

The Features of Elections in the Religious Democratic System¹

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Abstract

Elections as one of the most widespread spheres of political participation are among the methods or tools offered for democratic administration of the society. Although the origin of "elections" is modernity and the west, this does not mean that we cannot suggest a distinctive reading of it appropriate for other local cultures. This study – in line with a belief in possibility of a distinct reading of elections in Islamic regime – has stressed on the distinction between the elections in Islamic regime and what is known as elections in western systems. This is because the "elections" used in Islamic system is a local and inferential reading offered by jurists, is based on the accepted jurisprudential tenets and norms, and enjoys religious ends and functions. Despite its general similarity in formal and structural features with other elections and enjoying their basic functions, it is reread, revised, and reconstructed in a way consistent with the tenets, ends and functions of the Islamic regime.

Keywords

elections, religious democracy, *Walī Faqīh*³, political system, the vote of the majority.

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Introduction

Today, "elections" is known as the most prominent and the most widespread symbol of political participation in the contemporary world, and the dominant paradigm in determining the form of the government, choosing the agents and changing the rulers. It is a modern method for political participation and its origin is in the western civilization, not in the Islamic world. It has been offered and enforced as a reaction to the rulers' despotism, and the ruler-centrism approach. According to this logic, the majority's opinion replaces the war, fighting, armed struggle, and the conflict of the individuals and groups for gaining power, and their governance comes over the minority of the society. Indeed, the public opinion substitutes the arms and force. Naturally, any individual or group who can attract people and the public opinion to himself and his thought will be able to take over the management of the society for a certain period specified in the law. Although the logic of the elections initially suffered from some basic deficiencies, and accordingly the right to vote belonged to certain individuals (among men, not all members of the society), the elections and the logic of dominance of the majority's opinion over the minority's opinion became – in the long term – the accepted approach and the dominant discourse in all countries. Today, the function of the elections is not restricted to just political affairs and administering the society; rather, it covers most of the society's affairs (including economics, management, etc.)

Although elections – as a modern phenomenon based on the western societies – is considered one of the basic methods for political participation in other societies as well, enforcing it in western societies is no permission for enforcing it in Islamic societies due to its being founded on western culture and the difference of cultures in various societies. Thus, using the method of elections as one of the methods for political participation in Islamic societies necessitates its being supported by Islamic doctrines. Clearly, despite taking the form of the

elections – in the form of ballot box – from western societies, an election based on religious foundations would be a quite distinct type of election with quite different functions. This study is seeking to offer the elections (as a newly emerged phenomenon) to the jurisprudential tenets and doctrines to introduce a local type of elections based on Islamic tenets and ends, which would be naturally distinct from other types in its foundations, ends, functions, structure and form.

1. The concept of elections

Despite the fact that the [Persian] word *intikhāb* means selecting, extracting and choosing the best ones (Dehkhoda, 1377 SH, vol.3, p. 3449), the word *intikhābāt* is not its plural form; rather, this word – despite its common points with *intikhāb* in meaning 'choosing' and 'selecting' – is a newly emerged term with a distance from the literal meaning of *intikhāb*. Thus, the term "elections", as the plural form of the word "election", refers to a process through which the qualified citizens, in a political system and in the process of choosing the government agents, choose an individual or some individuals for an office or a certain responsibility for a certain period, relegating the decision making and management of the society's affairs (general or specific) to them.

Therefore, this term is distinct from the word 'election' in dictionaries, being defined as a political terminology. It refers to choosing a representative for national council, senate, city society, or other parties and societies. The word *intikhābāt* ("elections") is defined as the general process of choosing members of parliament and the like (Dehkhoda, 1377 SH, vol.3, p. 3449).

However, the specialized encyclopedias in politics have also considered the terminological meaning of this word and defined it not as a series of selections, but a process leading to choosing of the agents of the political system:

"[elections is] the process through which some people choose one or

several nominees for a certain task; and in special terms, the people's choosing of representatives for legislative council is called 'elections'" (Ashoori, 1374 SH, p. 43).

The elections as the greatest instrument for political participation of the public in choosing the agents of the government is a process through which the political systems – aimed at certain agenda or goals – seeks to incite the public participation in the process of decision-making, and make nomination of the agents contingent upon their selection by the majority of the people. By accepting people's selected nominees, they relegate the macro-administration of the state or the major organs of the political system or presidency of a certain office or responsibility to the representative(s) of the majority of those who have participated in the elections.

