

Institutional Struggles Over Political Uncertainty Under a Religious Tutelary Regime; Iran Under the Presidency of Hassan Rouhani (2013-2021)

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Abstract

This article examines the strategies and policies of the tutelary institutions to control and restrain the electoral institutions by placing the politics of uncertainty at the center of institutional conflicts in the Islamic Republic during the presidency of Hassan Rouhani. Despite the existence of electoral institutions in Iran, tutelary institutions, with Vali-y Faqih at their head, have a constitutionally superior position. The article argues that in this period, the control of electoral uncertainty by tutelary institutions in order to prevent undesirable results leads to the weakening of institutional independence, the concentration of power in tutelary institutions, the intensification of electoral manipulation, the creation of institutions parallel to the electoral institutions, the polarization of conflicts institutionally, and, in general, the ineffectiveness of electoral institutions.

Keywords: Hassan Rouhani, Tutelary regime, Politics of uncertainty, Electoral manipulation, Authoritarianism.

Introduction:

The institutional arrangement of the Islamic Republic and the coexistence of religious tutelary institutions on the one hand, along with electoral processes with limited arenas of competitiveness between political factions and controlled pluralism on the other hand, have caused some scholars to classify this political system in the category of hybrid regimes[2], [3]. It has been argued that the “uncertainties caused by the electoral processes” in this institutional structure have helped to “facilitate political reforms and power shifts”

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and ultimately to 'the resilience of the Islamic Republic'[3]. Nevertheless, while one of the features of democratic elections is conflict resolution, historical evidence shows that the results of elections in Iran have mainly led to more conflict and intensified polarization of institutional conflicts. Hassan Rouhani's victory in Iran's 2013 presidential election was the beginning of a new phase of institutional conflicts between electoral institutions and tutelary institutions. The present study argues that the core of these conflicts should be sought more than anything else in the struggle over uncertainty, especially electoral uncertainty.

While acknowledging the importance of elections in authoritarian contexts, Andreas Schedler places the struggle over uncertainty at the center of the institutional struggle in these regimes. In this approach, the function of institutions is to manage uncertainty[1]. As Adam Przeworski stated, "the process of establishing a democracy is a process of institutionalizing uncertainty, and no one's interests can be guaranteed in democratic systems, and all groups must expose their interests to uncertainty". On the contrary, in an authoritarian regime, whenever the results of political contests are against the interests of certain groups, they do not feel compelled to accept undesirable outcomes[4]. 'Autocrats enjoy the prerogative of meddling with procedures and determining outcomes in advance. Therefore, "they combine procedural uncertainties with substantive certainties"[1].

Affected by this structural configuration, the Islamic Republic has experienced many cases of friction between elected officials and institutions with tutelary institutions (unelected officials and bodies). However, the political affiliations of elected officials, and their relationships with unelected officials, and election results have determined the intensity and scope of these contentions. Iran's 2013 presidential election marked the beginning of a new phase of these contentions, which was accompanied by more suppression of democratic preferences and severe weakening of elected institutions and electoral procedures by tutelary institutions.

Beyond focusing on elections and electoral processes, this article examines the institutional conflicts between democratic institutions and tutelary institutions by focusing on three areas: foreign policy, elections, and legislation. These three areas best show the asymmetrical competitive struggles over uncertainty, as well as the strategies, tools, and policies used in this competition by these institutions. For this purpose, in the next section, this study examines some of the most important functions of democratic institutions in modern non-democratic systems, focusing on the concept of hybrid regimes. In the next step, the circumstances of Hassan Rouhani's rise to power and the most prominent institutional conflicts during his presidency will be studied.

Democratic institutions in a non-democratic environment

The primary studies on democratic institutions under non-democratic governments can be divided into two categories: pessimistic and optimistic approaches. On the one hand, some researchers considered these institutions ceremonial and in the service of legitimizing non-democratic systems. For example, there was a viewpoint that elections had no effect on actual government behavior[5]. Edward S. Herman and Frank Broadhead coined the term “demonstration elections” to describe elections held under US-backed regimes in the Dominican Republic, Vietnam, and El Salvador. The term refers to an election organized and held by a foreign power to legitimize interventionist processes and appease a restless domestic population[6]. On the other hand, another group of researchers argued that these institutions will eventually lead to the establishment and successful functioning of a democratic government[7], [8]. However, these two views mostly ignored the actual functions of democratic institutions in different non-democratic contexts.

The study of nominally democratic institutions in non-democratic regimes affected by new institutionalism has attracted the attention of comparative politics scholars in recent decades. Beyond focusing on the institutions of domination, new institutionalists are aware of the importance of democratic institutions under non-democratic governments[1]. For instance, using an institutionalist approach, Jason Brownlee investigated the role of political parties in the flexibility and continuity of authoritarian rulers[9]. Analyzing the functions of democratic institutions under non-democratic regimes, Jennifer Gandhi argued that nominally democratic institutions help dictators solve the problem of the need to cooperate and neutralize potential opponents by dividing spoils and granting political concessions to opposition forces[10].

Gandhi distinguished three types of dictators: military dictators, civilian dictatorships, and kings. According to her, dictators are distinguished from each other in the degree of need for cooperation and the threats they may face. By adding variables such as income and opposition strength, Gandhi measured the functioning of democratic institutions and institutional differences between dictatorships. For example, in economies that rely on mineral exports, dictators have little need for cooperation. Furthermore, in the face of weak opposition, dictators will require little cooperation and, as a result, will not feel the need to make concessions, so they will not feel the need for institutions. Therefore, dictators are different in their institutional structures[10].

