

Religious Disputation and Democratic Constitutionalism: The Enduring Legacy of the Constitutional Revolution On the Struggle for Democracy in Iran

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The key argument of this article is that the origins of today's ideological conflict between Mahmoud Ahmadinejad and Mir Hossein Mousavi can be traced back to the Iranian Constitutional Revolution of 1906–1911. One of the key disputes that emerged during this period was between a group of clerics and a coalition of constitutionalists who clashed over whether a council of religious experts should have veto power over parliamentary deliberations. While the constitutionalists prevailed in 1907 over their religious rivals in the short term, the ideological battle over this issue continued throughout the 20th century and resurfaced again after the Islamic Revolution in 1979. This time religious conservatives were victorious. They successfully wrote and passed a constitution where sovereignty was divided between religious clerics and the masses. If ever the two should clash, it was the clerics who had the final say. The present conflict in Iran today, in the aftermath of the disputed June 12, 2009 presidential election between conservatives and reformists, is rooted in this legacy of the unresolved ideological dispute over the proper location of political sovereignty that began in the early 20th century. Here I seek to explore these linkages between the past and the present and to comment on the internal struggle for democracy in Iran. The focus of this paper will be on the lessons for democratic theory that emerge from the conflict and tension between religion and politics in Iran. In particular, it will focus on lessons that can be drawn from debates over the moral basis of legitimate political authority and what role religion should play in emerging Muslim democratic polities.

The Failure of Democracy in 20th Century Iran: Relevant Democratic Notes

The current struggle for democracy in Iran today did not emerge out of a vacuum – a century of history lies behind it. Broadly speaking, it is often forgotten that most democratic transformations are rarely victorious on their first attempt; there is a legacy of struggle, defeat, intellectual transformation, sacrifice, political experience and democratic learning that is accumulated prior to any transition to democracy. Even when democracy has been consolidated, the possibility of rollback remains. In *Contention and Democracy in Europe, 1650–2000*, Charles Tilly noted that examples of democratization in Europe in the past 350 years are as frequent and numerous as de-democratization.¹ The struggle for democracy in Iran over the past century follows a similar oscillating pattern of democratization and de-democratization. More recently, the rise and fall of the reformist presidency of Muhammad Khatami (1997–2005), followed by the ascendancy of the hard-line presidency of Mahmoud Ahmadinejad, and the brief democratization of Iranian politics in the lead up to the June 12, 2009 presidential election, followed by the subsequent electoral coup d'état all fall within this oscillating pattern.

Historically, the internal institutional roots of authoritarianism in Iran have been embodied in the monarchy and sections of clergy.² At the level of the state, the monarchy had been a bastion of political authoritarianism dating back 2,500 years to the time of Cyrus the Great, the founder of the Achaemenian dynasty. This institution dominated the Iranian political landscape for much of its history. In more recent times, at a social level, one of the primary sources of authoritarianism has been the Shi'a Muslim clergy (*ulema*), who, similar to the Catholic church through the Middle Ages in Europe, has enjoyed a monopoly on religious interpretation within Iran.³ During the Safavid and Qajar periods (16th to 20th century), the royal court relied on sections of the *ulema* to legitimize the "divine right of the kings" to rule. These kings laid exclusive claim to political authority in Iran. Simultaneously, however, a section of the clergy gradually developed an autonomous set of institutions separate from state control that were both financially independent and had organic links with society. A critical political alliance between the clergy and the bazaar (or the traditional bourgeoisie) developed over time, and it has played a vital role in the last 150 years of Iranian politics by espousing popular grievances while resisting the internal despotism of the monarchy and the external imperialism of European powers.⁴

In commenting on the history of political life in Iran, Nikki Keddie and Mehrdad Amanat observed that there was "only a slight variation in the general pattern of Iranian politics" between the 11th and 19th centuries when elements of the royal court, tribal groups and the clergy determined the ebb and flow of political life. These scholars also made the point that "to discuss Iranian politics as distinct from Iran's foreign relations is to imply an artificial separation between them. It must be borne in mind that the internal politics [of Iran] . . . were to a considerable degree controlled not only from behind the scenes . . . but even from beyond Iran's borders."⁵

Unlike the rest of the Muslim world, Iran did not experience a period of formal European colonization, but given the dominant role played by Russia and Britain (and later the United States) in Iranian affairs, Keddie and Amanat's reference to Iran as a "semi-colony" is an apt description.⁶ In short, the monarchy, the clergy and the role of external imperial forces are the three dominant variables that have had a deep impact on Iranian politics over the past 200 years and are critical reference points in terms of understanding the obstacles to democratization and the persistence of political authoritarianism. Any comprehensive discussion of this topic must include a consideration of these variables, all of which featured prominently, albeit to differing degrees and in different ways, in the four "moments of democracy" during the 20th century.

These moments of democracy refer to brief periods of time when the traditional forces that had bolstered political authoritarianism were weak and when democratic forces were ascendant. At these moments, a transition to democracy was on the top of the national agenda, and it seemed that a democratic breakthrough was a distinct possibility. In chronological order, these four moments of Iranian democracy are: the 1906–1911 Constitutional Revolution, the Mossadeq years (1950–1953), the 1979 Islamic Revolution, and the first term of Muhammad Khatami's presidency (1997–2001). It is my view that the current conflict in Iran today is a continuation of this fourth moment of democracy. In the 2009 presidential election, the reformists, led by Mousavi and Khatami, were attempting to stage a comeback and recapture the presidency. Fearing a return of the reformists to power, hard-line conservatives staged an electoral coup.⁷ Currently they are seeking to use the street protests that followed the election to wipe out the reformist movement by placing many of its top leaders on trial and charging them with treason.⁸ Whether they will be successful remains to be seen.

