

Evaluation of the Role of People as a Factor in the Acceptability or Legitimacy of the Islamic Republic of Iran

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Abstract: Political legitimacy is a virtue of political institutions and of the decisions—about laws, policies, and candidates for political office—made within them. Voting is a procedural and legal action through which citizens elect their representative or representatives based on the criteria and conditions prescribed by law. By engaging in this legal-political action and electing their desired representative or representatives, voters will participate in managing their country's political affairs. This paper aims to investigate the role of public votes as an indicators of acceptance and legitimacy in the Islamic Republic of Iran. The suffrage theory and functional theory of voting which both are related to the right of people to vote are first discussed. Afterwards, the role of public votes in the Islamic Republic of Iran is explained based on research's theoretical framework.

Keywords: Vote, Role of People, Acceptability, Legitimacy

1. Introduction

Election is considered as one of the indicators of political development and interpreter of the people's role in the government. Electoral rules, its implementation and people's turnout in election represents the relationship between governments and people and draw social constitution (Saeli, 2000). Election is a series of operations that has been devised in order to the selection of rulers to appoint observers to control the power. From this perspective, election means techniques of selection and different ways to select representatives. Although, signs of involvement of the people occasionally were seen in selection of officers in ancient times, but it must be said that the idea that considers the selection techniques as the most legitimate and lawful means of collecting power and the most common way of applying people's volition is a new issue, because before this, leaders of communities were seen as a natural coming things like climate, diseases, color and shape of people, who was not selectable, leaders also were imposed by a force out of people's volition. The idea of the paranormal sovereignty with common root and more or less distinct forms were prevail in most parts of the world. Summary of inheritance principles was the main factor of confiscating imperial seat or transferring the power, not selection. The cornerstone of elections was laid in Great Britain, but the legal and political establishment of election in its final form in the seventeenth and eighteenth centuries was done with the acceptance of the representative democracy theory and establishing representative governments and subsequently emergence of the idea of national sovereignty (Ghazi, 1384). The main tool of the election is vote and according the definition of Dr. Ghazi, vote is: A procedural and legal action that citizens select representative or representatives' accordance with the legal terms and conditions. Today, vote right is taken in consideration as one of the principles of democracy and human rights. In fact, twentieth century has coincided with the emergence of principles of international free elections. The principle in which the election must be conducted under conditions that ensures the free expression of the voters' volition. Legal notices that have recognized the right to vote expressly are not less, including: Clause 3 of Article 21 of the Universal Declaration of Human Rights and Article 25 of the International Covenant on Civil and Political Rights and or Article 3 of the First Additional Protocol of

European Convention on Human Rights and etc. established many features to vote, including:

- A) Being direct like the election of the president of France or being indirect like the election of the president of America and in Iran in relatively long-term before the revolution for the election the National Assembly and the Senate.
- B) Hiding or revealing: According to Montesquieu, if the vote be revealed, ordinary people can better take advantage of both the elites' guidance, but it has this complaint that defeat on the election's freedom, because some people may vote under pressure, intimidation, threats and etc. In Article 3 of the constitution in France, this feature is referred and it is guaranteed by the law of 29 July 1913 that the use of electoral empty room and the envelope to put the vote in it is required. In Iran, Article 63 of the constitution stipulates the principles of being secret.
- C) Being public or limited: At first, the right to vote was limited to a particular class of society and or a particular gender (male) (Taghizadeh, 2003). For example, in the first electoral rule of Iran, which is known as guilds' election statute, considers six categories of people eligible to vote: Qajar princes, scholars, nobility, merchants, landlords and traders (Saeli, 2000)?

In the following, holding structure of presidential elections in Iran is discussed as an example which is the most important election.

2. Presidential election in Iran

Iran's presidential election law in the second chapter about the quality of election (Article 10 and after that) is devoted to the election process that observes its details:

Immediately after ordering the commencement of elections from the Ministry of Interior, executive board of city and district is formed including local dignitaries or governor or bailiff or his representative at the place. The board is responsible for all electoral from beginning to end by forming registration and voting branches.

Presidential candidates or their plenipotentiaries who are officially presented must refer to Interior Ministry within five days after publish date of election's commencement and complete the questionnaire and deliver the relevant documents for registration and receive the receipt.

Ministry of Interior immediately delivers the volunteers' documents to the Guardian Council

Secretariat after the expiry of the acceptance of the documents. The Council confirms their eligibility within five days and informs its opinion to the Ministry of Interior.