Democratic institutions in hybrid regimes

The analytical emphasis on democratic institutions in non-democratic contexts has expanded the literature on hybrid regimes. The concept of hybrid regimes refers to political systems that combined some features of democratic systems such as multi-party elections, limited levels of competitiveness and pluralism with some forms of authoritarian rule. Although hybrid regimes are not a new phenomenon and there were examples of these governments in the 19th century in Europe and on the American continent[1], but their recent expansion goes back to the developments after the Cold War.

The beginning of “the third wave of democratization” in 1974 and the change of authoritarian regimes in Portugal and Spain led to the spread of democratic demands in other parts of the world, including Eastern Europe, Latin America, Asia, and Africa. Like the first two waves, this wave affected a number of countries and was followed by a reverse wave in which some, but not all of the countries that had previously made the transition to democracy reverted to undemocratic rule. By 1990, at least two third-wave democracies had reverted to authoritarian rule[11]. In some countries, the collapse of authoritarianism did not necessarily lead to democracy but to a new form of undemocratic government. Empirical evidence showed that a decade after the collapse of the Soviet Union, the majority of the world's independent states remained undemocratic[12]. Indeed, from 1972 to 2003, 77 percent of transitions from authoritarianism to democracy led to another form of authoritarianism, and only 23 percent of such transitions led to democracy[13].

Besides, many electoral democracies in the newly independent and formerly communist and developing countries seemed to be in the “twilight zone” with tentative commitment, illiberal practices, and shallow institutionalization[14]. Therefore, these developments led to a rethinking of the assumptions of the transition paradigm and the third wave of democratic transition. Many new regimes seemed to show some elements of democratic systems, including limited political space for opposition parties and independent civil society regular elections and a democratic constitution, albeit superficially, in different ways and to different degrees[15]. These regimes cannot be categorized as full-scale authoritarian regimes. At the same time, these regimes are no any longer in transition to democracy.

Therefore, theoretical discussions and numerous case studies sought to analyze the regimes that fall between the two ends of the spectrum of democracy and authoritarianism. The first wave of these theoretical efforts classified hybrid regimes as diminished subtypes of democracy[16]–[18]. Instead of highlighting these regimes' democratic features, the second wave focused on their authoritarian aspects[12], [19]–[21]. However, conceptual debates about hybrid

regimes led to further confusion, and the demarcation between different forms of hybrid regimes remained largely ambiguous. This issue arose primarily as a result of conceptual discussions on hybrid regimes focusing on determining the external boundaries of these regimes rather than drawing their internal diversity[1].

For instance, El Salvador, Latvia, and Ukraine, although classified as hybrid regimes, each performed differently on different indicators. Whereas in Latvia the main undemocratic feature was the lack of citizenship rights for Russians, in El Salvador the main feature was human rights violations and a lack of civilian control over the military, and in Ukraine the main feature was the violation of civil liberties[12].

Also, despite the significant contribution that the concept of competitive authoritarianism makes to understanding hybrid regimes, this concept does not take into account the considerable diversity among electoral authoritarian systems. Levitsky and Way define competitive authoritarians as 'civilian regimes in which formal democratic institutions exist and are widely viewed as the primary means of gaining power, but in which incumbents' abuse of the state places them at a significant advantage vis-à-vis their opponents. Such regimes are competitive in that opposition parties use democratic institutions to seriously contest for power, but they are not democratic because the playing field is heavily skewed in favor of incumbents. "Competition is thus real but unfair"[22]. However, the extent of competition between government officials and the opposition and the degree of repression of the opposition vary among competitive authoritarian regimes. There is also the ambiguity of "at what point does an unlevel playing field for the opposition make an otherwise democratic regime authoritarian?"[23].

The limitations of the definitions invented to describe hybrid regimes led a group of researchers to emphasize the unique characteristics of these regimes and classify them not as defective forms of democracy, nor in the framework of electoral authoritarianism, but as a type of regime on their own. "Hybrid regimes encompass those political systems that, on plausible grounds, cannot be classified as either autocracy or democracy"[24]. These studies with a multidimensional understanding of political regimes emphasized the importance of institutional characteristics in the classification of regimes. Using a configurational approach, Gilbert and Mohseni attempted to reduce this conceptual ambiguity by examining the dimensions of competitiveness, civil liberties, and tutelary interference and focusing on the unique institutional characteristics of hybrid regimes[25]. Moreover, by stating that the mere existence of democratic institutions does not lead to democracy, Cameron proposed elements such as electoral institutions, surrounding rights and freedoms, constitutionalism, and the rule of law to classify hybrid regimes[23].

Beyond elections and electoral competitiveness, the present study proposes the criterion of tutelary intervention in connection with the policy of uncertainty to understand institutional conflicts in the hybrid regime of the Islamic Republic. Like other contemporary authoritarian regimes, the Islamic Republic consists of two types of institutions. First, there are the representative institutions that were created based on the principles of representation and popular sovereignty, and the second category is the institutions of domination or tutelary institutional arrangements that are under the control of the clergy. Since representative institutions in non-democratic contexts can create legal limits for power, modern authoritarians try to ward off the threats caused by the people's elected officials through the institutions of domination. Therefore, under authoritarian tutelage, 'elected representatives possess their constitutional powers only on paper'[20]. Tutelary regimes, like all authoritarian regimes, detest ideologically, psychologically and politically from uncertainty, and cannot tolerate even a minimal amount of uncertainty[4]. Therefore, they seek to get rid of the feeling of insecurity from the opposition by creating electoral restrictions, putting pressure on the elected representatives to change their agenda, and finally using the veto.

