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The Electoral System, Active Electoral Rights and the Role of the Electorate in the Islamic Republic of Iran

Abstract: This study examines the constitution of the Islamic Republic of Iran, its electoral system and the active voting rights of Iranian citizens. The article illustrates the dichotomy between constitution and reality in which the role of the electorate and the casting of votes at polls, gives the impression of being pointless as all final decisions in the country require approval of the clergy and elected representatives in parliament are subject to the authority of the Supreme Leader. The author analyzes the meaning of the electoral system and the electoral law and studies the phenomena of very high electoral frequency.

Keywords: Iran, right to vote, electorate, president, parliament, clergy

Słowa kluczowe: Iran, prawo wyborcze, elektorat, prezydent, parlament, duchowni

1. Introduction

The aim of this article is to analyse the nature of the electoral system and the role of the electorate in Iran in terms of the theoretical premises of this system, in contrast to the real significance of the votes of the electorate, and how these translate into Iranian political reality. The hypothesis is that the intended creation of a state, mirroring the structure of a republic, based on the principle of social sovereignty and the triple separation of powers, has not been reflected in reality, and that the form of exercising power from the very start has largely resembled an autocracy, or more precisely, a hierocracy. This allows a thesis that from the very start the Iranian Republic has been a republic in name only. The author, therefore, undertakes to prove the thesis that the significance of having elections and casting votes for parliamentary and presidential candidates in Iran is of little significance, as the authority in effect chooses itself, and having active electoral rights is merely a show of nostalgic upholding of the spirit of democracy by the electorate. This qualitative study is based on a literature review of available academic sources on the political system of

Iran, newspaper articles, Iranian internet portals, items related to political sciences, religious studies, cultural studies of Iranian society and in particular issues around Shi'ism.

2. The genesis and the structure of the political system of the Islamic Republic of Iran

Iran, and more precisely the Islamic Republic of Iran, is, as the name would indicate, a republic, whose constitutional system is based around the authority of representatives chosen by the nation for a limited time¹ in direct or indirect elections²; Islamic, as the state is subject to Shia Muslim law referring back to the principles written in the Quran, or the Sharia law. The role of religion in the Islamic Republic is decidedly dominant and the significance of the church as an institution is equally decisive³. Until 1979, Iran had been a constitutional monarchy, governed by the Shah whose power was practically absolute. The structure of the state was formed by three bodies: legislative, executive and judiciary, with the monarch at the head of these bodies which, in theory, were supposed to limit its universal authority⁴. The social and religious revolution in 1979 completely changed the political system and the idea of the leader. Currently in Iran [the Prophet] Muhammad occupies the highest level in the state hierarchy. As he is not a physical, perceivable person, it was accepted that Muhammad has two instruments through which he can exercise his power on Earth. These are the Quran and the Sunna of the prophet as the principle tool and the Islamic leader as the second. This can only be a *welajat-e faghih*, or a Muslim lawyer. In reality, the state is led by a man with a very wide ranging prerogatives and unlimited immunity, answerable only to God⁵. The first religious leader in the new state was the instigator of the Islamic revolution Ruhollah Khomeini, and after his death in 1989 the prerogatives of the religious leader passed to the Ayatollah Ali Khamenei. The term of the supreme leader lasts until his death and is key for the endurance of the Islamic Republic. It is worth mentioning that the first concepts for the new state, conceived during the Islamic revolution under the Prime Minister Mehdi Bazargan, were closer to a liberal vision of an Islamic state, more democratic, with a Constitution modelled on the Fifth Republic of Charles de Gaulle⁶. Khomeini, however, totally rejected any initiatives aiming to introduce democracy in Iran.

1 Słownik Języka Polskiego PWN, <http://sjp.pwn.pl/szukaj/republika.html> (accessed on: 23.12.2014).

2 Słownik Języka Polskiego SJP, <http://sjp.pl/republika> (accessed on: 23.12.2014).

3 <http://edu.gazeta.pl/edu/h/Republika+islamska> (accessed on: 23.12.2014).

4 M. Stolarczyk, Iran. Państwo i religia, Warszawa 2001, p. 123.

5 *Ibid*, p. 125.