Having discussed the other moments of democracy in Iran elsewhere, I want to focus on the first moment of democracy in this article and discuss its linkage to the events following the recent Iranian presidential election.⁹ Doing so will serve to provide a necessary backdrop and context to contemporary ideological debates on democracy in Iran between reformers and conservatives.¹⁰ While far from a comprehensive treatment of the topic, this article focuses on the history of democracy in Iran and the role of religious disputation, in particular debates on political legitimacy and the unresolved question of the proper location of political sovereignty.

The Iranian Constitutional Revolution (1906–1911)

Between 1906 and 1911 Iran experienced a Constitutional Revolution. By regional standards, it was a huge leap forward in terms of advancing political development, promoting modernization and transforming Iranian society. According to Hamid Enayat it “represent[ed] the first direct encounter in modern Iran between traditional Islamic culture and the West . . . [and] was a movement of unprecedented dimension in Iran’s modern history which embraced vast groups of people from every social quarter, thus generating a heated debate between diverse ideologies.”¹¹ While the democratic gains of this period were eventually rolled back, a framework for democratization and constitutionalism was established that was to become a reference point for Iranian democracy advocates until the 1979 revolution.

The monarchy, the clergy and external powers (primarily Russian) were key players in this political conflict. The primary causes of the revolution were economic stagnation, foreign intervention and corruption by the monarchy. The influences of modern democratic and liberal ideas were an underlying factor and the Russo-Japanese war (1904–5) arguably also played a part.¹² The solution to the growing internal crisis of authoritarianism that called for limiting royal absolutism by transforming Iran into a constitutional monarchy, establishing a parliament with popular representation, and institutionalizing the rule of law.¹³ The driving force behind this democratization movement was a diverse coalition of social democratic activists, liberal constitutionalists, women, intellectuals, artisans, merchants, religious dissidents and ethnic and tribal groups.¹⁴

What is of particular interest for this article is the relationship between religion and politics during the Constitutional Revolution and its connection to the struggle for democracy in Iran today. Since the Constitutional Revolution was Iran’s first genuine democratic moment in Iranian history, it merits further consideration. The theme of sovereignty and its proper location within the Iranian political system establishes a critical link between the two time periods (early 20th century and late 20th/early 21st century). Today, this contested concept underpins the conflict over the democratization and liberalization of Iran between rival political camps.

In commenting on the problems of religion and democracy in Iran today, Adam Tarock observed that the origins of the conflict between President Khatami and his conservative opponents “began during the constitutional revolution in the early 20th century.” One of the initial disputes during this period was between “clerics and liberals [who] clashed over whether a council of clerics should have veto power over parliamentary deliberations.” While the liberals in 1907 prevailed over their religious rivals in the short term, “the ideological battle between them continued right up to the success of the Islamic revolution in 1979.” Tarock added that the “present conflict between the religious conservatives and reformers is in fact the legacy of the ideological dispute (i.e. the supremacy of divine law over people’s will; the latter as expressed in national elections) that began early last century.”¹⁵

Similarly, Shahrough Akhavi, in writing about the Iranian Constitutional Revolution, noted that the “division among the clerics over support for the constitutional movement rested on different perceptions of the concept of sovereignty.”¹⁶ The debate between two clerics at the time, Ayatollah Muhammad Husayn Na’ini (pro-constitutionalist) and Ayatollah Fazlullah Nuri (anti-constitutionalist) epitomized this tension among the Shi’a *ulema*.¹⁷ A brief overview of this debate is instructive for this article because it resurfaced again in 1979 and has a direct bearing today on the struggle for Iranian democracy.¹⁸

The two questions at the center of this debate were (1) does a secular constitution have any legitimacy in an Islamic society and (2) where is the locus of political sovereignty?¹⁹ Ayatollah Na’ini gave a qualified endorsement to the idea of a secular constitution. His famous tract on this topic was called *Tanbih al-ummah va tanzih al millah dar asas va usul mashrutiyat* (An Admonition to the Nation and an Exposition to the People Concerning the Foundation and Principles of Constitutional Government). Written in 1909 against the tyranny of the monarchy, it attempted to justify constitutional government from a Shi’i Islamic point of view by Islamicizing constitutional principles; in effect, it argued that the values of democracy and constitutionalism are not in contradiction with Islam.²⁰

On the other side of the debate, Ayatollah Nuri was the leading clerical opponent of the Constitution Revolution. In a harshly worded treatise, *Kitab Tadhkirat al-Ghafil va-Irshad al-Jahil* (Book of Admonition to the Misinformed and Guidance for the Ignorant),²¹ he condemned the idea of equality before the law between religious groups and freedom of the press. Instead he championed the supremacy of Shariah law over secular constitutional law.²² In Nuri’s view, the idea of a constitution was antithetical to Islam because sovereignty belongs to God alone and subsequently to the Prophet Muhammad and the Shi’i Imams and, in their absence, to the *ulema* (clergy) who were best suited to interpret the divine will. The masses had no right to exercise sovereignty in this arrangement.²³ He further argued, foreshadowing sentiments that were to be heard throughout the 20th century among political Islamists, that God alone is the law-maker in Islam and his laws are to be understood and disseminated by the learned clergy.²⁴