The process of elections starts from candidacy of individuals for taking over the offices, and includes pillars such as campaigns for attracting people's votes in rivalry with other candidates, specifying a certain day for people's participation in putting their votes in ballot boxes, polling people's votes by qualified persons. It finally ends with enunciation of the winner and relegating the office to him. Since "elections" is performed throughout a broad society and a political system and is aimed at receiving the opinions of all citizens for taking over the responsibility of their affairs, the following conditions are considered as basics of elections:

- A) Establishing the 'right to vote' for all members of society, no matter what their religious beliefs, race, economic status, and ...
is
- B) Recognizing one vote for everyone
- C) Equality of all individuals legally qualified to vote
- D) Equal value of individual's votes in the final result of the elections
- E) Confidentiality of one's vote and opinion
- F) Securing the formality of the majority's opinion

Despite the common process and the preliminary conditions in elections, each geographical region or political system considers exigencies for it in accordance with the local conditions and the norms governing over the region as well as the necessity of appropriateness of that tool and the methods of political participation for the region's normative foundations. These exigencies lead to the distinction between the election in that region and the elections in other political systems.

2. The foundations of elections (elections as a newly emerged jurisprudential phenomenon)

"Elections" as a newly emerged phenomenon – with no precedent in the past – lacks any background in traditional jurisprudence. However, the introduction of this issue into the society has led to disputes among jurists. Thus, jurists have discussed and investigated – in the contemporary era – the nature and the laws pertaining to elections, inferring and suggesting a desirable type appropriate for the tenets and norms of the Islamic society. The jurisprudential approach to elections – initially discussed by the late Na'ini in his book entitled *Tanbih al-Umma wa Tanzih al-Milla* – was considered by many jurists in the early years after the Islamic Revolution in accordance with the desirable and democratic administration of the Islamic regime. The issues pertaining to elections have been discussed in jurisprudential books under the keywords such as *taṣwīf*, *ra'y*, *intikhāb*, and *intikhābāt*.

"Elections" as an instrument for the widespread public political participation has features in its various types; and the nature and identity of "elections" are dependent on those features. The jurists have also enumerated these features in line with the related subject matter. The following items are among the most important features:

- A) Citizens enjoy the right to political participation in public administration of the society, and take over the responsibility of

their society's affairs directly or indirectly.

- B) Any individual has the right to participate in elections in line with public duties.
- C) The public will is the axis of power in government and this 'will' must be expressed in the form of elections.
- D) Elections must be held in a public form with observing equality and concealment of opinions, in a way that it fulfills people's freedom of opinion (Musawi Khalkhali, 1425 AH, p. 748).

Accordingly, "elections" is not merely putting the ballots in the box in a certain day. Rather, it is a process that prepares the ground for choosing from among numerous nominees with certain conditions for agency of the political system by accepting political pluralism and people's widespread political participation. It recognizes the right to vote of majority of the voter, and stresses on the public campaigns for introducing nominees.

In materialist regimes wherein the "elections" is – in addition to the executive method for determining the agents of the political system – considered as the criterion for distinguishing the right from the wrong and hence it creates value. In the Islamic regime, however, the majority's opinion is not essentially authoritative and valuable. Rather, the public opinion is valid only if it is accompanied by the values extracted from wisdom and revelation. Therefore, what distinguishes the concept of election in Islamic regime from that in other political regimes is a method-centered approach, not a value-centered one.

Accordingly, in Islamic jurisprudence, elections and acceptance of the majority's opinion means not a value aimed at specifying and discerning right and wrong; rather, it is an executive method for discovering the best executive and rational way for relegating the society's affairs to qualified individuals. Thus, despite the apparent similarity of the elections in various political systems, the election in Islamic regime is essentially different from what is done in materialist

systems, pursuing different goals. This is because unlike materialist regimes wherein the majority's view is considered as the only criterion for legislation and appointment of government' agents, the "elections" in Islamic regime is merely a rational method for administration of society, and the majority's opinion is valid within the limits of the accepted values of the Islamic regime. According to this distinction, the "elections" in the Islamic regime is a local form of elections conforming to the religious doctrines. The type of democracy present in the Shiite jurisprudence is different from the type of democracy suggested by materialistic regimes. They are fundamentally different in their tenets and basics as well as the goals they pursue.