6 E. Abrahamian, Historia współczesnego Iranu, Warszawa 2011, p. 212.

Therefore the idea of Mehdi Bazargan that the citizens chose between an Islamic Republic and a Democratic Islamic Republic through a ballot in a referendum was, for Khomeini, simply unacceptable. Khomeini equated the word 'democracy' or 'democratic' with all the evil emanating from the western world. As the result, the vote was only over the one just, in the eyes of the leader of the revolution, concept of an Islamic state based on the Shia variant of Islam, that is placing faith in unassailable absolutism of Allah, the power of the Prophet Muhammad, the twelve imams and awaiting the return of the hidden imam, as well as trusting in justice of the Quran headed by the *welajat-e faghih*⁷. The new system was accepted in a referendum by 98% of society, for whom the only alternative available on the ballot papers was to maintain the unpopular and intolerable absolute monarchy. In this situation the likelihood of a failure for those who stood behind Khomeini was virtually none. In its political structure the Islamic Republic of Iran acknowledged the triple separation of power: the one-chamber Islamic parliament, the Madjles, as a legislative body, the office of the president and the council of ministers as an executive body and the supreme court and regional courts as the judiciary. It is impossible to overlook the fact that the courts ceased to be divided into secular and religious courts and were strongly re-islamified, with the whole institution of the judiciary based on the Quran and subject to religious authority. The term of the Parliament and the President is four years, followed by general elections. Since 1999, local authorities have been established through local elections. This is where the character of Iran as a republic ends, as anything beyond this is a broad ideology, so characteristic of this country.

3. The nature, creation, and the extent of the prerogative of the Supreme Leader in Iran

During the period of works on the Constitution the steer of the country was in the hands of Khomeini and in a way he himself guaranteed such a course of works that, in the end, the most important offices in the state went to the clerics. The key change to the Constitution and the power structure was designating Khomeini as the Supreme Leader, a title which held a wide spectrum of authority thanks to which Khomeini could determine the direction and guidelines for domestic policy, control their implementation, influence the decision making by the executive, legislative and suggest the extent of the remit of the courts⁸. To a large degree the chaos which engulfed the country in 1979/1980, the spirit of anti-imperialism, the façade of the revolutionary tone and the strong propaganda of the *welajat-e faghih* theory facilitated the amendments to the Constitution in favour of the clerics. Taking

7 E. Abrahamian, *Historia współczesnego Iranu*, Warszawa 2011, p. 213 onwards.

8 A. Krasnowolska, *Rewolucja 1978-1979 i Islamska Republika Iranu*, (in:), Eadem (ed.), *Historia Iranu*, Wrocław 2010, p. 885.

into consideration a gradual growth in anti-clerical sentiment in the country during the three decades of the Islamic Republic, in all likelihood Khomeini's concept, in another country and in other circumstances, through rational discourse and in the times of internal peace, would not have had strong citizen support. The first, vital issue of the changes to the power structure in the post-1979 Iran was the principle of the leader's responsibility before the nation. In the early years the Shah as the head of state swore before the Parliament that he was going to follow the principles with dignity and be faithful to the Constitution, and in this way remained loyal to the nation. Overstretching this loyalty had its consequences in the loss of the throne, as happened for example with the removal of the Shah Mohammad Ali Shah Kadjar in 1925. Meanwhile the position of the Supreme Leader was accepted as practically timeless, perpetual, and immutable and, according to the Constitution, the Leader is only judged by God and de facto is not answerable to the nation⁹. Theoretically, the 86 seat chamber of clerics called the Assembly of Experts watches over the Supreme Leader fulfilling his duties. The term of the Chamber is eight years and its members are elected in general elections. Iranian citizens may therefore decide, through ballot papers, which group of clerics sits in the Assembly. This choice is, in reality, very limited: the only alternative is a vote for a slightly more liberal and progressive cleric as supposed to die-hard Islamic conservatives. Such an alternative may be missing the point, because each candidate is in reality connected to the same circles, that is, the clerical establishment. In this situation the actual, real, proper [voter] rights and the possibility of choosing the appropriate candidate are largely debatable. This is particularly so, given that the most important decision maker in the country is elected to office by the clerics of the Assembly, not the citizens, and what is more, it is the same clerics who verify the work of the leader and may therefore decide to recall him¹⁰. The Assembly's decisions are to a large degree influenced by the Council of Guardians of the Constitution – an institution created in order to check that the work of the Parliament is in accordance with the principles of Islam – as well as opinions given by three noble and esteemed clerical dignitaries observing the work of the Assembly. It is thus possible to have an impression that the will of the nation is in this case completely overlooked and that, in reality, the most important state functions are entrusted to people from one clerical circle¹¹. In summary, the Supreme Leader is a cleric, elected by the Assembly of Experts which is voted in by Iranians in general elections but, as the candidates are all clerics, in reality the authority lies with the clerical establishment. The elections to the Assembly of Experts are sourced