Ministry of Interior has responsibility to announce the names of presidential candidates to people after receiving the opinion of the Guardian Council using the media within two days.

Presidential candidates will have healthy advertising right under the supervision of advertising commission which consists of the Minister of Interior, general attorney and head of IRIB in compliance with legal regulations through radio, television and press advertisements.

The Guardian Council has the responsibility to monitor the presidential election that monitors all election processes and stages and actions of the Ministry of Interior and executive bodies and integrity of the election through the establishment of the Central Committee to monitor the presidential election.

Direct and public election with secret ballot and its holding time will be a total of thirty days from publish date of election's commencement. Voting inside and outside the country is done in just one day and its duration is ten hours and if necessary it is extendable by discretion of Minister. President will be selected by the absolute majority of the participants' votes, but if in the first round none of the candidates gets the majority of votes, next Friday, votes will be taken again for the second time. In the second round, only two of the candidates participate who have more votes in the first round, but if some of the candidates having the most votes give up participating in the elections, other candidate who has more votes in the first round over others will be introduced for re-election. Presidential credentials will be prepared after completion of the election by the Guardian Council and will be presented in the presence of the Supreme Leader.

According to Article 107 of the Constitution and presidential elections law, it can be seen that the principles of majority of the election and its principle of being direct are the most important principles of elections. Direct or being one degree means that people choose their president without intermediaries among the presented candidates.

To officially become president, other steps are required as follows:

- A) Signing of presidential decree by the Supreme Leader

- B) Swearing in the Islamic Consultative Assembly by the President.

3. The concept of Votes and its opinions

Procedural and legal action by which citizens choose their representative or representatives according to the legal criteria and conditions is called vote. Voters besides this legal-political action, in fact participate in the political affairs of their community by choosing their representative or representatives (Ghazi, 2005).

Two different systems of thought in the eighteenth century fronted to each other. Some groups considered voting as people's right and other groups interpreted it as a social action or duty of the citizens. So from the very beginning of the development of democracy, two systems of thought were appeared which includes: "Theory of the right to vote" and "Theory of the vote's special task".

3-1. Voting right theory

This theory is based on the theory of "shared sovereignty" which was defended by Rousseau and his students and collaborators. If the sovereignty of people is as a result of the sum of sovereignty share of each citizen, so the share owner of sovereignty, i.e. citizens themselves, have the right to participate and cooperate in organizing the government and reformulating the supreme political authority. If this cooperation and partnership is fulfilled through election, so each citizen has the "right" to vote. Therefore, originally this right belongs to every citizen who is considered as the share owner of sovereignty, thus no one and no authority should be able to take this right from him. On the other hand voting is the right which belongs to the person, so he is free whether to use it or not. Utilization of this right or refusing it is itself regarded as legitimate right of citizens and using this right or its refusal is subject to the will of the citizens (Ghazi, 2005).

3-2. The theory of voting as a special task

Unlike the previous theory, this theory stems from the idea of national sovereignty. The nation is generality and sovereignty belongs to this generality which means the "nation", not the citizens who are part of constructive factors of it. If the power of electing representatives is entrusted to every citizen, it is not due to the fact that they are basically the owner of such right, but because by performing an action or a special public task, they participate in selecting representatives or officials. The principle

is national sovereignty and citizens are actually considered as the components and elements of this sovereignty and nothing more. (Ghazi, 2005)

So it can be concluded that if the interests of society require, the society can make voting compulsory as a mere social obligation, and it can also prohibit or even punish those who refuse it and do not participate in voting. It seems that a theory that encompasses both the theories is more applicable. Meantime, the theory that has more consistency with the principle of freedom of people in determining their own destiny and also social responsibility is the theory that considers voting as both the right and duty of members of society.

