Understanding Iran’s Assembly of Experts

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# Understanding Iran’s Assembly of Experts

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Eighteen months after the election of President Mahmoud Ahmadinejad, Iranians will once again go to the polls to vote, this time to elect the Assembly of Experts, which deals with monitoring the performance of the leader (Velay-e-Faqih). Iranians have to make the decision about which 86 experts should do this job. Again the Guardian Council is fully prepared, and the registered number of 496 candidates will have to face a written examination in order to ascertain the adequacy of their religious qualifications. Furthermore, if they pass this examination, they will then also face an interview process. Even some previous members of the current Assembly had to sit the written exam, although it has been argued by some people, such as Majeed Ansari, that it is both illegal and inaccurate to do so.

Those who succeed in the vetting process will then qualify to stand for the elections. Moreover, those who are eventually elected will have an indirect impact on Iranian politics, as the main job of the Assembly of Experts is to monitor and assess the performance and qualifications of the leader for a term of eight years. The reason why they will now enjoy an eight year term is due to the fact that, in the future, the 5th Expert elections will occur at the same time as the 10th Majlis elections. Therefore it has been assumed that this Assembly of Experts will continue doing its job without the need for new elections. Most importantly, as the soon to be elected Assembly of Experts will enjoy a longer eight year term, the Iranian political forces are pushing hard to win more seats in the Assembly in the knowledge that they will then be able to significantly affect the Iranian political scene.

There is a question about what this election, or more importantly what the outcome of this election will mean to Iran and Iranian politics? The elections will have an indirect impact on the President and the Majlis (parliament), this will come through the existing Supreme Leader, Ayatollah Khamenei, or any one who succeeds him. The eighteen months of Ahmadinejad’s presidency has proved that the Supreme Leader is not far away from influencing events within the country. Three examples help to illustrate this point. Firstly, it was the Supreme Leader’s decision to form a foreign policy committee, following the perception of Ahmadinejad as a loose cannon in matters of foreign policy. Secondly, on the economic front, the Supreme Leader also ordered the government to quickly deal with the problem of inflation. Thirdly, the national conservatives led by Rafsanjani, and neoconservatives led by Mesbah-Yazdi. This conflict could eventually put an end to the political future of Ahmadinejad, who enjoyed the support of Mesbah-Yazdi in the last presidential elections in 2005. Undoubtedly, there is the prospect of significant confrontation within Iranian politics. This would be a real possibility if the Supreme Leader was to give his full support to Rafsanjani and his list, which Rafsanjani needs to stop any attempt to question his authority as long as he is alive. If this does not happen this will mean the third defeat for Rafsanjani in less than 2 years, which will further hamper his political career.

Despite the power jostling between the Iranian political forces, the nature of the new Assembly of Experts will influence Iranian domestic politics and foreign policy. Therefore there will be changes in long term policies, especially if the Ahmadinejad government keeps going in the current direction which it has chosen in regards to Iranian politics. There will also be some changes on the foreign policy front, especially if the neoconservative faction win a majority in the upcoming elections. However, this will not be recognised in the short term, simply because there will be an unseen conflict of interests which will slow down any political decision-making process.

In summary, these elections add a new chapter to the previous Iranian understanding of democracy and elections, and with power being central to the elections, one faction is therefore pitted against the other. It might be understood as being improper, but this is religious democracy according to Iranian politics!
In these elections, **eighty six seats** will be elected from **thirty electoral constituencies**. The distribution of these candidates will be according to the following map and table:
A constitutional role of the Assembly
Rights and Limitations

The unexpected victory of Mahmoud Ahmadinejad in the recent presidential election surprised, if not galvanised, many internal and external observers of the Iranian political scene. Ahmadinejad’s hardline rhetoric, fundamentalist religious sentiments, militant approach to the state of Israel, and alleged nuclear ambitions has increasingly placed Iran at the centre of international attention. The outcome of the previous election, and the radical shift of power from one side of the political spectrum to another, should provide us with enough reasons to recognise the importance of Iranian elections and their wider repercussions. Baring in mind the political potential of the Iranian elections, we thus have significant reason to analyse the forthcoming election vigilantly. This article will briefly examine whether the election set to take place on the 15th December 2006 will, constitutionally speaking, have the capacity to reshape the political milieu in Iran.