The importance of this debate for the struggle for democracy in Iran during the 20th century cannot be overstated. Na’ini’s quasi-democratic religious tract was picked up by Ayatollah Mahmud Taleqani, one of the leading liberal and democratic-minded clerics of the 1979 revolution (second only to Khomeini in popular stature). Taleqani’s third edition of Na’ini’s Islamic defense of constitutional government (1955), with notes and commentary, was used in opposing the Shah’s dictatorship, particularly by the more religious segments of society, throughout the 1960s and 1970s. It had broad appeal because it was an original attempt to indigenize concepts of democracy and constitutionalism within an Islamic framework in contrast to the Shah’s Western-inspired secular and modernizing policies, which were viewed as inauthentic and alien.

Similarly, but on the authoritarian side of the debate, Ayatollah Khomeini and his supporters viewed Ayatollah Nuri as one of the ideological fathers of the Islamic Republic and made every effort to rehabilitate him. Janet Afary, the author of a widely acclaimed study of the Constitutional Revolution, suggested that Khomeini’s vision of a theocratic state was fundamentally inspired by Ayatollah Fazlullah Nuri’s claim to religious authenticity and his critique of the constitutional process seventy years earlier. She pointed to the fact that in the 1907 supplementary laws of the Iranian Constitution, which Nuri and his supporters managed to pass, one can see the first outlines of the current Council of [Religious] Guardians in the 1979 Islamic Republican constitution. Both institutions (which resulted from the 1906 and 1979 revolutions) were designed to perform the same function of subjecting the general

will to a clerical veto to ensure that parliamentary legislation met the standards of Islamic authenticity.²⁵ Furthermore, in 1993, the conservative hard-line speaker of the Iranian parliament, Ali Akbar Nateq-Nuri, funded and organized a major conference in the city of Nur in celebration of Ayatollah Fazlollah Nuri's contribution to Iranian politics. In short, in the official doctrine of the Islamic Republic of Iran today, Ayatollah Fazlollah Nuri is a celebrated hero, while Ayatollah Muhammad Husayn Na'ini is a forgotten figure, although a revered one among reformists and religious intellectuals who frequently quote him.²⁶

Mohsen Kadivar, for example, a leading reformist cleric, scholar and public intellectual, refers to Na'ini repeatedly in his own writings on Islam and democracy.²⁷ In a similar vein, the Liberation Movement of Iran (LMI), a banned but sometimes semi-tolerated political party that is part of the reformist coalition, draws considerable inspiration from Ayatollah Na'ini's writings on constitutionalism and Islam.²⁸ In personal conversations with this author, Ebrahim Yazdi, the current secretary-general of the party, has invoked Ayatollah Na'ini's name as a source of reference for his own democratic advocacy on numerous occasions.²⁹ In the aftermath of the June 2009 presidential elections, Mehdi Karroubi, a presidential candidate, former reformist parliamentary speaker and leading opposition figure, invoked Ayatollah Na'ini's name and example on several occasions in his conflict with his hard-line rivals.

Contemporary Echoes of a Historic Debate

With a re-reading of the debate between Ayatollahs Nuri and Na'ini, a clear line can be traced from Na'ini's democratic exegesis on constitutionalism and Nuri's sacred defense of traditional Islam to debates in Iran today between reformers and conservatives over the question of democracy. Fundamentally, as was the case a century ago, the proper location of political sovereignty is at the heart of this debate. This dispute resurfaced after the disputed June 2009 election and has been on public display, especially after the Supreme Leader Ali Khamenei endorsed the election result, publicly praising Ahmadinejad and calling for an end to all debate on the topic. Disobedience to the commands of the Supreme Leader was deemed by the ideological supporters of Ahmadinejad as not only illegal but also anti-Islamic. The key question that re-surfaced in the post-election debate was "From where does the Islamic Republic of Iran derive its legitimacy? From the people or from God (and those who claim to act in His name)?"

While this question has been at the center of Iranian politics for at least the last decade, it was thrust to the forefront of public debate in a dramatic fashion when Ayatollah Hashemi Rafsanjani (the two-time former president), widely viewed as the second most powerful person in Iran, delivered his dissenting Friday prayer sermon on July 17, 2009. In this speech he criticized the post-electoral crisis that had engulfed Iran, asked that the grievances of those who protested the electoral result be addressed and called for a release of all political prisoners. A significant part of his speech, however, dealt with the question of the roots of political legitimacy of the Islamic Republic of Iran. Quoting extensively from the Qur'an, the Prophet Muhammad, early shi'i Islamic sources and the words of Ayatollah Khomeini, he affirmed that without the consent of the people there could be no Islamic republican system:

As you are aware, according to the constitution, everything in the country is determined by people's vote. People elect the members of the Assembly of Experts and then they elect the [Supreme] leader, that is, the leader is [indirectly] elected by the people's vote. Presidents, MPs, members of the councils are elected by direct votes of the people. Other officials are also appointed [indirectly] through the people's vote. Everything depends on the people.³⁰