Elections as the method for realization of value

Using the elections as one of the methods for political participation in the Islamic society is objected in view of the fact that unlike most political systems that gain their legitimacy from elections and public opinion, the majority's large number does not legitimize their opinion in Islam. Moreover, the validity of majority's opinion is defective, because referring to majority is renounced in the Quran. In principle, we may say that legitimacy is a reality whose validity is not contingent upon the accompaniment of majority or minority of the proponents. Thus, according to the Shiite doctrines, the rightness and legitimacy of an individual in taking over the responsibility for political governance is not dependent on people's opinion and votes. Rather, it is dependent on the individual's specific attributes such a justice, competence, righteousness and piety. According to the same logic, some have argued – under the discussion on *Wilayat Faqih*¹ – that the "elections" is a newly emerged idea and using it as a method for determining someone through majority's votes is a heretic innovation of the west and the

1. Qualified jurist's authority

Sunnite world, presenting many evidences against it from the Quran and the Sunnah:

"We must know that the council, elections and individual jurisdiction on the basis of elections are among innovations introduced by the west and the opponents of Shi'ism against legal authority [of Imam Ali]; and there is nothing in this regard in Islam. The highest reason in this regard is that if "elections" were valid and acceptable in Islam, there would be hadiths transmitted from the Prophet and Imams in this regard. They would have stated the qualifications of the voters and the ones selected as they have stated their opinions regarding important issues. However, there is neither a hadith on this matter, nor is there any practical step taken by them. Is it reasonable for Islam to accept the elections while the verses and traditions speak of the contrary opinion? (Hashemi, 1376 SH).

Unlike the democracy approach, which supposes that adherence of a majority is the criterion for legitimacy of something, the Islamic thinkers maintain that legitimacy cannot be contingent upon the adherence of a group (majority or minority). Rather, they believe that legitimacy is contingent upon certain criteria, and it is possible that – in certain cases – the minority of citizens are legitimate opponents of something. Accordingly, the majority cannot be criterion for legitimacy of something.

The slogan of the Islamic regime is just following the truth, but the slogan of a democratic regime is following the wishes of the majority; and these two are not consistent. This is because the goal of the Islamic society is achieving the true felicity, and it leads the man to perfection through knowing Allah and absolute servitude to Him. This is not consistent with the public nature and people's various desires. And today's civil society has no goal except enjoying the pleasures of material life and low animal desires, whether they are consistent with

the man's nature or not. Therefore, such systems lacking rational criteria conform to the taste of the human societies. Thus, according to the logic of the Holy Quran, the majority have confronted and opposed the truth:

لَقَدْ جِئْنَاكُمْ بِالْحَقِّ وَلَكِنَّ أَكْثَرَكُمْ لِلْحَقِّ كَارِهُونَ

"We certainly brought you the truth, but most of you were averse to the truth" (Zukhruf, 78).

بَلْ جَاءَهُم بِالْحَقِّ وَأَكْثَرُهُم لِلْحَقِّ كَارِهُونَ؛ وَلَوْ أَتَّبَعَ الْحَقُّ أَهْوَاءَهُمْ لَفَسَدَتِ السَّمَاوَاتُ
وَالْأَرْضُ وَمَنْ فِيهِنَّ^١ بَلْ أَتَيْنَاهُمْ بِذِكْرِهِمْ فَهُمْ عَنْ ذِكْرِهِمْ مُعْرِضُونَ

"No, he has brought them the truth, and most of them are averse to the truth. Had the truth followed their desires, the heavens and the earth would have surely fallen apart [along] with those who are in them. Indeed, We have brought them their Reminder, but they are disregarding of their Reminder (Mu'minun, 70-71).¹

3. The nature of elections

Despite the fact that "elections" is a reference to others' opinion to choose the agents of the regime, there is no unique nature and approach for this reference in various political systems. Rather, various political systems refer to people's opinions according to numerous criteria on the basis of dominant norms in the society. For instance, while in material systems – that suppose there is no God – human being is considered as the whole criterion, and referring to people's opinion is done as referring to a self-founded being, in Islamic regime – that suppose there is One God and supposing His ownership of all the universe – referring to people in country's affairs is done because God, according to the logic of religious democracy, has wanted people to pay heed to their own destiny and participate in determining it. On the other hand, He has

¹. See Ma'rifat, 1378 SH

wanted the rulers and the government agents to encourage people's participation and consider their opinions under the Islamic regime. Besides, Islam has offered some methods for doing so. Accordingly, while in systems based on secularism free from religious values, the social values are also subordinate to the majority's opinion, in the religious democratic system, the values are a priori affairs and are not contingent upon people's opinion and their vote. Rather, elections can be a method for realization of values or a method for determining agents.