Before engaging ourselves in analysis and speculation regarding the outcome of the election, it is essential to examine the constitutional role of the Assembly, and also its legal jurisdiction within the political framework of Iran. Clearly, the legal authority of the Assembly of Experts, and its constitutional rights and limitations, can help us speculate as to the possible political outcome of the election.

According to Article 107 of the Iranian Constitution "the task of appointing the Leader shall be vested with the experts, elected by the people...The Leader thus elected by the Assembly of Experts shall assume all the powers of the vilayat al-amr and all the responsibilities”. Hence, Article 107 provides the Assembly of Experts with the legal capacity to elect, supervise and even disqualify the Supreme Leader.

As demonstrated, the Assembly of Experts acts as a representative body to democratize the role of the Supreme Leader, the most powerful figure in Iranian politics. Consequently, the Islamic Republic often identifies the Assembly of Experts as "the source of legitimacy". However, in spite of the apparent democratic role of the Assembly of Experts, the same constitution also provides additional clauses which clearly undermine the democratic nature of the Assembly of Experts. By examining the constitutional role of the Supreme Leader, the democratic deficit of the Assembly of Experts becomes apparent.

One article in particular can be identified within the constitution which articulately outlines the political jurisdiction of the Supreme Leader. There are 11 sections in Article 110 which give the Supreme Leader the overarching authority over other components of the system, including the legislature, judiciary and the executive. The Islamic Republic attempts to justify such monopolisation of power by referring to the role of the Assembly of Experts, which is elected and responsible for the selection of the Supreme Leader. Therefore, they are implications of indirect democracy taking place through the Assembly of Experts to elect the Supreme Leader. However, the sixth section of the Article 110 suggests otherwise, as it clearly indicates that the Supreme Leader has the authority for the "appointment, dismissal, and acceptance of the resignation of the fuqaha’ in the Guardian Council”.

Candidates for the Assembly of Experts are also subject to approval by the Guardian Council. Accordingly, no one can gain the formal qualification required to participate in this election unless they have gained approval from the Guardian Council. In other words, the Supreme Leader indirectly appoints the members of the Assembly of Experts through the Guardian Council. Consequently one could argue that, as the Assembly of Experts are subject to approval by the Guardian Council, which itself is subject to the Supreme Leader, there is very little space left for political maneuvering. It also raises the important question about just who will supervise the conduct of the Supreme Leader himself.

Having reviewed the selective performance of the Guardian Council during previous elections, it seems plausible to expect minimal room for a fair competition which would adequately represent those from different sides of the political spectrum in Iran.

The Guardian Council was widely criticised for its act of political favouritism and selectivism during the presidential election of 2005. Out of 1014 people who registered for the presidential candidacy, only a small number of candidates were selected to participate in the election. Unsurprisingly, most of those disqualified by the Guardian Council were either independent, or belonged to the reformist parties. Subsequently, due to the constitutional limitation of the Assembly of Experts, it is difficult to anticipate that the election scheduled to take place in December will result in any drastic social or political change. It seems almost implausible to predict that the Council of Guardians, the most conservative entity within the framework of the Islamic Republic, would approve the kind of candidates who could question the legitimacy of the Supreme Leader from the seats of the Assembly of Experts.
Hashemi and the Assembly of Experts Election

The man of power in peril

For most observers, Hashemi Rafsanjani has always been the powerful man of the Islamic Republic. His political career is filled with key positions: Interior Minister in 1979, the Speaker of Parliament in three terms from 1980-1989 and President of the Islamic Republic in two successive terms from 1989 to 1997. But more importantly, Hashemi Rafsanjani is known to have significant responsibility for some of the most important decisions in the history of the Islamic Republic of Iran. His role in the ending of the Iran-Iraq war has been largely debated, and it is speculated that he was one of the directors of the emergency meeting of the Assembly of Experts on 3rd June 1989, which resulted in the promotion of Seyed Ali Khamenei to the rank of Supreme Leader. In addition to all this, there has been a lot of debate and speculation about his family’s alleged large wealth and financial influence.