Iran as a religious tutelary regime

Iran's post-revolutionary political system, which is based on the contradictory principles of divine sovereignty and popular sovereignty, has reflected the characteristics of "a peculiar hybrid regime"[2]. Under the influence of Ayatollah Khomeini, the Constitution of the Islamic Republic combined the principle of Velayat-e-Faqih with the traditional Islamic concept of bay'ah (allegiance), which expresses the element of divine sovereignty, with the principle of popular sovereignty. Despite efforts to reconcile these contradictory principles, the transcendental basis of the constitution prevailed over the principle of popular sovereignty and the organization of the modern nation-state[26], [27]. This fundamental characteristic, however, led to the formation of "dual sovereignty"[28] which formed the structure of power struggles between institutions and political factions and led to the formation of a religious tutelary regime.

The most important manifestation of this paradoxical structure is the dissonant institutionalization in the Iranian constitution. Brumberg considers dissonant institutionalization the "defining feature of the Islamic Republic"[29]. While the principles of popular sovereignty allow for the holding of elections and political participation, however, the elected institutions are not the sole source of initiating, making, and implementing laws and policies in the country. Instead, a set of institutions with religious authority are legally empowered to constrain, and ultimately challenge the performance and activities of elected institutions[30].

Institutionally, the Supreme Leader (vali-ye faqih) holds the highest position within the political structure of the Islamic Republic. The range of authority of Vali-ye Faqih has practically made him the effective head of the government. Examining the effects of the institutional characteristics of non-democratic regimes on policies and political outcomes without considering the role of those who truly have authority will not be fruitful[10]. Chapter 8 of the Iranian Constitution gives the Supreme Leader broad powers, including “determining the general policies of the system”, ‘commanding the armed forces”, “appointing and dismissing the head of the judiciary, the head of broadcasting, and members of the Expediency Council”. He also appoints six of the 12 members of the Guardian Council. According to Articles 91 and 98 of the Constitution, the Guardian Council is responsible for determining whether parliamentary laws are inconsistent with Islamic rules and constitutional, and for interpreting the Constitution[31]. Accordingly, the Guardian Council can veto parliamentary resolutions. The Guardian Council also has the authority to confirm the qualifications of the presidential and parliamentary candidates. The basic idea of granting this authority to the Guardians Council when the constitution was being drafted was that “the Guardians Council had to protect a gullible public from demagogues”[32]. Due to the reason given, the Guardian Council's oversight of the electoral process caused the criteria of holding free and fair elections to be weakened. Furthermore, a large number of revolutionary para-governmental organizations and foundations (bonyads), which serve as the economic arm of the Supreme Leader's office, as well as an extensive network of provincial representatives (Friday imams), representatives of the Supreme Leader in ministries, and government institutions, allow the Supreme Leader to exercise his authority. “They are more powerful than ministers and other government functionaries, and they have the authority to intervene in any matter of state”[33]. Therefore, the Constitution of the Islamic Republic vested ultimate authority in the office of the supreme leader. ‘Vali-ye faqih is not elected by direct vote of the people and is not accountable to any authority; and as "guardian" of the masses, he is the final arbiter and interpreter of all laws and has veto power over the decisions of all institutions of state and society’[34].

On the other hand, according to Article 133 of the Constitution, the President is the second-highest official in the country after the Supreme Leader and is responsible for executing the constitution and heading the executive branch, except in matters directly related to the Supreme leader[31]. The selection of ministers, governors, and ambassadors is among the powers of the president. However, the selection of ministers in some sensitive ministries, such as the Minister of Intelligence, the Minister of the Interior, the Minister of Foreign

Affairs, and the Minister of Defense, must be coordinated with the Supreme Leader. Besides, the supreme leader's representatives to each province monitor the governors, who are appointed by the executive's Interior Ministry[33].

Thus, the lack of true rotation of power and, the limitation of people's choice, the responsibility of elected officials without having true power, along with the frequent violation of civil liberties, "the suppression and control of the independent press", "the absence of independent and institutionalized political parties", and "independent election monitoring agencies"[3] indicate the main components of governance in the tutelary regime of clerics. However, there has always been a degree of limited competition in elections between different factions within the Islamic Republic. Although the intensity of this competition has varied over time and under the influence of various factors, within the framework of this hybrid structure, regardless of the political affiliations of elected officials, there have always been conflicts between elected institutions and tutelary institutions. The political results of these conflicts, given the superior position of tutelary elements, have led to the weakening of initiatives and the position of elected institutions. In the next section, we examine these contentions and their subsequent political consequences in the three areas of foreign policy, elections, and legislation.