Rafsanjani's sermon drew strong criticism from conservative clerics within Iran. They took issue with his open support of the reformist opposition, and, critically, with his interpretation of where the Islamic Republic derived its legitimacy. Ayatollah Muhammad Yazdi, a member of the Guardian Council and head of the powerful Qum Theological Teachers Association, responded by stating that Rafsanjani was "egregiously wrong" for he was "mistaking legitimacy for popularity." In his counter-theory of political legitimacy, Yazdi affirmed that legitimacy was fundamentally derived from God not the people: "In Islam, the legitimacy [*mashru'iyat*] of a government is granted by God – not from the people. While without the people's acceptance [*maqbuliyyat*] no Islamic government can function, this does not give the establishment its legitimacy. . . this important principle has been overlooked by Mr. Hashemi."³¹

Ayatollah Yazdi was summarizing an argument that is central to the political theology of hard-line and conservative Iranians. This group makes a conceptual and moral distinction between legitimacy (*mashru'iyat*) and acceptability (*maqbuliyyat*) of Iran's political system. While the moral basis of legitimate authority must be rooted in the divine, the functionality of the political system pertains to the people's willingness to operate within it. In other words, legitimacy comes from the Almighty and pertains to the right to rule, *maqbuliyyat* is the power to actually do so and this comes from the people.³²

The post-electoral crisis in Iran has led to a flurry of debate about basic political principles and the role of religion in Iran's polity. Hard-line clerics, reeling under the pressure from popular discontent, intellectual criticism and elite factionalism, have sought to mount a defense of clerical supremacy in Iran by publicly justifying the religious underpinnings of Iran's political system.³³ A leading clerical hawk and mentor to Ahmadinejad, Ayatollah Mesbah Yazdi, even went so far to state that "obeying the president would be the same as obeying God."³⁴ His argument was that because the Supreme Leader is effectively God's representative on earth (in his own words: "deputy of the Lord of the Age [the 12th Shiite imam, Mahdi]") who endorses the president for public office, obeying Ahmadinejad is equivalent to obeying Khamenei who acts as God's representative on earth. This statement was ridiculed within Iran among reformist sympathizers and should be contrasted with the statements and speeches of many other senior Shia clerics, several of them Grand Ayatollahs, who have to varying degrees condemned the June 2009 electoral coup and championed the grievances of the opposition.³⁵

The most important and respected voice among the reformist coalition has been the late dissident Grand Ayatollah Hossein Ali Montazeri, previously Khomeini's designated successor. Over the past two decades he emerged as a voice of conscience, a Desmond Tutu-like figure in Iranian politics, defending democracy, protesting human rights abuses, internal repression and political despotism. In a widely reported fatwa on July 11, 2009 he called Iran's rulers "usurpers and transgressors" who have lost all legitimacy to rule. This was a historic statement that was widely circulated among opposition groups and celebrated by Iranian democratic forces but it was suppressed within Iran and not reported by news organizations. The most bold and courageous part of his statement was when Montazeri explicitly affirmed that all believing Muslims had a moral and religious obligation to oppose the current rulers in Iran *and* to seek their replacement, albeit through nonviolent means. In his own words:

People must express their opinion about the illegitimacy [of Iran's current rulers] and the lack of their approval of their performance, and seek their dismissal through the best and least harmful way. It is clear that this [dismissal of the officials] is a societal duty of everyone,

and all the people, regardless of their social positions and according to their knowledge and capability, must participate in this endeavor, and cannot shirk their responsibility.³⁶

These intra-religious debates on the moral basis of legitimate political authority first emerged in Iran about 100 years ago at the time of the Constitutional Revolution. They were never successfully resolved and no democratic consensus was established in large part because Iran's developmental trajectory was undercut by the combination of the hegemony of the monarchy and the intervention of foreign powers. Together, they played a critical role in the defeat of the Constitutional Revolution in 1911 and the return of political authoritarianism to Iran in the form of the Qajar and later Pahlavi monarchy. As a result, the inherent tension between religion and democracy was never allowed to play itself out in the public sphere, and no consensus was ever reached on the normative role of religion in Iranian politics. Instead, for most of the 20th century, Iranian opposition groups were focused on countering the secular authoritarianism of the US-backed Pahlavi regime, rather than on opposing the religious authoritarianism of the clerics or reflecting on the inherent tension between religion and democracy. The rise and victory of political Islam in Iran in 1979 cannot be understood outside this context. The opposition to secular authoritarianism was especially influenced by the 1953 CIA-led coup against Prime Minister Mossadeq, which had a dramatic effect on shaping debates on secularism, religion and democracy in the decades leading up to the 1979 Revolution.³⁷

Conclusion: Lessons for Democratic Theory

There are several lessons for democratic theory that can be derived from observing political and religious debates in Iran today. First, religions are rarely univocal on matters political; they often contain a multiplicity of competing perspectives. The doctrinal, political and intellectual caveat that we should take away from this fact is that when exploring the relationship between religion and politics, it is inappropriate to assume univocality and it is much better to explore the variety of voices that religions can produce, some of which may be usable and compatible with the social construction of democracy.³⁸

Second, the intra-religious debates in Iran during the Constitutional Revolution in the early 20th century were an important and still neglected part of Iranian and Muslim political history. These debates were instructive in terms of foretelling how politics would unfold in the later part of the 20th century, especially in terms of heated debates over the role of religion in emerging Muslim democracies rooted in the question of the proper location of sovereignty. To date, this period of history remains under studied and, with the exception of Abdul Hadi Hairi's book on *Shi'ism and Constitutionalism in Iran* (1977), we still lack a comprehensive examination of this dimension of the Iranian Constitutional Revolution and an assessment of its implication for Iranian, Muslim and democratic politics more generally.