This image of an all-powerful godfather figure has been seriously damaged in recent years. Hashemi Rafsanjani’s first major failure occurred during the parliamentary elections of 2000, when the voters of Tehran refused to give him their support, and the one time speaker of three parliaments and the winner of two presidential elections had to endure the humiliation of not even being among the top 30 elected MPs of the capital. The 2005 presidential election delivered an even more serious blow to Hashemi Rafsanjani’s reputation, when he lost the presidential marathon to the populist upstart Mahmoud Ahmadinejad.

Not surprisingly, Hashemi Rafsanjani’s failure in the elections is directly linked to the image of the all-powerful man of the Islamic Republic. This image made him responsible for the Islamic regime’s failure to create a stable economy, along with its offenses to human rights and other political wrongdoings. Such a reputation does not bode well in the elections.

Some people still believe that Hashemi Rafsanjani is the most powerful man in the Islamic Republic, and there is no doubt that he holds a considerable amount of political capital within the regime. However, at least for the time being, Hashemi Rafsanjani is merely struggling to maintain every scrap of power still left in his grasp and consolidate his disadvantaged position. Currently he is Chairman of the Expediency Discernment Council of Iran, a position in which his ability to maneuver is most limited due to the close alliance between President Ahmadinejad and the chairman of the Guardian Council, Ayatollah Ahmad Jannati. His political allies hold only 40 of the 270 seats of the parliament, and all of his protégées and close friends have been pushed out of high and middle ranking governmental positions. The image of the all-powerful man is becoming a distant memory with each passing day.

And now on the eve of election for the Assembly of Experts, Hashemi Rafsanjani has to protect one of his last traditional strongholds. In the last election he won his seat effortlessly and was elected as the second deputy chairman of the Assembly, and he is most likely keen to hold on to this position. In the past the groups which usually control the Assembly of Experts were in favor of Hashemi Rafsanjani’s presence in the Assembly. In the autumn of this year two of the most influential clerical groups, Jamehei Rohaniat Mobarez (The Society of Activist Clergy) and Jamehehi Modaresin Hozei Elmieh Qom (The Society of Religious Tutors of Qom) placed Hashemi Rafsanjani on their list of candidates. This move was supported by the non-clerical sector, the conservative’s old elite, with one of its members commenting that “the election of the Assembly of Experts is different from the presidential election; Hashem’s place is among the experts”.

This image of moderation and unity was broken on October 28th, when the supporters of Ayatollah Mesbah-Yazdi announced that Hashemi Rafsanjani will not be included on their list of candidates. It seems that Hashemi Rafsanjani will have to face Mesbah-Yazdi, his long-time antagonist, in this election. Hashemi Rafsanjani can count on the support of the old elite of conservatives, who will not appreciate Mesbah-Yazdi’s move, but he has several disadvantages that might prove fatal. Firstly, for the moment, Mesbah-Yazdi’s political supporters - such as President Ahmadinejad and Ayatollah Jannati - appear to be more powerful than Hashemi Rafsanjani’s. Then there is the fact that the constituency of Tehran is usually somewhat passive toward the Assembly of Experts and its election. Furthermore, the voters of Tehran have shown little courtesy toward Hashemi Rafsanjani in the previous elections. These factors can in turn benefit Mesbah-Yazdi’s supporters and allies, who can be certain of a small but sufficient number of votes.