The 2013 presidential election

When Hassan Rouhani defeated his conservative rivals in the June 2013 presidential election, he imagined that he would overcome internal and external crises with a moderate approach. Rouhani's victory, with more than 18 million votes and 50.71 percent of the total votes, came as a surprise to many observers. Rouhani, who initially had little chance of winning, was able to gain the support of reformists in the final stages of the campaign and increase his chances of victory. However, his track record, especially the representation of the Supreme Leader of Iran in the Supreme National Security Council from 1989 to 2013, prevented some reformists from being overly optimistic about him for making real and fundamental reforms[35]. In addition, this background and the fact that Rouhani was not a true reformist did not stop the conservatives from worrying. In fact, Rouhani won largely because of his propaganda against the policies implemented by conservatives[3], and there was concern among hardline conservatives that this change would be consolidated by the reformists' victory in the next parliamentary elections of early 2016.

Beyond the political rivalries between the various factions, it seemed that the 2013 presidential election, from the Supreme Leader's perspective, was influenced by several main internal and external variables. Internally, the election was influenced by the controversial

2009 presidential election, which led to the re-election of Mahmoud Ahmadinejad. Following the announcement of the 2009 election results, two of Ahmadinejad's reformist rivals called on their supporters to take to the streets in protest against widespread election fraud. Eventually, several months of protests led to the election results, with the crackdown on protesters and the house arrest of two of Ahmadinejad's rival candidates. In addition, the escalation of divisions among conservatives during Ahmadinejad's second term, such as the establishment of the Front of Islamic Revolution Stability, necessitated the need for unity among conservative forces. Hence, the election of Rouhani as president could both restore the legitimacy of the regime and unite the conservatives[36].

In terms of foreign policy, Iran's economy was under the most severe international sanctions over the nuclear program. In this regard, Rouhani was Iran's chief nuclear negotiator in the nuclear negotiations from 2003 to 2005 during the presidency of Seyyed Mohammad Khatami, and as a diplomat, he enjoyed a significant international profile. Jack Straw, who was then UK foreign secretary, described him as 'warm and engaging... a strong Iranian patriot [who] was tough but fair to deal with and always on top of his brief'[37]. At that time, Rouhani concluded a pair of agreements with the European Union that led to a temporary suspension of Iran's uranium reprocessing and a promise to fully cooperate with the International Atomic Energy Agency[36]. Therefore, he seemed to have enough experience to negotiate with Western countries and lift international sanctions against Iran.

In such an environment, the tutelary institutions, with the help of conservatives, used all their capacities to contain and control the threats caused by this electoral uncertainty. The necessity of this action originates from the institutional structure of modern authoritarianism. If authoritarian rulers grant minimal margins of power and autonomy to representative institutions, these institutions can become a real threat. In autocracies, hence, institutions are arenas of control and co-optation, but also of contention[1].

Despite the success of Rouhani's first government in the nuclear negotiations and the improvement of economic indicators, the policies of Rouhani's second government failed under the influence of institutional contentions as well as foreign variables. Furthermore, while in the past a level of limited competition between the various factions was accepted in the elections and the reformists was constantly able to contest for executive and legislative positions[3], the possibility of running in the 2020 parliamentary and 2021 presidential elections with the aim of further weakening elected institutions were very limited. In these two elections, in addition to the

reformists, many moderate and pro-conservative figures were disqualified from running for the legislative assembly and the Presidency. In the next section, the most important areas of this institutional conflict are analyzed.

foreign policy

With the inauguration of the Rouhani government, resolving the nuclear issue became a top priority for his administration. In fact, the realization of Rouhani's economic slogans of Improving people's economic livelihoods and economic prosperity depended largely on cooperation with the international community, ending Iran's international isolation, and lifting sanctions that had crippled Iran's economy[38]. On the other hand, his election victory reflected the demands of the vast majority of the people to end Iran's isolation and change the country's economic situation[39]. After about 20 months of nuclear negotiations, the Rouhani government was able to reach an agreement known as the "Joint Comprehensive Plan of Action" (JCPOA) with six world powers on July 14, 2015. Accordingly, Iran agreed to some limits on its nuclear program in exchange for some sanction relief[40]. On the other hand, the Rouhani administration showed its willingness to negotiate with Iran's neighbors and resolve regional disputes within the framework of a de-escalation policy.

However, the Rouhani government's de-escalation policy at home was faced with stubborn opposition from a coalition of hardline conservatives and commanders of the Iranian Revolutionary Guard Corps (IRGC). Behind these oppositions were mainly economic and strategic interests. The history of cooperation between the IRGC and the Conservatives dates back to the presidency of Seyyed Mohammad Khatami and the economic policies and political reforms of his government. The IRGC's economic activities, which began during President Rafsanjani's reconstruction era with the aim of increasing the IRGC's sources of revenue, were somewhat limited during Khatami's presidency[41].

The Khatami government's economic policies, including economic transparency, attracting foreign investment, and private sector development, posed a serious threat to the economic resources and institutional prospects of the IRGC. There was a fear that the reformist government's economic policies would eventually weaken the IRGC and conservatives' financial and commercial resources and state-linked public and quasi-private bases associated with them in competition with private companies and foreign contractors. Therefore, in response to the Khatami government's efforts to marginalize the IRGC and its former officers in the economic sphere, the IRGC prevented some public projects from being awarded to foreign contractors based on security justifications. This counter-reformist coalition was strengthened following the IRGC's role in

helping elect Ahmadinejad through mobilizing support and by appointing some former IRGC commanders to some of the most important positions in Ahmadinejad's cabinet[39].