Thirdly, there is a deeper and more profound lesson that democratic theorists can take away from a study of Iranian politics and history. As this essay has sought to remind the reader, one of the most divisive and difficult issues for any emerging democracy to resolve is the normative relationship between religion and politics (or, more precisely, the normative relationship between religion and state). In reconciling these tensions, there are no blueprints to follow, nor can the political experience of one culture or civilization be easily transferred to another. Anyone with an appreciation for history will know that the conflicts between religious and political authority were not resolved in the West in a fortnight; rather, it took hundreds of years, with accompanying bloodshed, violence and political persecution, before

a broad democratically negotiated consensus could be arrived at. Muslim societies today are just beginning to explore the inherent tensions and conflicts between religion and politics and debates on the normative role of religion in a democratic polity are still in their infancy. As outside observers of the Muslim world, we should not expect these problems to be any less problematic than they were in the Western experience. Samuel Huntington and Bernard Lewis' paradigm of the "Clash of Civilizations" and the "Sacred Rage of Islam" obscures and distorts this important historical and developmental point.

Finally, in societies where religion is a key marker of identity, emerging democratic theories and debates have to grapple with the fundamental tension between political and religious authority. The emergence of these debates is inevitable where ever religion holds sway and is intimately connected with the task of constructing an indigenous theory and understanding of political secularism. At key founding moments in the development of democracy, this issue often emerges, as took place during Iran's 1906–1911 Constitutional Revolution. A similar debate emerged in post-colonial Indonesia during the post-colonial era of the 1940s and 50s with respect the role of *shariah* law in the new constitution.³⁹

If one had to locate one such moment in the Western tradition, one could find it in 17th century in England in the writings of John Locke. Prior to the development of his influential thesis that legitimate government is rooted in the "consent of the governed" (Second Treatise of Government), Locke had to deal with the prior question of debunking the dominant political idea of his age – that legitimate political authority was based on the "divine right of kings" (First Treatise of Government). As I have argued elsewhere, Muslim societies today are undergoing a similar process of contestation, debate and conflict over the moral basis of legitimate political authority for which the politics of contemporary Iran is the perfect illustration.⁴⁰

NOTES

I would like to thank Erica Ferg for her comments on this paper.

1. Charles Tilly, *Contention and Democracy in Europe, 1650–2000* (Cambridge: Cambridge University Press, 2004).

2. I want to stress that I am referring to the *institutional* sources of political authoritarianism in Iran. A comprehensive discussion of the roots of authoritarianism in Iran would have to include that Iran is a rentier state where oil revenue has contributed to authoritarianism. Moreover, the embedded power rooted in the pervasiveness of patron-client networks that permeate the informal political culture of Iranian society would have to be considered as well. For general background see Rex Brynen, Paul Noble and Baghat Korany eds., "Theoretical Perspectives on Arab Liberalization and Democratization," *Political Liberalization & Democratization in the Arab World*, volume 1 (Boulder: Lynne Rienner, 1995), 3–27 and James Bill, "The Plasticity of Informal Politics: The Case of Iran," *The Middle East Journal* 27 (Spring 1973), 131–151.

3. For a comparative treatment see James Bill and John Alden Williams, *Roman Catholics and Shi'i Muslims: Prayer, Passion and Politics* (Chapel Hill: University of North Carolina Press, 2002).

4. I borrowed this argument from Nikki Keddie, "Better Than the Past: What Recent History Has Taught Iranians," *The Iranian*, April 25, 2003 (<www.iranian.com/Opinion/2003/April/Lesson/index.html>). On the bazaar-mosque alliance see Ahmad Ashraf, "Bazaar-Mosque Alliance: The Social Basis of Revolts and Revolutions," *International Journal of Politics, Culture and Society* 1 (Summer 1988), 538–567. Also in this genre see Nikki Keddie, *Iran: Religion, Politics and Society* (Totowa, NJ: Frank Cass, 1980), 53–65.

5. Nikki Keddie and Mehrdad Amanat, "Iran Under the Later Qajars, 1848–1922," *The Cambridge History of Iran: From Nadir Shah to the Islamic Republic*, volume 7, eds. Peter Avery, Gavin Hambly and Charles Melville (Cambridge: Cambridge University Press, 1991), 174, 181.

6. *Ibid.*

7. The circumstantial evidence suggesting a pre-planned electoral coup is extensive. While it is beyond the scope of this article to review this evidence allow me to cite two examples. Upon his temporary release from prison for medical attention, Behzad Nabavi, a leading reformist politician, revealed details of

his arrest and trial to a small group of friends at his home. Revealingly, he noted that his arrest warrant was issued on June 9, 2009, three days *before* the presidential election (“A Report from a Meeting with Behzad Nabavi and Politicians,” Mowjcamp News, 28 November 2009, <www.mowjcamp.com/article/id/67998>). Furthermore, on 2 September 2009, Fars News, a hard-line news agency, made public details of a speech by the head of the Islamic Revolution Guard Corps, Mohammed Ali Jafari, on the recent political turmoil in Iran. In his remarks, Jafari provided details of a private statement made by Muhammad Khatami in February 2009 that implied an alleged attempt by the Reformist to engage in secular regime change. According to Jafari, Khatami had stated that “if Ahmadinejad falls in this election the Supreme Leader will be effectively removed” and “the fall of the Principlists (conservatives) will mean the end of the power of the Supreme Leader.” How Jafari obtained this information was not revealed but this clearly suggests that his organization was monitoring the conversations of reformists most likely via wire tap months before the June 2009 election. He then came very close to suggesting that the Revolutionary Guards had to intervene in domestic politics to preserve the institution and strength of the Office of the Supreme Leader. For background and analysis see Fardideh Farhi, “Is Commander Jafari Stupid?,” *Informed Comment on Global Affairs*, 4 September 2009, <<http://icga.blogspot.com/2009/09/is-commander-jafari-stupid.html>>.