Even with such disadvantages, Hashemi Rafsanjani has no other option but to participate in this election and maintain his seat within the Assembly. Failure to do so will result in his position being further undermined from a disadvantaged one to a hopeless one.
Reformists and the Election

The reformists who have already experienced two heavy electoral defeats identify the Guardian Council as the main reason for their failures. Among all the existing debates that are currently taking place in Iran, I find the comments by former minister Mousavi Lari the most interesting.

Unsurprisingly, his criticism of the Guardian Council was his point of departure, and he also expressed his vision for a more democratic Assembly of Experts. For example, he questioned the decisive role of the Guardian Council in undemocratically selecting the candidates. However, his criticisms of the Council did not seem to be restricted to the Assembly of Experts. Nevertheless, following the arbitrary and selective acts of the Council in the run up to the presidential election, most reformists, including Mousavi Lari himself, criticised the Council as being the key obstacle in their attempts at achieving true reform and democracy within Iran.

Furthermore, Mousavi Lari also made a comment in relation to the religious qualifications of the candidates, as the adequacy of their religious credentials is currently the sole decision of the Council of Guardians. Mousavi Lari instead suggested that, rather than let the Guardian Council decide, such examinations and decisions should take place within seminaries. He therefore recommended that the seminaries autonomously provide references for the candidates regarding their religious qualifications.

In fact, what makes Mousavi Lari’s comments very interesting is not just his criticism of the Guardian Council, but the fact that he also questions the very framework of the Assembly of Experts.

He argued that the role of the Supreme Leader is not only religious, as the scope of his jurisdiction also encompasses the military, security, economic, political and cultural spheres. Therefore the Assembly needs to be more comprehensive in order to include experts from other essential fields, not only religion. Being a cleric himself, he added that the Assembly is elitist, and thus needs to open up to the wider section of society, instead of simply embracing the selected clergy.

It seems that the debate regarding the legitimacy of the Assembly has engaged many figures, who in one-way or another are part of the very system that was designed to maintain the pre-eminence of the Supreme Leader and Vilayet-e-faqih. The increasing factionalism and political division among the political elite has become increasingly evident, thus such divisions are no longer dealt with behind closed doors.

The categorical failures of the reformist element in the last two elections made it evident that, as long as the Council of Guardians maintains its superlative position, the reformists will not have a serious chance to play an imperative role within the political framework of the Islamic Republic. Although the reformists monopolised the executive and legislature through the landslide electoral victories under president Khatami, they still failed to implement the necessary reforms.

Today however, the Iranian political map has taken on a different shape, with the legislature, the executive and all the councils appointed by the Supreme Leader now dominated by the hardliners. Within such a climate, it would be difficult to predict the possible infiltration of the reformists into the Assembly of Experts. However, it seems more than likely that most reformist candidates will be disqualified, and once again an election will be orchestrated to choose the “chosen ones”.

More interestingly, he argued that there is no constitutional obstacle to prevent women participating in the forthcoming election for the Assembly of Experts. This was said in light of the rejection of ninety female candidates who were cast off for presidential election in 2005.
From the early autumn, two of the oldest and most influential factions of Iran's clergy, Jamehei Rohaniat Mobarez (The Society of Activist Clergy) and Jamehei Modaresin Hozei Elmieh Qom (The Society of Religious Tutors of Qom) announced their resolution on having a joint list of candidates for the upcoming elections of the Assembly of Experts. The Islamic Motalefeh (Coalition) Party, another grand organization of the old conservative elite, supported this unified act with much enthusiasm. On 22nd October the names on the list were revealed, and included two individuals who contradicted each other in every aspect: Akbar Hashemi Rafsanjani, the former president and current chairman of the Expediency Council, and Mohammad-Taqi Mesbah-Yazdi, the religious ally - and alleged mentor - of President Mahmoud Ahmadinejad.