Under Ahmadinejad, Khatam al-Anbia Construction Headquarters as the economic arm of the IRGC, and its subsidiary companies awarded hundreds of no-bid government contracts in addition to billions of dollars in loans for construction, infrastructure, and energy projects. Therefore, the IRGC's economic activities during the Ahmadinejad era increased significantly in major civil engineering projects such as energy, the construction of highways, dams, and pipelines, telecommunication networks, the mining sector, and even banking and finance[42]. As Rouhani came to power, this coalition once again saw its interests threatened. As hardliners feared, the economic liberalization after sanctions began to ease would challenge their business and economic influence, thus they began to solidify their attack on government policies[39].

An important factor in strengthening the position of the Conservatives and the IRGC against the Rouhani government is related to the role and position of the Supreme Leader in the contentions between different institutions and factions. On the one hand, the IRGC, like other revolutionary institutions, is neither accountable to the government nor to the Islamic Consultative Assembly for its activities, and only holds itself accountable to the Supreme Leader. On the other hand, the conservatives who cooperate with the ruling clerics in resisting fundamental political reforms are largely backed by Ayatollah Khamenei[3]. With such a position, hardline conservatives criticized the JCPOA as a capitulation to the West and accused Rouhani and his administration of softness and a lack of revolutionary zeal in the negotiations[43].

One of the measures taken to weaken the Rouhani government's foreign policy approach was to test ballistic missiles using a missile inscribed with the words "Israel should be destroyed". This test was conducted by the IRGC, just three months after the finalization of the JCPOA[44]. Furthermore, the spread of the civil war in Syria was another challenge for the Rouhani government in normalizing Iran's foreign relations at the regional and international levels, concurrent with developments related to the nuclear issue. The war, which was initially started under the influence of the Arab Spring with a popular uprising against the Syrian regime, had severely undermined Bashar al Assad's position as Iran's most important strategic ally against Israel. It could also have very important consequences for the continuation of Lebanese Hezbollah activities. While Rouhani gave some indication of a possible change in Iran's policy toward regional issues and proposed another "joint comprehensive plan of action" between Iran and its regional neighbors to overcome disagreements and address

common problems[45], this approach was faced with a reaction from the Supreme Leader and his subordinate bodies. In an official speech on February 3, 2016, Rouhani called “the JCPOA an opportunity to interact more with the world and use the technology and knowledge of others to advance indigenous research faster and said that everyone should come to the stage to implement the second JCPOA with empathy and unity”[46]. This stance was met with a sharp reaction from the Supreme Leader. On March 20, 2016, Ayatollah Khamenei, in a speech on the occasion of the beginning of the Iranian New Year, said:

The other side (the Americans)... say that Iran has great economic capacities, and the purpose of the nuclear agreement was for Iran to be able to use these capacities... This agreement (JCPOA) was done, but this agreement is not enough, and there are other issues... So, on the nuclear issue, an agreement was reached and we named it the JCPOA; another JCPOA on regional issues; another JCPOA on constitutional issues; a second JCPOA, a third JCPOA, a fourth JCPOA,... The meaning of this statement is that the Islamic Republic should abandon the basic issues to which it adheres according to Islamic rules: the Palestine issue and the support of the resistance in the region[47].

Furthermore, just one day after the execution of Sheikh Nimr al-Nimr, a Shiite cleric and critic of Saudi Arabia's monarchy, along with 46 others on terrorism charges in Riyadh, Ayatollah Khamenei said in a speech on January 3: “The unjustly spilled blood of this oppressed martyr will no doubt soon show its effect, and divine revenge will befall the Saudi politicians [Saudi rulers]”[48]. An hour later, Saudi diplomatic missions in Mashhad and Tehran were attacked by militants. The day after, Saudi Arabia cut its diplomatic ties with Iran. Indeed, the takeover of the Saudi embassy, carried out by organized militias, added to the Rouhani government's regional policy challenges. Following this action beyond the control of the government, the new Saudi ruling elite adopted an aggressive anti-Iran strategy, embarking on a path towards an all-encompassing political and economic confrontation with the Islamic Republic[45].

Besides, the rise of the Islamic State in Iraq and Syria (ISIS) took the initiative entirely in regional foreign policy from the Rouhani government. This development was accompanied by the military presence of the IRGC in Syria and Iraq and strengthened the positions of the hardliners in the fight against the Takfiris[49]. In fact, the Supreme Leader and conservatives believed that the IRGC's support for proxy groups in Iraq, Syria, Lebanon, and Yemen maintains a balance of power in the Middle East and is a deterrent against Western and Israeli-Saudi aggression. However, this perspective served as a major obstacle to regional cooperation under Rouhani's administration[50].

In this regard, a leaked secret interview with Mohammad Javad Zarif, Iranian Foreign Minister in Rouhani's administration, on April 25, 2021, confirmed the evidence of the weakening and destruction of the foreign policy of the elected government by unelected institutions. This interview, which had recorded on February 24, 2021 as part of an "oral history" project, revealed for the first time through the words of a high-ranking Iranian official the institutional conflicts between elected and unelected institutions in the field of foreign policy. In this interview, Zarif repeatedly stated that "in the Islamic Republic, the [military] field rules everything". The field refers to the military operations and political perspective of the IRGC, which is led by the Quds Force.