8. For background see Ervand Abrahamian, “The Protests in Iran,” *London Review of Books*, July 23, 2009; Kaveh Ehsani, Arang Keshavarzian and Norma Claire Moruzzi, “Tehran, June 2009,” Middle East Report Online, <<http://www.merip.org/mero/mero062809.html>> and Asef Bayat, “Iran: A Green Wave for Life,” *Open Democracy Magazine*, July 7, 2009 <<http://www.opendemocracy.net/article/iran-a-green-wave-for-life-and-liberty>>. Evan Siegel has translated the formal indictments against the reformist leadership into English. They are available at: <<http://www.qlineorientalist.com/IranRises/the-indictment/>> and <<http://www.qlineorientalist.com/IranRises/the-complete-text-of-the-indictment-of-the-second-group-of-accused-in-the-project-for-a-velvet-coup/>>. Also see Michael Slackman, “Iranian Prosecutors Seek to Shut 2 Reform Parties,” *New York Times*, 26 August 2009.

9. Nader Hashemi, *Rethinking the Relationship between Religion, Secularism and Liberal Democracy: Toward a Democratic Theory for Muslim Societies* (Ph.D. Dissertation, Department of Political Science, University of Toronto, 2005).

10. While I repeatedly refer to “reformers and conservatives,” I am aware that such labels do not capture the multifaceted character and complexity of the groups active in Iranian politics today, especially after the June 12, 2009 presidential election. For background see Mehdi Moslem, *Factional Politics in Post-Khomeini Iran* (Syracuse: Syracuse University Press, 2002) and Wilfried Buchta, *Who Rules Iran?: The Structure of Power in the Islamic Republic* (Washington DC: The Washington Institute for Near East Policy and the Konrad Adenauer Stiftung, 2000).

11. Hamid Enayat, *Modern Islamic Political Thought* (Austin, TX: University of Texas Press, 1982), 166.

12. Nikki Keddie observes that “the sight of the only Asian constitutional power defeating the only major European nonconstitutional power not only showed formerly weak Asians overcoming the seemingly omnipotent West, but aroused much new interest in a constitution as a ‘secret of strength’” (cited in *Roots of Revolution: An Interpretive History of Modern Iran* [New Haven, CT: Yale University Press, 1981], 72). For a brief overview of Iran’s Constitutional Revolution see Nikki Keddie, “Constitutional Revolution,” *The Oxford Encyclopedia of the Modern Islamic World*, volume 1, ed. John Esposito (New York: Oxford University Press, 1995), 315–316.

13. The new electoral laws that were ratified on September 9, 1906 allowed for limited male suffrage and were further qualified by class and professional affiliation. For details see Janet Afary, *The Iranian Constitutional Revolution, 1906–1911: Grassroots Democracy, Social Democracy, and the Origins of Feminism* (New York: Columbia University Press, 1996), 63–73; Vanessa Martin, *Islam and Modernism: The Iranian Revolution of 1906* (London: I.B. Tauris, 1989), 100–103; and Mangol Bayat, *Iran’s First Revolution: Shi’ism and the Constitutional Revolution of 1905–1909* (New York: Oxford University Press, 1991), 143–160.

14. The classic English work on this topic is Edward G. Brown, *The Persian Revolution of 1905–1909* (Cambridge: Cambridge University Press, 1910). Also of importance are the three books cited in the previous footnote. In Persian the standard references are Ahmad Kasravi, *Tarikh-i Mashruteh-yi Iran* [The History of Constitutionalism in Iran] (Tehran: Amir Kabir, 1966) recently translated into English as Ahmad Kasravi, *History of the Iranian Constitutional Revolution*, translated by Evan Siegel (Costa Mesa, CA: Mazda Publishers, 2006) and Mehdi Malikzadeh, *Tarikh-i Enqab-e Mashruteh-yi Iran* [The History of the Iranian Constitutional Revolution] (Tehran: Elmi Publications, 1974), seven volumes.

15. Adam Tarock, “The Struggle for Reform in Iran,” *New Political Science* 24, 3 (2002), 449–450.

16. Shahrough Akhavi, *Religion and Politics in Contemporary Iran: Clergy-State Relations in the Pahlavi Period* (Albany: State University of New York Press, 1980), 26.