This act was considered an attempt to persuade different rightwing conservative groups into unity through political compromise; however it was obvious that this attempt will not receive the support of all involved parties. Soon after, the editor of Partove Sokhan, the weekly journal dedicated to publishing Mesbah-Yazdi’s views, announced that a group of Mesbah-Yazdi’s supporters will have their own list of candidates, a list which will not include Hashemi Rafsanjani.

Until the late 1990’s Mesbah-Yazdi was not a recognized personality in Iran’s political arena, but in recent years he has acquired the most hazardous reputation. His political and religious rivals within the Islamic regime consider him a power hungry opportunist who did not dare to participate in the anti Shah movement. Some have even accused him of ordering the brutal assassination of many secular intellectuals. Mesbah-Yazdi is known to be a hardliner of the most forceful and inflexible kind, he has been one of the greatest antagonists of Hashemi Rafsanjani’s moderation policies, along with Khatami’s reformist discourse. On one occasion he attacked Hashemi Rafsanjani for considering the concept of religious leadership (Velayat) an earthly matter which can be determined by ordinary people, and on another occasion he discredited the legitimacy of elections. In one of his recent interviews regarding cultural matters of society, he commented that "in the last sixteen years [since the passing of Ayatollah Khomeini] the cultural matters have not only failed to improve but the situation has been exacerbated." Mesbah-Yazdi’s own discursive language and literature demonstrates his total disapproval of both Hashemi Rafsanjani’s and Khatami’s somewhat liberal policies toward social liberties and indicates that he believes in a far more forceful approach toward social and political matters, which can be even more severe than a return to the Islamic revolutionary discourse of the 1980’s.

As mentioned before, Mesbah-Yazdi has not been a very well known individual in Iran’s politics; some of his rivals have concluded that such behaviour is natural for an opportunist who did not have the courage to stand up against the shah’s regime. However, such a low profile does him much credit; it demonstrates patience and long term planning in a country where ‘making the most at the present time’ is the most popular maxim. Residing in Qom, Mesbah-Yazdi has spent most of his time studying and teaching, enhancing his theories, training protégées and expanding his political connections and influence, and now it seems that it is harvesting time.

Immediately after being elected to the presidency, Mahmoud Ahmadinejad made a symbolic visit to the holy city of Qom. His move became more figurative and meaningful when his first meeting was with Mesbah-Yazdi. This was perhaps a momentous event, signifying the fact that after years of staying in the shadows, Mesbah-Yazdi is ready to move into the open. And
Women and the Election

For the first time in the history of the Islamic Republic of Iran it seems possible that women may run for election to the Assembly of Experts. According to a member of the Assembly of Experts, there are no constitutional restrictions for women, so long as they can provide evidence of their expertise in religious matters; hence they should have acquired Ijtihad (authority for interpretation of religious laws) or they should otherwise be a Mujtahid, basically they should have achieved the highest degree in Islamic teaching.

This event is significant because, until now, it has been impossible for women to participate in the elections. In the last elections for the Assembly of Experts, held in 1998, nine women put themselves forward as candidates to run for election. Nevertheless, the Guardian Council did not approve them, and it is the very same Guardian Council which will once again make the final decisions regarding candidate approval in the upcoming elections. This claim about greater female participation may well derive from the fact that women are gaining more and more cultural power in Iran, in fact recent research has shown that the number of women at Iranian universities has now overtaken the number of male students. This means that greater numbers of Iranian women will increasingly possess the necessary skills and educational background to reach higher working positions than men.

It is no secret that women make up a substantial proportion of voters in the country. As they become more educated and observant of socio-political realities in Iran, they will undoubtedly begin to assert their rights more forcibly in order to play a more effective role in Iranian political life.