9 M. Stolarczyk, *Iran...*, *op. cit.*, p. 125.

10 M. Piskur, *System polityczny Islamskiej Republiki Iranu*, (w:), Portal Spraw Zagranicznych, <http://www.psz.pl/117-polityka/mariusz-piskur-system-polityczny-islamskiej-republiki-iranu> (accessed on: 23.12.2014 r.).

11 T. Coville, *Najnowsza historia Iranu*. Republika Islamska, Warszawa 2009, p. 69.

from candidates who are all clerics, and the lack of opportunity for citizens to elect the Supreme Leader is at loggerheads with the principles of elections in a republican system. Equally controversial are the elections to the Iranian Parliament and the functioning of the judiciary.

4. The Iranian Parliament and judiciary paradox

Every four years citizens have a right to vote in direct elections for candidates to the Parliament (Madjles), the only legislative body in the country. The Madjles consists of 290 members and functions as one chamber (the Senate was abolished under the new Constitution); it organises its own work stream and establishes its own rules, therefore creating an impression that it is a fully autonomous body. The Madjles is, however, constantly scrutinised by the Council of Guardians. The aforementioned regulating body consists of twelve members, including six theologians nominated by the Supreme Leader and six lawyers appointed by the Madjles from a list of candidates received from the Supreme Judiciary Council. The Supreme Judiciary Council is supervised by the Supreme Leader who appoints the Supreme Judge as its Chairman¹². The task of the Parliament is to represent the nation and decide state policies, as well as questioning the executive authority and the judiciary. On the issue of the judiciary a curious phenomenon transpires. The Parliament has the right to query the work of the judiciary body whose membership and guidelines are largely dependent on the approval of the Supreme Leader¹³. A situation could therefore occur where the Supreme Leader is required to consider a complaint against a body appointed to work in accordance with his expectations and suggestions. This is analogous to the Supreme Leader having to consider a complaint against his own earlier decisions. It is therefore possible to conclude that the enshrined in law freedom of the Madjles to assess the judiciary is also open to discussion and generally creates an impression that it is a non-binding rule on paper. The Supreme Leader appoints judges who in theory are independent dignitaries, who cannot be recalled and whose pronouncements are in accordance with Islamic principles¹⁴. To question their work may therefore imply the lack of competence to appoint adequate judges on the part of the Supreme Leader as well as querying the justice of divine laws.

5. The puppetry of the president's function

The nature of the function of the President of Iran is also controversial. Both secular and clerical men faithful to Islamic principles, practicing Shi-ites over 25