17. It's important to point out that Muhammad Husayn Na'ini was not the only cleric who defended constitutionalism. In retrospect he is remembered because he authored the most extensive and elaborate pro-constitutional treatise. Other lesser known clerics include Sayyid 'Abd al-'Azam 'Imad al-'Ulama' Khalkhali, "A Treatise on the Meaning of Constitutional Government," *Authority and Political Culture in Shi'ism*, trans. by Hamid Dabashi, ed. Said Amir Arjomand (Albany: State University of New York Press, 1988), 335–353. Also see the open letters of 'Abdullah Mazandarani and Muhammad Kazim Khurasani, as discussed in Abdul-Hadi Hairi, *Shi'ism and Constitutionalism in Iran* (Leiden: E. J. Brill, 1977), 98–100, 242–243. For a scholarly overview of the role of clerics in the Constitutional Revolution see Homa Katouzian, "Liberty and Licence in the Constitutional Revolution of Iran," *Journal of the Royal Asiatic Society* 8 (July 1998), 159–180.

18. Mohsen Milani, "Reform and Resistance in the Islamic Republic of Iran," *Iran at the Crossroads*, eds. John L. Esposito and R.K. Ramazani (New York: Palgrave 2001), 30.

19. Neil Shevlin, "Velayat-e Faqih in the Constitution of Iran: The Implementation of Theocracy," *University of Pennsylvania Journal of Constitutional Law* 1 (Fall 1998), 358–382.

20. Houchang Chehabi cites Montesquieu as an indirect influence on Na'ini's thinking on tyranny via Abdulrahman al-Kawakibi and Vitorrio Alfieri. See his *Iranian Politics and Religious Modernism: The Liberation Movement of Iran Under the Shah and Khomeini* (Ithaca: Cornell University Press, 1990), 44. Mohsen Kadivar believes Ayatollah Muhammad Kazem Khursani, based in Najaf, was much more of an influence. Na'ini came to later reject political involvement and endorsed the rise of Pahlavi monarchy in the 1920s. Nonetheless his tract survived and influenced the religious segments of society that were pressing for democracy in the subsequent decades. For a short summary and partial translation see Muhammad Husayn Na'ini, "Government in the Islamic Perspective," *Modernist Islam 1840–1940*, ed. Charles Kurzman (New York: Oxford University Press, 2002), 116–125. For an in depth treatment see Abdul-Hadi Hairi, *Shi'ism and Constitutionalism in Iran* (Leiden, E.J. Brill, 1977), 109–164 and Amirhassan Boozari, "Constitutionalism in Iran: Shi'i Jurisprudence of Constitutionalism and 1905–1911 Constitutionalist Revolution," (Ph.D. Dissertation, UCLA School of Law 2009).

21. See Hamid Dabashi's translation in Said Amir Arjomand ed., *Authority and Political Culture in Shi'ism* (Albany, NY: State University of New York Press, 1988), 354–70.

22. For a sampling of the debate between these two clerics see the short excerpts and background commentary that appears in Seyyed Hossein Nasr, Hamid Dabashi and Seyyed Vali Reza Nasr eds., *Expectation of the Millennium: Shi'ism in History* (Albany, NY: State University of New York Press, 1989), 309–330. For a more detailed analysis see Abdul-Hadi Hairi, *Shi'ism and Constitutionalism* (Leiden, The Netherlands: E.J. Brill, 1977), 221–234; Said Amir Arjomand, "The State and Khomeini's Islamic Order," *Iranian Studies* 13 (1980), 147–164; and Said Amir Arjomand ed., *Authority and Political Culture in Shi'ism* (Albany, NY: State University of New York Press, 1988), 354–70.

23. Akhavi, *Religion and Politics in Contemporary Iran*, 26.

24. This is a paraphrase of Nuri's views by Homa Omid, *Islam and the Post-Revolutionary State of Iran* (New York: St. Martin's Press, 1994), 15. In Nuri's own words: "In Islam there is no equality between the mature and the immature, the sane and the insane, the healthy and the ill, the slave and the free, wife and husband, the learned and the ignorant, the Muslim and the non-Muslim and so on" (cited by Homa Omid, 16).

25. Afary, *The Iranian Constitutional Revolution*, 1–2.

26. Mohsen Milani, *The Making of Iran's Islamic Revolution: From Monarchy to Islamic Republic*, 2nd edition (Boulder, CO: Westview, 1994), 29 and Said Amir Arjomand, *After Khomeini: Iran and its Successors* (New York: Oxford University Press, 2009), 20.

27. Mohsen Kadivar, *Nazriyehayeh dolat dar fiqeh shieh* [The Theories of State in the Shi'ite Jurisprudence] (Tehran: Nashre-Ney, 1998), 112–126. Mohsen Kadivar also references Na'ini (Naeni according to his spelling) in his paper at the 2002 Middle East Studies Association of North America conference, "The Velayat-e Faqih and Democracy," <<http://www.kadivar.com/Htm/English/Papers/Velayat-e%20Faghih.htm>> and more recently in his lecture at the Islamic Cultural Center of Northern California in Oakland, California on August 1, 2009 to mark the anniversary of those killed in the aftermath of the June 2009 presidential election protest. Available with English subtitles at: <www.youtube.com/watch?v=1FuMPW1Q7Dc&feature=related>. President Khatami has done so as well. See his reference to Na'ini at an August 2003 event commemorating the anniversary of the Constitutional Revolution. "President Khatami Calls on Nation to Promote Democracy," *Iran News*, August 7, 2003.