In explaining the way of referring to people's opinions in the Islamic system, there are various methods, among which one can mention consultation, referring to experts, assembly, and allegiance.

1. Allegiance was among the most important and most effective manifestations of referring to public in previous times. It was used for obeying the legitimate ruler, and it meant proclaiming faithfulness to the ruler (Makarem Shirazi, 1375 SH, p. 73). According to allegiance, people had to proclaim their support and faithfulness towards the legitimate ruler and remain at that as long as the ruler behaves on the basis of the religious doctrines. Naturally, just as not paying allegiance to ruler or breaching the allegiance is considered reprehensible (Najj al-Balagha, letter 7), paying allegiance to the illegitimate ruler and faithfulness to the ruler who disobeys the religious laws is also reprehended (Harrani, 1404 AH, p. 24).

While allegiance was among the most widespread symbols of people's political participation in past days, it is – despite its various types – assessable only in relation to faithfulness in religious, moral, and political affairs. However, in the process of elections, despite its various political and non-political types, people choose someone to preside over them. Accordingly, some statements from Imam Khomeini show that he would consider the elections in the present days equal to allegiance in the past; and –

in answering to a group of scholars who had asked about qualifications of a fully qualified authoritative jurist - he wrote:

"He has authority in all forms. However, guardianship of the Muslims' affairs and establishing government depends on the opinion of the majority of Muslims, mentioned also in the constitutional law. And in early Islam, this was called allegiance to Muslims' guardian" (Khomeini, 1378 SH, vol.20, p. 459).

Nevertheless, it seems that there is no sameness relationship between allegiance and elections, because while allegiance is proclaiming faithfulness to the ruler appointed before allegiance, the elections is a method for determining someone among the nominees for an office.

2. Among the methods of referring to people's opinion is "consultation" according to which, people consult with others – to increase their knowledge – in those affairs that they enjoy limited information. Naturally, the rulers and government agents also consult with others in some cases. Accordingly, they consult with people for probable understanding of an issue or resolving a mistake in some cases. Consultation is not limited to governmental approach; rather, other people also perform it as well.
3. Among other methods for referring to others' opinion is referring to experts. According to this method, in complicated and specialized issues, one refers to person who are skilled and experts in the related field and makes use of their knowledge for getting out of crises and issues. Naturally, while this method is not restricted to rulers and agents, they mostly use it because of the fact that the government includes numerous specialized spheres and broad domain and, thus, the rulers are not able to discern all those specialized issues. Indeed, they are not needless of the expertise of the knowledgeable authorities. Rather, knowing the proper subjects related to administration of the society and good

management of a political system necessitate using those experts. This is because not using skillful authorities – in some cases – will risk the political system and basing a political decision or a religious law on non-expertise or non-updated expertise can cause difficulties and irrecoverable harms for the society. Thus, this method would have ample good effects on desirable governance.

4. Contrary to the three above items, there is the "council" that means referring to the public opinion. According to this method, the ruler seeks the public opinion in some issues related to administration of the society and behaves according to the opinion of most people. Unlike the two previous methods wherein individuals are referred to, in this method the whole society is referred to; and naturally, since the ruler's or the agent's presupposition is acting according to the society's opinion, they behave accordingly.

In regard with the council, we may stress on the point that the council and reference to people's opinions do not aim at using the wisdom of the knowledgeable individuals of the society, freedom from ignorance and reducing errors in thinking and decision making, or the rulers' and agents' going out of ignorance. Rather, they aim at putting the weight of some major decision making on people's shoulders to fulfill the following requirements:

- Respecting the citizenship rights of the Muslims
- Stressing on public acceptability
- Efficient decision making
- Helping people's intellectual growth and their personality
- Making people aware
- Using their confirmation and recognizing the experts and authorities, and realization of the widespread political participation of the citizens (Ostadi, 1361 SH, pp. 31-36).