12 A. Krasnowolska, *Rewolucja...*, *op. cit.*, p. 885.

13 E. Abrahamian, *Historia...*, *op. cit.*, p. 216.

14 M. Piskur, *System...*, *op. cit.*

may stand (in 2013 the upper age barrier of 75 years was abolished). The contenders are verified and approved by the Council of Guardians of the Constitution. For example, in the last elections in Iran in 2013, 686 people registered their presidential candidacy. The Council of Guardians of the Constitution gave its references and approved eight¹⁵. The President is elected by citizens every four years in a direct vote. The elections may end in round one, but if the majority of votes does not indicate one winner, the second round takes place with the two highest scoring candidates. The incumbent President may stand for office just once more after four years. Unlike in most countries with the office of a President, the person occupying this office in Iran is not regarded as the most important person in the state, does not have the status of the leader of the country and remains under the authority of the Supreme Leader. The existence of this function as an executive body in the state would seem doubtful. The Supreme Leader may either approve the citizen's presidential choice or reject it; however, in the case of acceptance, this does not guarantee that the President will be independent of the Supreme Leader. Carrying out the duties of the President is constantly scrutinised by the *welajat-e faghiha*. The President is not the first, but the second most important and influential persona in the state. Each President's decision about appointing ministers must be upheld by the Madjles and the Supreme Leader. Any moves of the President in relation to the Council of Ministers, which the President has established since 1989 when the office of Prime Minister was abolished, appointing the vice-president proposing reforms together with the government, developing policies, strategies and international agreements are referred to, verified and approved by the Supreme Leader¹⁶. While consulting with the parliament and securing the support of MPs in parliamentary questions over direction of policies and ministerial nominations are understandable and within the president's remit, the procedure of securing acceptance by a religious authority is unique and raises further doubts over maintaining this office in the explicitly clerical state system in Iran.

6. Irrationality of the political and electoral system in Iran

Considering the most important aspect of the Constitution defining the state system and contrasting them with reality it is possible to conclude that the hybrid republic based on the Iranian electoral system with the concurrent elements of a hierocratic, authoritarian, state is an artificial creation devoid of logic. On one hand Iran functions as a state where the principle that authority comes from the people seems to apply. Citizens elect the members of Parliament, the President, local

15 U. Pytkowska, Kampania prezydencka w Iranie ruszyła pełną parą, (in:), *Solidarni z Iranem*, <http://solidarnizi-ranem.pl/pl/publicystyka/item/209-kampania-prezydencka-w-iranie-ruszy-la-pelna-para-urszula-pytkowska> (accessed on: 30.12.2014).

16 M. Piskur, *System...*, *op. cit.*

authority representatives and the clerics to the Assembly of Experts. The procedures are clear and stress the importance of the electorate's votes. Electoral rights are given to both men and women over 16 (until 2005 it was 15). On the other hand, the electoral decisions of the voters are subject to control which in turn is justified as a symptom of care for the welfare of the nation; Khomeini himself openly stated that it is right that the highest spiritual authority should control the work of the President or other highest state officials in order to ensure that they make no mistakes or do not contravene the law and the Quran¹⁷. What we have is, therefore, control and authority of church dignitaries over the President, the parliament and the judiciary. The three bodies that have separate powers are in fact subject to one person. Prerogatives of the Supreme Leader also include nominating the chairman of the Radio and Television Council, leadership of the armed and security forces as well as the army of Guardians of the Islamic Revolution – a paramilitary force established in order to control society in terms of observing the norms of the Islamic code of conduct, applicable not just in politics but also in citizens' everyday life¹⁸. The whole political system in Iran resembles the dictatorship by one central communist party coupled with the curious phenomenon of a divine leader whose power is greater than that of a king or a Shah. Citizens were given electoral rights which in reality make no difference. Even in the first years of establishing the structures of the Islamic Republic Khomeini moulded his own person into a *Duce* persona and was very effective in combating anti-Islamic representations from opponents contrary to his vision, discussions and discourse. Any protests and gatherings were brutally suppressed, purges took place at universities and centres of science, troublesome editorial offices were closed and a moral code of conduct for men and women was introduced, which started to limit civil rights¹⁹. A nation that is scared, isolated from the rest of the world and intensely indoctrinated is easier to administer, making retaining absolute power not that difficult, as can be seen in examples of regimes in other parts of the globe lasting for many years.

