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The Islamic Revolution of 1979: the Last Revolution of the 20th Century

I am afraid there is not and there cannot be any scientifically acceptable link between the topic of my dissertation and the theme of Integral Human Development. Be that as it may, I would like to start with some questions that could help elucidating the path I want to travel through with you today: in what institutional sense was the transition from Monarchy to Republic in Iran “revolutionary”? How did the revolution itself influence the Constitution-making process in 1979? What are the main institutional features of the Islamic revolution in Iran?

To answer these questions, it may be helpful to begin with the most important among the first institutional documents of post-Pahlavī Iran, that is to say, the appointment decree of Mehdī Bāzargān as Prime Minister, drafted by the Revolutionary Council, and signed and promulgated by *Āyatollāh* Ḥomeynī the 5th of February of 1979. In this decree, Ḥomeynī stated that he was entrusting Bāzargān with the creation of a Provisional Government by virtue of «the recommendations of the Revolutionary Council, and the canonical and legal right arising from the approximately unanimous and decisive majority vote of the Iranian nation and the trust in the leadership of the movement» [This quote comes from the English translation of the *Sahifeh-ye Emām*, published in Tehrān in 2008]. The very promulgation of this decree poses several issues as to the institutional nature of the Iranian Constitution-making process, being Ḥomeynī formally a private citizen at the time – up until his constitutional designation as Leader of the Revolution in December 1979. Where did his legal legitimacy in sanctioning acts with the force of law lay, then? If it is true that secularly he was not an institution holder, nonetheless religiously speaking, not only he was part of the clerical Shī‘ī hierarchy, but since the death of *Āyatollāh* Boruġerdī in 1961 he was also a highest-ranked cleric – a *marġa‘ at-taqlīd*. Then, we may ask: did this circumstance allow him to act as a secular sovereign? Not exactly: indeed, the religious praxis that had embodied the clerical Shī‘ī hierarchy until then was a praxis of political quietism. Ḥomeynī somehow innovated this praxis, although resorting to an actual prerogative of Shī‘ī *muġtahids*, that is to say, their religious legislative power. In 1958, making a reasoning I will not report here, G. Scarzia wrote that «Ultimately [...] the *muġtahid* is not a judge, although his provision lacks, in some respects, abstractness and generality, but he is rather a legislator, since he *creates* the formula of *iġtihād*». Thus, even before 1979 Ḥomeynī was, in a certain sense, a lawmaker: a religious lawmaker. What he innovated in 1979 was the extent of the jurist’s legal authority: not just religious, but also civil. This explanation would solve the legal antinomy of a State-issued power exercised without certain and acknowledged legal provisions. Ḥomeynī could emanate acts with the force of law even not *de iure condito* precisely because a *muġtahid* normally operates *de iure*

condendo. He took advantage from the inherently pluralistic nature of Muslim-majority countries legal systems – such as Iran’s – and deliberately hegemonised the weak secular branch by establishing himself as the institutional core of the Iranian State in the transition from Monarchy to Republic. These were, somehow, the religiously revolutionary consequences of Ḥomeynī’s actions and words. But the 1979 transition in Iran was revolutionary also in another sense. The revolution as a choral process was firmly supported by the vast majority of the Iranian people – and in this sense it was legitimated from a legally substantial rather than formal point of view. The “neutrality” of the army – proclaimed by the then Chief of the General Staff of the Imperial Army, general ‘Abbās Qarhabāgī, the 11th of February of 1979, after the clashes at the Dušān Tappeh Air Base in Tehrān – allowed the revolutionaries to overcome the then ruling law and solidify the new institutional system, displacing so the institutional triptych made of the Šāh, the Baḥtiār Government and the Imperial *Mağles* with its revolutionary avatar: Ḥomeynī as *de facto* Head of the State, Bāzargān as Prime Minister, the Revolutionary Council as Parliament. Why was Ḥomeynī *de facto* Head of the State? Precisely because of his praxis and the general acceptance of his determinations by the people: for instance, according to article 46 of the 1907 Supplementary Fundamental Laws – integral part of the 1906 Constitution –, Ministers had to be nominated by the Monarch. Of course, the last Prime Minister appointed by the Šāh, Šāpur Baḥtiār, opposed the birth of the Bāzargān Executive; and yet there seems to be no doctrinal dispute or doubt upon the legal legitimacy of Bāzargān’s Prime Ministership. It would be inaccurate, though, to consider the new institutional triptych as a mere reproduction of the old one. In 1984, S. Bakhash talked about the «revolutionary, rather than [...] constitutional, transfer of power to a successor regime» that had occurred in Iran five years earlier, something which is well explained by the political and institutional chaos that characterised the first months of revolutionary Iran and hindered the action of the Provisional Government quite severely. Up until the election of the constituent Assembly of Experts in August, the political life in Iran was handled by thousands of revolutionary committees – or *komitehs* – acting independently or even against the Bāzargān Government, according to their political affiliation. Moreover, justice was in the hands of revolutionary courts whose jurisdiction was essentially self-established and whose praxis intentionally ignored due process. Every effort made by the Executive to reduce their arbitrary authority collided with Ḥomeynī’s unwillingness to recognise principles coming from what he called «west-intoxicated elements», *i.e.* to recognise the respect of human rights also judicially.