28. Mehdi Bazargan, *Modafe'at dar dadgah-e gheir-e saleh-e tajdid-e nezami* (Defenses in the Illegitimate Military Court of Appeals) (1971), 294–96, 305, cited in H.E. Chehabi, *Iranian Politics and Religious Modernism: The Liberation Movement of Iran under the Shah and Khomeini* (Ithaca, NY: Cornell University Press, 1988), 44–45.

29. Personal interview with Ebrahim Yazdi, Toronto, January 2002.

30. Full speech available at: <<http://www.youtube.com/watch?v=ISjDC1SrheE>>. Key experts in English available on the Los Angeles Times blog: <<http://latimesblogs.latimes.com/babylonbeyond/2009/07/iranian-cleric-ayatollah-ali-akbar-hashemi-rafsanjani-delivered-what-turned-out-to-be-a-momentous-friday-prayer-sermon-that.html>>. For an excellent analysis see Muhammad Sahimi, "Rafsanjani's Sermon, Split in the Leadership," Tehran Bureau.com, July 17, 2009, <<http://tehranbureau.com/rafsanjanis-sermon-split-leadership/>>.

31. "After sermon, Rafsanjani meets Mashhad top clerics," *Press TV*, 19 June 2009. For a good summary of this debate in Persian see "Vali-e Faqih: Does He Obtain his Legitimacy from the People or from God," *BBC Persian*, July 19, 2009 <http://www.bbc.co.uk/persian/iran/2009/07/090719_si_ir88_islam_election.shtml?s>.

32. For background see Mehran Kamrava, *Iran's Intellectual Revolution* (Cambridge: Cambridge University Press, 2008), 79–119 and Ayatollah Muhammad Mesbah Yazdi, "Hukumat va Mashru'iyat (Government and Legitimacy)," *Kitab-i Naqd* (Summer 1998), 42–77 and his books *Nazarriyeh Siyassi Islam* (A Political Theory of Islam)(Qum: 2001), volume I and II and *Negahi Guzrah be Velayat e Faqih* (A Quick Glance at the Theory of Velayat e Faqih)(Qum, 2000).

33. "Mesbah Yazdi: If there were no constitution some officials would not accept the rule of the Islamic jurist (Velayat e Faqih)," *Islamic Republic of Iran News Agency*, July 19, 2009. <www.irna.ir/View/FullStory/?NewsId=594625>.

34. *Etemad Melli* (Tehran), "Mesbah Yazdi: Obeying Ahmadinejad is like Obeying God," August 13, 2009 and Parisa Hafezi, "Iran cleric says obeying Ahmadinejad like obeying God," *Reuters*, August 13, 2009. This speech was given to members of the Baseej paramilitary forces in Qum on 12 August. An audio recording is available on Mesbah Yazdi's website: <<http://mesbahyazdi.org/farsi/?speeches/lectures/lectures32.htm>>.

35. For succinct overview see: Muhammad Sahimi, "The Widening Clerical Divide," Tehran Bureau.com, June 30, 2009 <<http://tehranbureau.com/widening-divide/>> and Bendix Anderson, "Ayatollah Watch," Tehran Bureau.com, August 19, 2009 <<http://tehranbureau.com/ayatollah-watch/>>. For a dissenting view on the influence of clerical dissent see Mehdi Khalaji, "Shiite Clerical Establishment Supports Khamenei," Washington Institute for Near East Policy, Policy Watch/Peace Watch, July 8, 2009. <www.washingtoninstitute.org/templateC05.php?CID=3086>. For background see Farhang Rajaee, *Islamism and Modernism: The Changing Discourse in Iran* (Austin: University of Texas Press, 2007), 172–180, 208–211.

36. The full Farsi text is available on Ayatollah Montazeri's website: <http://www.amontazeri.com/farsi/link.asp?TOPIC_ID=209> and an almost complete English translation is available from Tehranbureau.com <<http://tehranbureau.com/grand-ayatollah-montazeris-fatwa/>>.

37. For background see Ali Mirsepassi, *Intellectual Discourse and the Politics of Modernization: Negotiating Modernity in Iran* (Cambridge: Cambridge University Press, 2000), 65–95 and Nader Hashemi, *Islam, Secularism and Liberal Democracy: Toward a Democratic Theory for Muslim Societies* (New York: Oxford University Press, 2009), 133–170.

38. For background see Alfred Stepan, *Arguing Comparative Politics* (New York: Oxford University Press, 2001), 213–253.

39. This pertains to the acrimonious debate around an initial draft of the constitution that called for recognition of *shariah* law (i.e. 1945 "Jakarta Charter"). Its removal from the final draft of the constitution has been a frequent bone of contention among Muslim groups throughout the post-independence period. When political space open up after the ouster of Suharto in 1998, for example, there were new calls for the recognition of *shariah* law in the Indonesian constitution. For background see Nadirsyah Hosen, *Shari'a and Constitutional Reform in Indonesia* (Singapore: Institute of Southeast Asian Studies, 2007), 60–70; Bahtiar Effendy, *Islam and State in Indonesia* (Singapore: Institute for Southeast Asian Studies, 2003), 15–44 and Martin van Bruinessen, "Islamic State or State Islam?: Fifty Years of State-Islam Relations in Indonesia," in Ingrid Wessel ed., *Indonesien am Ende des 20. Jahrhunderts: Analysen zu 50 Jahren unabhängiger Entwicklung* (Hamburg: Abera-Verlag, 1996), 19–34.

40. See Hashemi, *Islam, Secularism and Liberal Democracy*, especially Chapter 2.

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