The role of the electorate in Iranian elections is a kind of absurdity – such law is surreal and the society seems to be fully aware of this. Since the 1980s it has been possible to see in the Iranian nation a tendency to negate the strongly hierocratic system. The vision of the country in a constant recession produced a lot of social dissatisfaction. Since 2005 governments have been formed by people chosen for their noted pragmatism in politics and more liberal attitude towards citizens. The nation expected liberties, freedom of speech, the opening of the country to the West and modernisation. There was a gradual effort to distance from the clerical dimension

17 E. Abrahamian, *Historia...*, *op. cit.*, p. 214.

18 A. Krasnowolska, *Rewolucja...*, *op. cit.*, p. 885.

19 N.R. Keddie, *Współczesny Iran. Źródła i konsekwencje rewolucji.*, Kraków 2007, p. 245.

of the state, which started with the death of Khomeini in 1989²⁰. The progressive reforming undercurrent observed in Iran in the 1990s and early 2000 was contrary to the interests of the clerics and traditionalists who suppressed any pro-Western movements and demonstrations, freedom of the press and any protests against the code of moral conduct. At that time it was possible to see how much the nation, especially the young electorate, expressed its open hostility towards the bearded and turbaned rulers. Unfortunately after the 2005 victory of Mahmud Ahmadinejad in presidential elections, a conservative in the camp of the Supreme Leader Khamenei, once again strengthened the position of the clerics. Indeed 2005 became a symbolic moment of the return of Iran to Khomeinism, strengthening of the Islamic doctrine and maintaining strongly reactionary policies. In such circumstances the chances for changing the system into truly republican are indeed slim. The position of the clerical establishment in Iran is too strong and too rooted in tradition and morality, and so thoroughly permeates the consciousness of many citizens, that it suppresses any hope of change in many. The superimposition of religion into politics is so prevalent that a multitude of people regard the Supreme Leader as a messenger of the Prophet, and any attempt to overthrow him as fighting God himself. The paradox is that at the same time there is a strong conviction about the need to preserve the republican status of the country, even if this is a parody of a republic. Despite relevant awareness that the country is run by the clerics the nation gladly celebrates elections campaigns under its own volition, and votes actively in all elections. According to the Polish Press Agency (Polska Agencja Prasowa – PAP) the 2008 parliamentary elections turnout in Iran was 55.4%, and in 2012 64%²¹. According to statistics the electoral turnout tends to be around 50-70%. As voting is not compulsory and the authorities do not enforce attendance at polling stations and the elections results do not reflect the number of votes cast, the result is very predictable, and the winner is usually a person acceptable to the Supreme Leader, with the Parliament under constant scrutiny. This would indicate that such well-developed electoral system in Iran is a phoney, irrational creation of a system that manipulates the electorate; it remains as a ritual without a force of causation. For many, the statement below which defines the electoral system in Iran is apposite – it is a country where... *more important than how one votes is how one counts the votes*, as observed once by Joseph Stalin in relation to another country and another reality²². There is a need here to explain and justify the irrationality of the electoral system in Iran in terms of the role of the electorate. In a country ruled by *welajat-e faghih* like George Orwell's Big Brother, active electoral rights and the act of voting maintains the spirit of democracy, freedom and self-determination in citizens;

20 N.R. Keddie, *Współczesny Iran. Źródła i konsekwencje rewolucji.*, Kraków 2007, p. 257.

21 Polska Times, <http://www.polskatimes.pl/artukul/522423,iran-64procentowa-frekwencja-w-wyborach-parlamentarnych,id,t.html?cookie=1> (accessed on: 30.12.2014).

22 U. Pytkowska, *Kampania...*, *op. cit.*

it is a petition for respecting the electorate, a way to communicate with the leadership and propagating the truth that the Iranian nation is not indifferent to authorities' actions. The spirit of democracy which states that power is in the hands of the people protects citizens from total enslavement.

7. Closing remarks

In 2014, 35 years had passed from when the Islamic Republic of Iran had been declared. The President's office, since 2013, had been occupied by Hasan Rouhani. He is regarded as a moderate cleric and the first since Khomeini to have talked by telephone to the President of the United States, a world power with which Iran has had no diplomatic relations since 1979. The new President declared that Iran will open up to the world. In domestic matters it remains reactionary. Despite this, the new President brings new hope that a man elected by the nation will not be a puppet in the hands of the Supreme Leader, and will find the courage and the will to listen to the petitions and appeals of the majority of the electorate and lead the country onto a more democratic, less clerical, less radically Islamic pathway.

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