The 30-31 March referendum was somehow revolutionary in its results: more than a referendum, it was a plebiscite, whereas out of about 22 million voters, more than 20 approved the birth of the “Islamic Republic” [these figures come from Nohlen, Grotz and Hartmann, *Elections in Asia and the Pacific. A Data Handbook*]. After the institutional referendum, the Provisional Government started to modify the first draft Constitution it had previously presented to Ḥomeynī in February, making it

all but revolutionary. The draft Constitution envisaged a French-inspired dualistic and highly rationalised parliamentary system with a strong presidency, while the role of Shi‘i *muḡtahids* was very similar to the provisions of article 2 of the 1907 Supplementary Fundamental Laws. Though, the fate of the draft Constitution was grim: the election of the Constituent Assembly of Experts held the 3rd and 4th of August knew, in the words of Randjbar-Daemi, «documented irregularities and substantial accusations of widespread fraud and voter intimidation» whose main responsible was the pro-Ḥomeynī Islamic Republican Party. The turnout is somehow meaningful: only 10 million voters cast their ballot – half of the March referendum voters. The Constituent Assembly of Experts (*Maḡles-e Ḥobregān* in Farsi) deeply reshaped the draft Constitution: not only did it incorporate the principle of *velāyat-e faqih* in the Constitution, constitutionalising so the leading role of Ḥomeynī, but it recognised as well the constitutional importance of some revolutionary institutions. This was the case for the Islamic Revolutionary Guard Corps (*Sepāh-e Pāsdārān-e Enḡelāb-e Eslāmī*), which, according to article 150 of the 1979 Constitution, «will remain active in order to continue its role as the guardian of the revolution and its offshoots». The highest office in the Islamic Republic was – and still is – that of the Supreme Leader, who is called “revolutionary leader” in the Constitution itself (in particular, article 108). The constitutional designation of Ḥomeynī as Supreme Leader for life marked the apotheosis of the revolution, which not by chance began as “Iranian”, then became “Islamic” and finally turned into “Khomeinist”. If it is true that with the constitutional referendum of December 1979 the transition ended and the new regime was born – a regime that H. E. Chehabi defined as «a very odd mixture of democratic, authoritarian, and totalitarian elements», – however the violence characterising revolutionary transitions did not cease: just before the referendum, the American Embassy had been occupied by students following the so called “Imām’s line”; this event was the tombstone of the Bāzargān Government. Moreover, the newly formed Republic had to face an immediate and bloody threat, that is to say, the criminal aggression by Ṣaddām Ḥusayn’s ‘Irāq in September 1980, whose end 9 years later would have cost more than a million lives. In this new, dramatic, decade, the Iranian political leadership was deeply weakened by, in chronological order, the dismissal of Banisadr, the first elected President, barely one year after his election; the *Haft-e Tir* bombing of 28 June 1981, which killed the top leaders of the Islamic Republican Party; and the 30 August 1981 Prime Minister’s office bombing, resulting in the murder of Prime Minister Bāhonar and of the newly installed President, Moḡammad ‘Alī Raḡā‘ī.

“Revolution is not a dinner party”; maybe, the political wisdom of Mao Tse-Tung can be helpful in understanding that the 1979 Revolution in Iran was, indeed, the last great revolution of the 20th Century.