3-3. The role of people's vote in constitution of the Islamic Republic of Iran

The constitution of the Islamic Republic of Iran has been formed on the basis of the principles of true religion of Islam and Shia religion. In constitution of the Islamic Republic of Iran, it has been stipulated that "Absolute sovereignty over the world and man belongs to God and it is He who has made man master of his own social destiny. No one can deprive man of this divine right, nor subordinate it to the vested interests of a particular individual or group". Certain individuals or groups and tribes and clans cannot dominate at any time and only terms and conditions are the criteria for tenure in the government. Identifying the priority of representatives in terms of their eligibility is assigned to the majority of people and if some experts are in charge of the work, they are selected only by relying on the trust of public and opinion of the nation and in fact in Islamic Republic, all the people should be the guarantor of the implementation of affairs of the government, accordingly, everyone should be participant and sharer in the affairs of the government. The vote of majority of people is a prerequisite for the realization of the government. In Islam, the people and their role in the governance and administration of the affairs of society have been emphasized in different ways. Islam, in a wider and sublime perspective than our limited material view, considers the man's position as vicegerent (caliph) of God on the earth and in the constitution of the Islamic Republic of Iran, which is derived from the teachings of Islam, there has been a great emphasize on the majority votes and participation of the people in the framework of the rules and regulations of monotheism.

Essentially, the realization of the Islamic government is established with the demand and allegiance of people and people have an active role in government, as far as that the governance must be based on the popular vote. According to Article six of constitution" The country's affairs in the Islamic Republic of Iran must be managed on the basis of public opinion as expressed through elections, including the election of the President, the representatives of the Islamic Parliament of Iran, and the members of the councils, and the like, or through referenda, in cases specified in other articles of this law". Islamic Republic of Iran and the constitution have been formed by the vote of the people, yet the indirect selection of leader by the people, direct election of the president by the people, selection of representatives of Islamic Parliament and referendum are examples of partnerships and the crucial and decisive role of people in the issue of governance. By using their selection rights, people make decisions in determining their own destiny and major decisions of government are formed by the vote of people. In fact the selection of the Islamic system is also done by the will and desire of the nation, which represents the acceptance of system and public adoption (Najafi Asfad and Mohseni, 2002).

4. Legitimacy and acceptability

4-1. Legitimacy: Legitimacy means being right which stands against the term of usurpation meaning illegitimate and unjust. The term "Mashrooiat" (legitimacy) has been derived from the word "Shar" (religious) and in some cases, and in inter-religious uses it means "dependent and documented to religious judge or lawgiver" and in dictionary, it is the origins of word "legislation", "legal" and "legacy". And, hence, the Persian equivalent of legitimacy and legality is appropriate for it; but in the political literature where legitimacy is used in relation to the governance and political power, if we want to synonymous it with a simple word, the word "righteousness" is the nearest and most appropriate word for particular sense of legitimacy. According to Mattei Dogan, legitimacy is a belief to the fact that the governing authority of each assumed state is entitled to issue commands, and citizens are required to obey it (Dogan, 1988).

Therefore legitimacy will be the basis and foundation of sovereignty which simultaneously refers to two opposite issues: one is creating ruling rights for rulers and the other is the recognition and

acceptance of this right by the ruled ones. In other words, the legitimacy can be considered as the result of the ideological and valuing coordination between citizens and the governors that this coordination has made the obedience easier and the government does not have to use force and threats to secure the obedience or this coordination have minimized the use of force and threats. Usurpation is also opposite point of legitimacy which can help explaining and understanding the concept of legitimacy according to the definition of objects is known by their opposites. And against the legitimate governments we can place the usurper governments. Therefore in this paper, legitimacy is the “sovereignty right of rulers”. Here the issue of legitimacy is to question that on what basis the government has the right to command and forbid and exercise political power and can seizure and interference in various affairs of people (Abolhamd, 1974).

4-2. Acceptance: This term actually means public acceptance, meaning that if people show their willingness to a person or group for the formation of government and if that government is formed, in this case it will be said that such a government has acceptability (Mesbah, 2003).

4-3. Participation, foundation of a democratic system

Participation is the most important tendency in governance. The central focus of the issue of the election has been founded on political participation. The assumption is that such a participation lead to a change in political power and rationalization of lifestyles of people (Tavassoli, 2003). Voting can be considered as the most basic form of political participation; because it requires the least commitment, and as soon as the votes were cast, it may finish. There is much evidence that the political participation is dissimilar at all levels on the basis of social - economic base, education, age, occupation, gender, religion, ethnicity, region, residence, character and political environments or territories in which participation takes place (Rosh, 1998).

Foundation of legitimacy of political systems is the national participation of community members in political, economic, and other contexts. Legitimacy of the political system has a direct relationship with democracy (Naghizadeh, 1994) and government actions are considered as legitimate when it reflect the public will. When in a society, groups including minorities and the lower classes, lack political rights

we cannot consider the political system as legitimate through democratic criteria. On the basis of the contributing position of individuals and a variety of NGOs, in the scope of management of local and national affairs, political systems are divided in the middle of a range of authoritarian to democratic. The basis of democracy is on the elections and determination of the majority and the minority is only possible through this way.