I paid for the [military] field, but the [military] field did not pay for diplomacy. I could never tell the field commander to do something I needed in diplomacy. For example, do not conduct an operation temporarily so that I can complete my mission. Every time I went for negotiations, it was Martyr Soleimani who said, "I want you to get this advantage, this point". He said: When you go to negotiate with [Russian Foreign Minister] Lavrov, get 1, 2, 3, 4, . . . If I had said, for instance, don't use Iran Air [civilian] planes on the Tehran-Syria route [for military purposes], he would not have accepted[51].

This interview obviously revealed the widespread influence of the IRGC, especially assassinated Quds Force commander Qassem Soleimani, over the foreign and regional policies of the Islamic Republic during the Rouhani era. However, his allusions are not limited to the role of the IRGC. He mentioned the role of hardline conservatives in undermining the Foreign Ministry's achievements in talks on the Iranian nuclear issue and said:

A group threw the country into a well [nuclear issue]. That government [the Ahmadinejad conservative administration] had put us in a position where getting out of it would be costly, and if anyone other than them [conservatives] did it, will be accused ... A group did their best to sacrifice us... In the nuclear negotiations, we [Iran's nuclear negotiators] were stabbed in the back[51].

Although Zarif noted the Supreme Leader's support for the nuclear negotiators' team, he did not mention the Supreme Leader's direct role in "determining the general policies of the Islamic Republic"[31], especially on foreign policy issues, and Ayatollah Khamenei's full support for Ahmadinejad's administration. Zarif's remarks provoked reactions from Revolutionary Guards commanders and some Conservative figures. In response to these words, Major General Hossein Salami, the Commander-in-Chief of the IRGC, said, "Everything is formed in the [military] field, our Quds Force defended the interests of Islam and Iran in the [military] field"[52]. Also, Ayatollah Khamenei stated in a speech:

Let everyone know that foreign policy is not determined by the Ministry of Foreign Affairs... Foreign policy is determined by the country's high-ranking officials;... The Ministry of Foreign Affairs is the executor[53].

Therefore, the measures of the IRGC, along with the efforts of conservatives and organized militias, severely undermined the policies and preferences of the Rouhani government in foreign policy. These measures played a very important role in the United States' decision to withdraw from the JCPOA and restart pre-JCPOA sanctions. One consequence of this approach was the designation of the Islamic Revolutionary Guard Corps on the list of terrorist organizations by President Donald Trump on April, 2019. These measures also intensified the crisis in Iran's relations with the Persian Gulf states and further isolated Iran.

Elections: The 2016 parliamentary elections

Despite the threats and limitations that legislative institutions can impose on the power of authoritarian regimes, modern authoritarians have not been oblivious to the importance of these institutions. Wright and Escribà-Folch argue that the legislative institutions can help maintain autocrats in power by “validating the promises of authoritarian rulers—both to potential authoritarian rivals and to potential democrats”[54]. Legislative assemblies allow potential dissidents to represent “the preferences of broader actors in society”[55]. Against, modern authoritarians have attempted to neutralize or control the threats and constraints posed by legislative assemblies through the process of selecting and organizing these assemblies. As Jennifer Gandhi showed, in this category of regimes, legislators are either appointed by the regime or elected by a direct vote of the people, or a combination of these two methods is used[10]. However, even when representatives are elected directly by popular vote, electoral process engineering and manipulation mechanisms severely limit the political competition arenas. In the Islamic Republic, the function of engineering and manipulating elections is carried out under the central authority of the Guardian Council.

The results of the 2016 parliamentary elections were very important for Hassan Rouhani's government and his reformist and moderate supporters. Utilizing the achievements of the nuclear deal and implementing the economic policies of the Rouhani government could have been more easily achieved with a government-aligned parliament. Despite the Guardian Council's past practice and concerns about the mass disqualification of reformists, major reformist parties and figures called for popular participation in the elections and support for reformist and pro-government candidates. Nevertheless, the predictions came true, and the Guardian Council disqualified the most moderate and reformist candidates. This council eliminated 99

percent of the 3,000 reformists who had registered to run in the 2016 elections across the country[56].

One day later, during a press conference, Hassan Rouhani said he would use all his authorities to address the disqualifications, and hoped the Supreme Leader's comments about having lively elections would be fulfilled[57]. In such a situation, the reformists had two options: participating or boycotting the elections. It was clear that the boycott of the elections was in line with the wishes of unelected institutions and conservatives, as well as depriving reformists and government supporters of a limited opportunity to pursue their interests and preferences within the regime. Due to this fact and the awareness of the growing popularity of the government following the implementation of JCPOA, which had increased the chances of victory for government supporters, the reformists decided to run in the elections with lesser-known figures and in the coalition with moderate and independent figures, with the support of President Rouhani and the endorsement of former presidents, Rafsanjani and Khatami. They were able to win the election by gaining 42% of the seats, including all seats in Tehran, and form the largest parliamentary faction[58].

This victory marked a public vote of confidence in the path Rouhani had taken in his first term in office[59] and strengthened his position, despite the electoral engineering by the Guardian Council. However, this honeymoon ended quickly. The tutelary and conservative institutions did not stop trying to challenge the preferences and initiatives of the government and parliament. One of the first challenges between Parliament and the Guardian Council was the revocation of the votes of a reformist elected member of the district of Isfahan in the Islamic Consultative Assembly election by the Guardian Council.