These would naturally lead to efficiency and stability of the political system.

According to this approach, despite the fact that the Islamic ruler can choose certain individuals for his agency, he relegates this task – in certain cases – to the public opinion of the citizens. Today, this is performed in the form of elections for selecting presidents. In this way, although the Islamic ruler can appoint someone as the president and entrust administering the executive affairs of the Islamic country to him (as he does this in the case of judicial affairs without asking people's opinions), the logic of consultation necessitates opinion poll. However, the Islamic ruler is the one who finally authorizes people's opinion – in the process of the elections – in choosing the highest government agent and entrusts administering the country's affairs to the person chosen by the people.

This method of referring to public opinion – manifested in referenda and elections – is among the basic manifestations of the political participation in the present era.

Accordingly, "elections" as an instance of counseling causes the participants – as the citizens and intellectual representatives of the society – to be able to participate in the process of administering the country. Besides, considering that the paying no heed to their opinion would be a sign of dictatorship, attracting their participation in the form of elections can remove the illusion of despotism and assist the government in performing its missions. Accordingly, some jurists regard referring to public opinion so important that it can cause the emergence of a second title and can become necessary in the light of achieving the goals of the *Shari'ah* (Makarem Shirazi, 1411 AH, p. 543).

4. The ends and the functions of the elections

Despite the fact that in jurisprudential foundations, people's opinion in

determining their own destiny has been considered, accepting people' role in the Islamic regime is not considered as a legitimizing elements. Rather, it is always discussed under the title of *Wilāya* (i.e. "authority"). Nevertheless, there is a privileged status for people in the elections as the highest element of political participation. According to the sixth article of constitutional law:

"In the Islamic Republic of Iran, the affairs of the country must be administered on the basis of public opinion expressed by the means of elections, including the election of the President, the representatives of the Islamic Consultative Assembly, and the members of councils, or by means of referenda in matters specified in other articles of this Constitution".

Accordingly, in the process of elections, people can guarantee the following results:

- Preventing despotism
- Actualizing the political system
- Creating roles in the structure of political system and determining the form of political system
- Making the religious state efficient
- Choosing righteous agents

A) Elections as the negation of despotism

Among the important functions and ends of the elections in the Islamic regime is referring to people's opinion in line with negating despotism of the oppressive rulers. Considering the fact that people choose qualified persons and do not choose unqualified agents, we can use elections with the aim to choose qualified agents and refrain from despotism:

"We do not seek to impose anything on our nation. Islam has not allowed us to be dictators. We follow public votes. We act the way our nation vote. We do not have the right to impose anything on our

nation, the Exalted God has not given us this right, the Prophet has not given us this right" (Khomeini, 1378 SH, vol.11, p. 34).

B) Elections as the discovery of reality

The fact is that people's vote is not the origin for legitimacy of government, and that their opinion in elections is within the limits of the political system of *Wilāyat Faqīh*, and – accordingly people's opinion would not be valid in case it is opposing to the Islam's definite view. However, since the "elections" in the Islamic society is based on the opinion of majority of Muslims, and the majority would not choose anything except according to the Islamic foundations, the Islam's view – considering the external realities and the opinion of the people participating in the administration of the society – will be guaranteed in the society. Rather, it reduces the probability of the majority of Muslims' making mistake in elections conducted according to the Islamic standards, because they – as the Muslims in Islamic societies – do not choose anything except what is good and beneficial. Therefore, people's vote in the Islamic society goes in the right path and leads to selection of the desired and righteous agents.