Elections in democratic systems have three fundamental functions which are the determination of the rulers, determination of the general policy of the government and the political tendencies and finally, grant or denial of the legitimacy of public power, i.e. the government (Naghizadeh, 1994). The prerequisite of achieving democracy is the extensive participation of people in the formation of the power in such a way that entry into political posts would be available for everyone. Thus, the institution of public elections in each country is the background for the realization of democracy. Elections include the set of operations envisaged in laws or administrative regulations of the country which are for the selection of rulers, in order to harness the power that in the meantime, parties contribute to the scattered views of the electorate, and eventually help organizing electoral purposes. In other words, the party gives orientation to dispersed and decentralized political movements, and takes it out of the micro political figures and grants it the form of macro policy.

By leaving the centralized and organized power of the government and joining the party, which is a formed organization by itself, a person gets power and will be able to demand his democratic preferences with the support of the party and in the framework of elections, therefore, the development and expansion of political parties can make profound changes in the relationships between social institutions and foundations to the extent that in the present era, the change of rulers, is not possible without a change in the political parties (Ghafouri, 2009).

Nowadays, following the principles of democracy has gained comprehensive and universal values; in a way that almost all governments state that their current decisions, legislation and policies are the resultant of the desire of people (Agnew, 1995). The spread of democracy, voting and elections in the past two centuries, has had many ups and downs. While in 1970 the overwhelming majority of governments around the world have had

authoritarian regimes, up to 1995, the ruling system in 140 countries out of 191 countries possessed the three conditions for democracy which was previously mentioned (Encyclopedia of Democracy, 2004).

Elections are the tool of making the government of people operational. In today's pluralistic societies, elections are the only way through which political systems gain legitimacy; but the elections are not always indicative of the government of people. The elections will possess democratic form when they are held in the framework of complete freedom, different options and arising from the people and according to the people's law, accordingly those elections are considered as democratic which have the following characteristics:

1. Sovereignty of people: The elections will be considered democratic and public when they are based on the consent and demands of people. Hence, its prerequisite is the existence of the electoral laws that people have specified and approved different aspects of it.
2. Reflection of the will of majority: In democratic and public elections, wants and demands of majority of people are considered as criteria and measure and result of the elections.
3. Minority rights: By accepting the fact that the desire and demand of the majority is the measure of popular elections minority rights must be fully respected and otherwise, will not be popular, although minority is forced to accept the opinion of majority.
4. Freedom of elections: Within the law, the members of society must be free in being selected and for selecting. In other words, everyone is allowed to nominate himself or desired person and any individual is allowed and free to vote to any candidate or idea that he is interested in.
5. Equality of all citizens: If all the citizens are considered as equal in the elections, then the elections can be free or democratic. Equality must be applied in nomination and the value of votes of all citizens.
6. Pluralism: Popular elections are elections in which all views of society can participate in it in the form of popular law.
7. Participation of public: Democratic elections should be adjusted in a way that all the adults of the society be allowed to participate in it. On the other hand, the number of voters should be high and the share of participators in the polling stations should be higher than the total society (Ezzati, 2005).

In the meantime, the political geographers study electoral sites in territorial scope (local, regional and national). Until recently, the existence of statistical data of elections and voting results and their reflection on the map (as an important tool for the geographers), had severely attracted the attention of geographers to themselves. Considering these issues, the study of election is an integral part of the political geography of the government. Geography of elections has been defined as the study of the spatial distribution of political phenomenon of voting. Political phenomena include all human activities and reactions that are political in nature. Individual's decision to participate in elections is a political reaction. When elections are held and the results are specified, geographers explore the geographical data of election results by utilizing the social, economic and demographic data. Such analysis may be influenced by regional or traditional approach. For example M.K. Srivastava used the combination of structural and regional approaches in the study of congressional support structures (India) where the effects of social, economic and regional demography that have affected the results of the election (voting maps), have been included (Sinha, 2007). Also during last two decades, the approach of the spatial behavior has been exceedingly used in the study of electoral behavior of individuals or selector groups.