While Minoo Khaleghi was qualified by the Guardian Council as a candidate for the Islamic Consultative Assembly elections, and despite her victory in the first round of elections, her votes were nullified by the Guardian Council after claims surfaced that “she allegedly shook hands with an unrelated male while on a trip to China—an act that is illegal under Islamic law”[60]. This happened while, according to the internal regulations of the Islamic Consultative Assembly, if, after the election, evidence is presented that one of the winners of the election is not qualified, the final decision about this person is the responsibility of the majority of members of the Islamic Consultative Assembly. In reaction to this possibility, Hassan Rouhani said in a speech on the eve of the second round of elections:

According to the constitution, a representative is elected by the people of his or her constituency, and as soon as his or her credentials are approved by the Islamic Consultative Assembly, he or she becomes a representative, and nothing else comes between [this process]. The

next stage, after the people's vote and the validity of the elections, is the review of the credentials in the Islamic Consultative Assembly, and no other institution can intervene in this [matter][61].

In addition, since the revocation of Mino Khaleghi's votes by the Guardian Council meant a weakening of the position and authority of the legislative assembly, the issue was met with a backlash from a number of representatives. For example, Ali Motahari, a moderate member of the Islamic Consultative Assembly, said: "According to the bylaws of the Islamic Consultative Assembly, if there is evidence of the disqualification of a member of the legislative assembly after being elected by the people, this issue must be examined in the Islamic Consultative Assembly"[62].

Continued disagreement between elected and tutelary bodies over the case, and while the President and a number of prominent members of the Islamic Consultative Assembly declared the Guardian Council resolution illegal, this matter was referred by the Supreme Leader to the Supreme Council for the Settlement of Disputes Resolution and relationships Regulation of the three branches of the state. This council was created by the Supreme Leader in 2011 at the height of the Ahmadinejad government's disputes with the parliament and the judiciary. Finally, this council approved the decision of the Guardian Council. Schedler explains such a phenomenon among the criteria of a democratic election as 'Irreversibility'. According to him, 'the election winners must be able to assume office, exercise power, and conclude their terms in accordance with constitutional rules'[20]. Following the dismissal of Mino Khaleghi, in the mid-term parliamentary elections held in May 2017, Hassan Kamran, a conservative figure and former member of the IRGC, replaced her. This decision once again showed the superiority of the preferences of the Supreme Leader and tutelary institutions over the preferences of the people and elected officials.

Legislation

The plan of limitation of the Guardian Council authorities. After Mino Khaleghi's votes were nullified in the 2016 parliamentary elections, a number of members of parliament proposed a plan to interpret the Islamic Consultative Assembly election law with the aim of limiting the Guardian Council's authorities. The plan was based on two important questions. First, can the Guardian Council reconsider candidates' qualifications after elections, or should the representative's credentials be reviewed in parliament? Second, according to Article 73 of the Election Law, the issuance of the credentials of the elected representatives is contingent on the Guardian Council not annulling the election. Does the annulment of the election mean the annulment of all constituency votes or only the votes of one elected person? In response to the first question, the Councils and Internal Affairs

Commission stated that if the Guardian Council had received new evidence concerning the elected people after the election, those documents would be examined according to the internal regulations of the parliament at the time of reviewing the credentials of the representatives. Moreover, the legislator meant the annulment of the election, the annulment of the votes of the entire constituency, and the votes of some elected representatives cannot be nullified after announcing the validity of the elections in that constituency[63].

While the Guardian Council was expected to reject the bill if it passed, hardline conservatives began to oppose it within parliament. Hossein Ali Haji Deligani, a conservative and retired figure of the IRGC, said in opposition to the plan: "The supervision of the Honorable Guardian Council is an approbatory supervision (*nezarat- e estesvabi*) and can be applied in all conditions and at all stages"[63]. This controversy revolved around the main criticism that the Guardian Council's interpretation of its constitutional authorities, and approbatory supervision over the electoral process, meant a two-stage election, the exercise of monopoly power, and the weakening of the element of popular sovereignty in the constitution[64].

Finally, on August 28, 2016, parliament passed this plan, and, as expected, the Guardian Council rejected the parliamentary resolution and returned it to parliament. The council, based on its own interpretation of Article 99 of the constitution, declared the parliament's attempt to limit the powers of the Guardian Council unconstitutional[65]. It seemed the final decision on whether to approve or reject the plan would be left to the Expediency Council, an institution that was envisioned in the constitution to resolve disputes between the Islamic Consultative Assembly and the Guardian Council.

In the midst of debates between the parliament and the Guardian Council over the council's authorities, the Supreme Leader, in a parallel move, issued on October 15, 18 general guidelines for elections based on the authorities of Article 110 of the Constitution (determining the general policies of the Islamic Republic). Clause 11 of this guideline considered "the final approval of the candidates' qualifications", "the handling of complaints", and "the confirming or annulling of the elections" to be within the authorities of the Guardian Council[66]. Thus, the Supreme Leader's direct intervention in the legislative process and the support of the Guardian Council's stance vis-à-vis the parliament further weakened the position of the parliament and expanded the authorities of the Guardian Council.

The decision making to increase gasoline prices. The decision to increase gasoline prices in 2019 was another case of weakening the role of elected institutions vis-a-vis tutelary institutions. While government revenue was in short supply due to US sanctions, increasing gasoline prices could offset part of the budget deficit. While

such a decision should have first considered and passed by the Islamic Consultative Assembly, the decision was left to the Supreme Council of Economic Coordination three branches of government, by the Supreme Leader.