In this regard, Imam Khomeini says:

"We plan to refer to the public opinion, to their votes... Certainly, when people are free, they choose a righteous person; and the public vote cannot err. One person may make a mistake, but a nation with 30 million members cannot make mistake....Certainly, when a nation wants to choose someone for its destination, it will choose the right person, not a corrupted one. And certainly, there would be no mistake in a nation with 30 million members." (Khomeini, 1378 SH, vol.5, p. 323)

C) Elections: making the political system efficient

In the Islamic regime, the efficiency and desirable administration of

the society – in addition to legitimacy of the political system – is regarded as a basic element, and – on the other hand – active, conscious and responsibility-centered participation of people as the main owners of Islamic regime can secure the continuity of the Islamic revolution of Iran. Besides, solidarity among people in the process of elections can be the main factor for neutralizing the plots of the external and internal enemies. Thus, people have the duty to take active part in the process of making the political system efficient through elections, and realize the good administration of the society by choosing the most qualified agents:

"If – God forbid – some harms are inflicted upon the Islam or the Islamic country because of not taking part in the society's destiny, all members of the nation will be responsible before God Almighty, and the future generations will not forgive us for being transgressed [by enemies] due to what we have done. One of our important religious and rational duties is – for protecting the benefits of the country – participation in elections and voting for righteous, skillful and qualified persons who are aware of the world's political conditions and whatever the country needs. The Consultative Assembly needs experts in various fields required by the country"

(Khomeini, 1378 SH, vol.15, p. 336).

D) Acceptability: actualization of the religious regime

In a political system, if people do not accept that system as their own and do not consider their opinions effective in the process of administering the society, they would naturally not participate in resolving its issues and would not attempt to strengthen it. Thus, the acceptability of a regime can be effective in the strength and continuity of a political system and add to its efficiency. Therefore, the elections and people's widespread participation in it is – sometimes – so important that in addition to choosing the government's agents, it leads

to the immunity of the regime against the enemies' threats and the efficiency of the regime. Besides, the "elections" serves as a symbol for people's political participation and creates a secondary title in jurisprudence and, thus, is considered necessary. Some jurists have proclaimed that the acceptability [of a regime] and necessity of elections for public poll is obligatory:

"...thus, for repulsing the accusation that the Islamic state is totalitarian and governs people without their consent, and also for attracting people's cooperation and participation in public and state affairs, it is necessary to refer to public opinion. This is because protecting the Islamic state is the most important expediency and a religious obligation. Thus, because of the obligatoriness of the preamble of an obligation, and since one of the preliminary items for that obligation in our age is holding 'elections', performing it is obligatory. And as we know, the preamble to an obligation is one of the secondary titles" (Makarem Shirazi, 1141 AH, pp. 475-491).

Elections as people's role play in the process of administering the affairs of the Islamic state can lead to the acceptability of the Islamic state and serve as a fundamental support for the Islamic state (Khomeini, 1378 SH, vol.8, p. 372). Besides, people's widespread participation in elections as the symbol of public acceptability would enable the jurist to secure the continuity of the political system and substantiate the Islamic laws and divine teachings in a desired way.

5. The structure and form of the elections

Apart from the ends for which all political systems are created, and their realization is dependent on affairs such as establishing the institute of government, appointing agents, and the structure and ruling method for desirable administration of the society, any political system considers certain ends and goals based on norms and values governing its society. And since the ends of goals of the political system are not realized

except through proper tools and structures, the thinkers have designed and used – in line with the society's norms and culture – proper tools and structures for achieving them. Undoubtedly, the tools, structures and methods for administering the country are not neutral things; rather, governing as the method for substantiating the ends of the society necessitates tools appropriate for that method. Thus, the tools are designed and applied for desired and efficient administration of the society, and for realization of the ends of it.

Unlike past times when the royal orders served as proper form for administering the society, the system of administering the society according to the modern western culture got a democratic approach and the western thinkers offered tools, structures and methods in proportion to democratic paradigm denoting people's widespread participation and suggesting that the government agents are representatives of people. And since this approach necessitates applying proper tools for achieving the democratic goal, the western thinkers have designed a tool called elections with features appropriate for democracy.

Islam has also a democratic reading based on religious doctrines. However, the Shiite jurisprudence – in proportion to the discourse governing the democracy in the elite community and people's widespread turning towards democratic order – has stressed on people's political participation whether in the royal constitutional order (a reading explained by the late Na'ini in his *Tanbih al-Umma*) or the Islamic Republic of Iran. It has made use of elections as a tool based on the experience of the political thinkers.

