles' performance it is not an exaggeration to say that Majles has been at the centre of the regime co-optation strategies since the beginning of Islamic Revolution to encapsulate the loyal oppositions and to exclude those were regarded as outsiders. In so doing, Majles served to divide oppositions or reinforce their disunity. In the first Majles the secular groups were eliminated from Majles thanks to the exclusionary electoral formula. The second Majles excluded the liberal-islamist groups with assistance of CG. And since then CG turned out to be the main agent to control the selection of candidates.

Majles also acted as the main agent of manipulation of political institutions through its law making function and by this contributed to the stability of the Islamic Republic. The centrality of Majles is apparent in the attempts to manipulate the law regarding authoritarian political institutions. Most proposals of such laws emanated from Majles. Majles was significant in that it changed the rule of the game in post revolutionary Iran. By emphasizing legality written into legislation by Majles, the arbitrary use of power by ruling authorities and state institutions was considerably reduced and it bound the state to the rule of law. These gains however did not sustain democratic reforms in Iran. Although the ruling circle would continue to behave in authoritarian ways, thanks to Majles they do so increasingly within the bounds of law using the legal forums. So it is ironic – but again perhaps unsurprising – that Majles in post-revolutionary Iran has contributed to the rule of power at expense of the rule of law.

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APPENDIX I: LIST OF RESPONDENTS TO INTERVIEW

Alaei, Housein. Majles Committee Secretary.

Alami, Akbar, Sixth Majles MP.

Ansari Rad, Hussein. Sixth Majles MP

Armin Muhsen, Sixth Majles MP.

Ghabel, Hadi. Member of the central council of the Participation

Hosseini, Ahmad. Majles Press Correspondent.

Jalali, Kazem. Sixth and Seventh Majles MP.

Khatami, Mohammad Reza. Sixth Majles vice-President.

Kula'i Elahe, Sixth Majles MP.

Ansari, Majid Sixth Majles MP.

Qadayani, Abolfazl, Political activist

Sadr Haj Seyyed Javadi, Ahmad, Jurist among drafters who prepared preliminary draft of constitutional Law.

Yusefian, Reza. Sixth Majles MP.

Note: a number of respondents wanted to remain unknown.

APPENDIXII: THE MAP OF IRAN