Acknowledging the possible inclusion of women in the Assembly of Experts could be a pragmatic reaction by the state to the emergence of this powerful social class. This may well be one of the reasons behind the sudden change of position that took place among the conservative men dominating the ruling class. Nevertheless, until the names of the candidates are published, it is not possible to say whether it was simply a claim to boost the interest and the hope for the election, or a truly effective change in favour of women.
The Outcome
Possibilities and Different Scenarios

The elections for the Assembly of experts will be held in less than a month and it has been established by experience that in Iran any political event will not be determined until the very last minute. Also there is the fact that the Assembly of Experts is not an important and popular election for many Iranians - particularly for the youth. Boycotting the elections has never been successful in Iran but on some occasions in Tehran things got serious. In the last elections for city Councils less than 45 percent of the voters participated and in the presidential election last year out of 8.23 million of people entitled to vote 3.89 million participated, that is roughly 47 percent. In the last Assembly of Experts election in 1998, 54 percent of entitled people participated. Consequently predicting the outcome of the Assembly of Experts is extremely difficult if not impossible; however there are different probabilities that can and should be discussed.

At the moment it seems that the real clash in this election will be between the old conservative elite and the new generation of conservatives. The latter support the list of Ayatollah Mesbah Yazdi. Ayatollah Yazdi, the alleged religious mentor of Ahmadinejad, has somewhat openly defied the compromise list presented by the old conservative elite and has refused to put Akbar Hashemi and Hassan Rohani in his list of candidates. This is a clear attempt by Ayatollah Yazdi to undermine Hashemi's position and promote his own position within the Assembly of Experts.

The old elite have had many disagreements and quarrels with Hashemi during the last 16 years, but not only did they not approve Ayatollah Yazdis move but were somewhat outraged by it. Thus Hashemi can count on the old elite in order to keep the supporters of Yazdi and Ahmadinejad at bay.

This political race has two less probable outcomes: either Hashemi will be muscled out, or Ayatollah Yazdi will lose his gamble. In the first case, Hashemi will be further isolated and might even be forced into retirement, while Ayatollah Yazdi will probably be able to secure a high position within the Assembly of Experts - possibly as vice-chairman and create a powerful and dangerous axis with Ahmadinejad. Otherwise, Hashemi's position, which has been extremely weakened by his loss in last year's presidential elections, will be consolidated and he will be able to employ such success to resist Ayatollah Yazdi and Ahmadinejad's pressure. At the moment neither of these scenarios seem probable, due to the fact that neither of the two sides are strong enough to achieve such an outcome, unless one of them pull an ace from its sleeve and force the other side to withdraw. The position of the spiritual leader Ayatollah Ali Khomeini will be critical in such circumstances; Khomeini is not strong enough to independently win the Assembly of Experts but his support and influence can shift the balance. In the last ten years Khomeini has silently but persistently attempted to limit and weaken the power of Hashemi and to secure his religious position as spiritual leader and while he has never openly attacked Hashemi, he has silently approved his undermining. Khomeini has also silently approved and supported the rise of Ahmadinejad and the new generation of conservatives, in hope that the weakening of Hashemi and the old conservative elite would strengthen his position. Khomeini has also demonstrated a level of support toward Ayatollah Yazdi, despite the fact that many friends and foes have warned that Ayatollah Yazdis appetite for power has no limits and Khomeini might become his next victim. If Khomeini is indeed in alliance with Ayatollah Yazdi and Ahmadinejad, he might try to persuade Hashemi to abstain, however he can not openly commit such an action. This might trigger a wider debate regarding his position within the political field which might turn to Khomeinis disadvantage. The best instrument of influence in Khomeinis Hands is the Guardian council. Already the Council has deemed the absolute majority of reformist candidates unfit to enter the election as they did in the previous occasions. But the Guardian Council has the power to negate the votes of different constituency areas of any city; this tactic has been used against the reformists in previous years. An important question is would Hashemi and the old conservative elite, allow such an action?

The best possible scenario is that both Hashemi and Ayatollah Yazdi will find their way to the Assembly of Experts and will continue to wage their war within the Assembly, where Hashemi will have the higher ground due to his senior and more experienced position but the situation will remain as a political standstill.