On the one hand, the Islamic regime (with the religious democratic reading) – in proportion to its democratic approach – uses the elections as the tool for political participation and, on the other hand, the democratic order – in proportion to its special ends and political order – cannot use the tools of democratic order. Thus, although the religious

democratic order makes use of elections for the political participation, this does not mean that the "elections" mechanism existing in the religious democracy is the same as the one used in the democratic regimes. This is because the elections used in religious democratic system must enjoy the authority based on the jurisprudential foundations. Therefore, the elections as a tool for realization of political participation appropriate for religious democratic order must lead to rereading, revising and rewriting elections to offer a local reading of election apart from its formal common points with democratic elections.

Accordingly, despite some commonalities in formal and structural appearance, the ends and goals of the religious democratic order lead to a distinct form and structure of the elections in proportion to the norms governing the Islamic regime. This demands for establishment of an institute called Guardian Council along with people's widespread participation in elections. This is because the agency of the Islamic regime is entrusted only to individuals who are qualified, able, knowledgeable, and committed, and the corrupted and vicious individuals do not enjoy the right to agency in the Islamic regime. Rather, a minimum record of qualification is needed for gaining those offices. Therefore, before relegating the selection of agents in the Islamic regime to public opinion, an expert, just and qualified organ must investigate and confirm the minimum record of this qualification. Thus, the Constitutional Law has predicted an organ called the Guardian Council to confirm the qualifications of the nominees for high rank agency of the Islamic regime:

"The suitability of candidates for the Presidency of the Republic, with respect to the qualifications specified in the Constitution, must be confirmed before elections take place by the Guardian Council"

(Article 110 of Constitutional Law).

Thus, people's participation in presidency elections does not mean

the actualization of the selected person's presidency; rather, since the *Wali Faqih* (i.e. the authoritative jurist) is the symbol for the origin of legitimacy of the Islamic regime, and the lack of this idea leads to the person's illegitimacy and non-qualification for presidency:

"If there is no *Wilāyat Faqīh*, there would be tyranny. If the president is not appointed by the *faqih*, he would be illegitimate. When illegitimate, he would be tyrant. Obeying him would be as obeying a tyrant ruler. The tyrant goes away when – by God's order – someone is appointed" (Khomeini, 1378 SH, vol.10, p. 221).

Therefore, in addition to representing people, the president must be appointed by the *Wali Faqih* in line with being his agent. Accordingly, in the elections of the president in the system based on democracy, the qualified organs must verify the elections (as being without any cheating or trespassing the law). Besides, *Wali Faqih* must confirm the selected person (IRI Constitutional Law, article 110). Accordingly, the people's vote and opinion get a legal form after being signed by *Wali Faqih*. For instance, regarding the confirmation of presidency of Martyr Muhammad Ali Raja'i in 5.11.1368 SH in line with the system of religious democracy and securing its legitimacy and people's selection, Imam Khomeini says:

"Since the president's legitimacy must be through the appointment by *Wali Faqih*, I confirm the glorified nation's vote and appoint him as the president of Iran... and if – God forbid – he acts against it, I shall cancel his legitimacy" (Khomeini, 1378 SH, vol.15, p. 67).

Conclusion

The "elections", as an instrument in democratic administration of the political system or as a method of rivalry in gaining and transferring power, is a process initially introduced in materialist and western political systems. However, this does not mean that the "elections" are essentially materialist or non-Islamic, not having the capacity to be

presented in other political systems. Indeed, this instrument (just like other instruments or methods) is not specific to materialist systems; rather, it has the capacity to offer other readings appropriate for other norms and cultures. Accordingly, various societies can reconstruct the "elections" according to religious and cultural foundations, arguments, norms and ends in a way that leads to the functions appropriate for that society, and enjoy the merits of that political tool while being far from the defects inappropriate for the culture and religious foundations of that society. Although in our Islamic regime the local inferential process of elections must be based on the Shiite jurisprudence, we must distinguish the essence of the elections from its adventitious elements. Indeed, it must be inferred in a way that attributing the election to jurisprudence does not, on the one hand, make it void of its merits, and on the other hand, does not turn it into something with a function appropriate for the western democracy. Naturally, making distinctions between the elections in the Islamic regime and other regimes requires the following items:

- Presenting a local model of elections based on the Islamization of humanities and the requirements of the Islamic humanities in the sphere of politics for presenting local tools and methods in the domain of desirable governing and related to the systemization of Islamic teachings,
- Comprehensiveness of religion in responding to the new needs of the society;
- The internal cohesion of the religious teachings as well as the suitability of religious bases for the related structures and methods

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