5. Conclusions and Discussions

The philosophical literature on global legitimacy is very much in its initial stages. But it seems clear that any successful approach has to cover the following three issues. First, what are global governance institutions and in what ways can and should they be thought of as taking over roles from states or their governments? Second, what is the legitimacy problem that such governance institutions face? Is the main problem that they enjoy authority which needs justification, or that they are perceived as potentially exercising unjustified coercion? And, third, how can they solve this problem of legitimacy and what are legitimacy criteria that apply to them? How, if at all, do these criteria differ from those that apply at the level of nation states?

Buchanan and Keohane (2006) propose the following answers to these three questions. First, they claim that global governance institutions such as the WTO or the IMF "are like governments in that they issue rules and publicly attach significant consequences to compliance or failure to comply

with them—and claim authority to do so” (Buchanan and Keohane, 2006: 406). These institutions are set up to handle certain issues in similar fashion as national political agencies would. Just like national political institutions, they are coordination devices. Only they are created to solve problems that arise at the global level.

Joshua Cohen and Charles Sabel (2006) have a slightly broader account of global governance institutions—one that is not limited to them being coordination devices, but that emphasizes coercion instead. According to Cohen and Sabel, 2006: 765), “[t]o a substantial and growing extent ... rulemaking directly affecting the freedom of action of individuals, firms, and nation states (and the making of rules to regulate this rulemaking) is taking place ... in global settings created by the world's nations but no longer under their effective control.”

Buchanan and Keohane endorse a view that links legitimacy to the creation of authority and treats the attempt to rule without legitimacy as an unjustified exercise of power. The attempt to rule without legitimacy raises not only a normative problem, but has direct practical consequences, as institutions that appear unjustified will not be effective. The problem of legitimacy that global governance institutions face is that even when there is widespread agreement that global institutions that can take on the role of co-ordination devices are necessary, there will be widespread disagreement about which particular institutions are necessary and what rules they should issue (Buchanan and Keohane, 2006: 408ff). Cohen and Sabel (2006), similarly, relate the legitimacy problem of global governance institutions to the absence of political authority at the global level. To overcome this problem, they argue that new modes of governance must be created, with their own structures of accountability. In the terminology used here, new forms of legitimate global political authority must be created in order to properly deal with the coercive power that these institutions exercise.

In answer to the third question, Buchanan and Keohane (2006) propose a moralized conception of legitimacy: legitimacy “is the right to rule, understood to mean both that institutional agents are morally justified in making rules and attempting to secure compliance with them and that people subject to those rules have moral, content-independent reasons to follow them and/or to not interfere with others' compliance with them” (2006: 411). Substantively, they propose that an institution is

morally justified in this way if it does not contribute to grave injustices (“minimal moral acceptability”), if there is no obvious alternative that would perform better (“comparative benefit”), and if it respects its own guidelines and procedures (“institutional integrity”) (Buchanan and Keohane, 2006: 419ff).

An important question for political cosmopolitanism is to what extent international and global legitimacy require democracy—either at the level of national states and governments or at the level of global governance institutions. Many writers on the subject have tended to take a cautiously positive stance on this issue (Buchanan and Keohane 2006). An exception is Rawls in *The Law of Peoples*, however, who advocates a conception of international legitimacy that only demands that peoples and their states are well-ordered.

There are two considerations that tend to underlie the cautious attitude. One is feasibility: it is often argued that democracy at the international level, let alone at the level of global governance institutions, is utopian and cannot be realized. The second consideration is of a moral nature: that democracy should not be imposed on people and peoples who endorse a different set of values.

Cohen and Sabel (2006) seek to rescue an ideal of global democracy from more skeptical tendencies in the literature. They respond to these considerations by advocating a notion of global democracy that emphasizes the deliberative aspect. Granting to skeptics that democratic decision-making mechanisms might be problematic, they argue that deliberation is primarily what is needed to address the legitimacy deficit that global governance institutions face because of their disregard of democracy (Appiah, 2006).

As it was emphasized by Imam Khomeini and Ayatollah Khamenei, the people of the Islamic Republic of Iran are totally free to elect their representatives through free elections. They can cast their vote for whomever they want as their representatives. No individual or group is allowed to violate the people's right to take part in a free election, ignore public votes or impose his/its ideas on the people. Furthermore, people have the right to establish and monitor their government and determine whether it shall continue its existence or be overturned. Public is viewed as the symbol of government's legitimacy. Thus, the Constitution of the Islamic Republic of Iran and its leader's opinions are more inclined towards suffrage theory rather

than the functional theory of voting and the efficiency theory.

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