In response to the United States' withdrawal from the JCPOA by Donald Trump and restarting pre-JCPOA sanctions, the council was formed on the advice and direct supervision of the Supreme Leader. Ayatollah Khamenei, in a speech on May 23, 2018, on the need to constitute this council, said:

Our enemy has placed the war room in the Treasury Department; The war [Room] against us, instead of the Ministry of Defense, is their Ministry of Treasury, they are actively engaged... In the same way, I suggest that the headquarters for encountering the evil of this enemy should be placed in the economic center of the government[67].

Because the council was established outside the framework of the country's laws, the manner of appointing members, the work instructions, and the process of implementing its resolutions were largely unclear. However, since the council was formed under the Supreme Leader's authorities, the council's resolutions were binding upon the approval and notification of the Supreme Leader. Jennifer Gandhi attributes the existence of such institutions to the sense of insecurity of authoritarian rulers from the ruling elite. Hence, 'they establish inner sanctums where real decisions are made and potential rivals are kept under close scrutiny'[10].

Despite the presence of the President and the Speaker of the Islamic Consultative Assembly, as well as a number of ministers and members of parliament, the establishment of the council as a parallel body weakened in practice the legislative initiatives of the government and parliament. A clear example of the weakening of the position of the government and the parliament was the decision-making to increase the price of gasoline. The decision was made as part of "the Supreme Leader's mission to the council to reform the budgetary structure"[68].

Following the announcement of this decision in the early hours of November 15, nationwide protests took place, which quickly became the bloodiest event of the Islamic Republic in terms of popular dissent[69]. The protests were accompanied by a crackdown on protesters, a number of independent journalists, and an internet shutdown. According to Amnesty International, "thousands were arrested, including teenagers as young as 15, and at least 304 protesters were killed and thousands were injured, according to credible sources"[70]. In response to this crisis, a number of members of the Islamic Consultative Assembly prepared a plan to overturn this decision and return fuel prices to the past. In this regard, Mahmoud

Sadeghi, a reformist member of parliament, announced in a tweet on November 16 that the reformists faction has propounded a plan to return gasoline prices. According to this plan, any increase in the price of energy carriers must be passed by parliament in the form of an annual budget bill[71].

A day later, in response to the MPs' plan, the Supreme Leader announced his support for the implementation of the council resolution[72]. Thus, the plan to increase the price of energy carriers, which until now the parliament and the government felt threatened by the economic consequences of its implementation, notified by the Supreme Leader as a way to cover the annual budget deficit. A few hours after the Supreme Leader's stance, the spokesman for the Reformist faction announced that "two plans to return gasoline prices to the past were removed from the agenda due to the Supreme Leader's stance"[73]. Thus, once again, the Supreme Leader, using the powers conferred on him by the Constitution, stood against the legislative initiatives of the elected institutions through his institutional arms.

Conclusion

The institutional arrangements established by the Islamic Republic's constitution and a mix of democratic and authoritarian elements have resulted in institutional conflicts between electoral and tutelary institutions. The scope of this institutional conflict has varied over time and under the influence of internal and external factors. By placing the politics of uncertainty at the center of institutional conflicts, the strategies and policies of tutelary institutions were investigated in order to control and contain the results of electoral uncertainty during the Hassan Rouhani period.

With Hassan Rouhani coming to power in 2013, a new chapter of institutional contentions in the history of the Islamic Republic began, the political consequences of which led to the intensification of authoritarianism and the weakening of democratic elements. In the foreign policy arena, the dominance of strategic and economic preferences held by unelected officials posed a serious challenge to the political and economic preferences of elected officials. The obstruction and resistance caused by hardline conservatives against the initiatives of the Rouhani government prevented the economic policies of the government from coming to fruition and led to the formation of public discontent at home. Furthermore, the dominance of the security approach over economic priorities led to the formation of political alliances among regional rivals, further isolation of Iran, and ultimately the defeat of Rouhani's most important achievement, the JCPOA.

The next important step to weaken the position of electoral institutions was electoral engineering and tight control over the electoral process in the absence of independent oversight bodies, with the aim of restricting electoral competition. In this regard, the disqualification of reformist and moderate candidates in the 2020 parliamentary elections and the 2021 presidential election led to an unprecedented decline in political participation in the history of the Islamic Republic. The political turnout in the 2020 parliamentary and 2021 presidential elections was announced as 42.5%^[74] and 48.8%^[75] respectively, which showed the lowest turnout in these two elections in the history of the Islamic Republic. Participation figures showed that Iranians stay away from the ballot box when they realize that the election results will not lead to fundamental and tangible changes.

Thus, in this period, the lack of necessary capacities on the one hand, and the unwillingness to respond to the demands of the people on the other hand, turned the function of the elections merely into a tool to legitimize the regime. Another area of conflict was limiting and undermining the powers of elected officials in the legislature. In this context, unelected officials, based on their interpretation of their constitutional powers, obstructed the legal initiatives of elected officials. In fact, the most significant consequence of these contentions has been to limit the power of elected institutions and to transfer power to unelected bodies. Thus, these measures led to the deepening of authoritarianism at the end of Hassan Rouhani's presidency.

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