

Political Participation in Iran from the Constitutional Revolution to the Present

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February 1st, 2007



In order for political participation to exist, a democratic political system and freedom from legal and social obstacles must already be in place. Once these conditions exist, no segment of society may be forced into silence. A variety of political opinions will present themselves for acceptance or rejection by the people. Political participation is only possible when citizens (including those belonging to religious, ethnic, sexual, or political minority groups) can express themselves through an organized system and consistent process. Possessing the characteristics of a modern government (national or federal), this system may include different kinds of political views, while assuring the participation of various groups within society.

In places where different ethnicities and nations coexist under one government, that government must be “federal” for political participation to be possible. A “transition” is defined as the period in which a combination of factors is still paving the way for broad political participation. If a single ideology dominates a period, it should not be called a “transition” because it lacks necessary political and legal legitimacy. For this reason, we cannot assert that Iran is in a period of transition.

Political participation, or at least the existence of factors that make it possible, is the only criterion by which we can gauge the degree of democracy in Iran or the probability of a country’s entrance into an “era of democracy.” The most important component of democracy is political equality of citizens. The development of “native” or “local” democracies that do not guarantee equality as a universally accepted concept subverts the very essence of democracy. As long as citizens have not acquired political equality to voice their interests, and as long as their participation in political and social spheres is not guaranteed, the establishment of a true democracy remains a remote possibility. In order to ensure the participation of citizens in the political process, government must recognize such fundamental political rights as the creation of independent associations and parties, the freedom of expression and thought, the freedom to voice critical views, and, most importantly, the existence of free elections.

Has Iran ever experienced political participation in a broad and practical sense? If so, how did the changes which brought about this increased participation take place?

A Look at Participation in Iran over the Last Century

In the last century, Iran has lost a number of large and small historical opportunities to achieve democracy. The lack of accountability of the political elite has profound historical roots in Iran. Whenever Iranian intellectuals have tried to prove that it is possible to make the political elite suddenly accountable through revolution and reform, the result has been problematic. Nonetheless, contemporary Iranian history has seen several milestones in the realm of political participation which can serve as solutions for the future.

Today, the ideological and social complications that obstruct political participation remain a serious challenge, despite the experience of two revolutions (the Constitutional and Islamic Revolutions) and a number of reform movements. In this regard, we can see how the elements that sabotaged political participation during the 1906 Constitutional Revolution came back to haunt Iran during the 1979 Islamic Revolution.

The Constitutional Revolution of 1906

Taking advantage of an emerging print industry, Iranian intellectuals who spent time in the West introduced the idea of rule of law in the late 19th century. Some religious figures welcomed the Westernized intellectuals, realizing that the Iranian people had suffered terribly under unjust and despotic rulers and were on the verge of revolt. Revolt against the government, in hopes of acquiring an independent judicial apparatus and the rule of law, gave rise to the Constitutional Revolution. The Westernized intellectuals and religious leaders tried to organize this revolt successfully, and Iran ushered in constitutional rule as people became familiar with rule of law and a system of legislation.

Until that time, the Iranian system of government was a despotic monarchy, in which the crown was passed down from father to son. There was no parliament and people had no part in shaping the political decisions of government. The Shari'a courts, which were protected by the king, who was viewed as the "shadow of God," would examine people's grievances and punish criminals according to interpretation of religious laws. The Constitutional Revolution forced the Shah to give up his absolute power and consent to the establishment of a parliamentary system, where people could elect their representatives through free elections. For the first time, the principle of the political participation of people in the state's decision-making apparatus was reflected in the form of the 1906 Iranian Constitution. However, further clarification of the laws governing the elections and political participation was deferred to an unspecified future time. Thus, Iranians entered the 20th century on a political path that was supposed to lead to a parliamentary system with full political participation of people. This transformation caused the foundations of the old political system to collapse. However, traditions lingered in the minds of people who were accustomed to them. Most clerics tried to influence conservative perspectives by dissuading people from embracing western democracy and its signs and symbols.

On the other hand, intellectuals who were elected to parliament were not able to distance themselves significantly from old traditions that defined political participation in quite restricting terms. For example, Articles 10 and 13 of the law of parliamentary elections, approved in 1950, state that members of the following groups cannot vote or be elected: women, murderers, thieves, political dissidents who had revolted against the foundation of the state, minors, mentally unstable people, people who had gone bankrupt, and heretics and individuals who had converted to Islam to another religion. This demonstrates that, from the

very first days of the parliamentary system, the principle of political participation was not fully accepted and a large portion of the population was deprived of this right. We also cannot characterize the Constitution that emerged with the Constitutional Revolution as fully democratic, because it did not adequately separate state from religion. Nonetheless, we should acknowledge that the Constitutional Revolution introduced certain new political concepts to Iranians. The rejection of an absolutist system and the assertion of its incompatibility with modern times, the institution of parliament and elections, the creation of parties and political participation, the enthusiasm to create civil society and establish an independent judicial system, and the rule of law were all parts of a political discourse upheld by the thinkers who advocated constitutionalism.

Despite all the factors that hindered the Constitutional Revolution, it nevertheless set in motion the development of a number of new laws that were able to push society toward democratization. These laws, over time, even acknowledged the participation of women. The first paragraph of Article 10 of the Elections Law (which had been approved in 1950) and the second paragraph of Article 13 of the same law (which had deprived women of the right to vote and run as political candidates) were annulled in 1964. In this way, the Parliament acted against the clergy and, without considering the injunctions of Shari'a law, asserted the participation rights of women. As a result, half of the population found the opportunity to participate in society. The widespread protest against this legislation by the clergy turned into a fundamental cornerstone of the Islamic Revolution that was led by Ayatollah Khomeini. Khomeini had doggedly criticized and rejected the acceptance of the participation rights of women by the shah.

According to the Iranian Constitution that had emerged with the Constitutional Revolution, Zoroastrian, Christian and Jewish minorities could have representatives in Parliament. However, other religious minorities and their voices were ignored. Consequently, some minorities such as the Baha'is were never given a chance to participate politically.

In the brief analysis of the Constitutional Revolution above, constraints on political participation, the legal constraints in particular, were identified. However, in addition to problems with the laws themselves, there were problems with putting these laws into practice. Due to their desire for power, the Shah and his family silenced or crush any opposition or criticism. The system of elections was controlled by certain security and intelligence organizations that would nullify an individual's candidacy for the Parliament if his loyalty to the Shah was questionable. Except for a few parliamentary sessions, the security obstacles always undermined true political participation. With this oppressive vetting system, the Shah's circles of power were able to prevent political crises that might have arisen with the introduction of independent and critical representatives in the Parliament. Although the Pahlavi administration was able to reinforce secularism against Shari'a in issues such as legislation and women's rights, the principle of participation was not guaranteed. Despite that the Constitution of 1906, which had forced the Shah to operate within a constitutional framework by relinquishing his absolute power, the circles of power that had surrounded him did not allow him to honor the principle of people's political participation.

The Islamic Revolution of 1979

In 1979, the principle of participation turned into the driving force of the revolution, but the revolutionary government, as it was beginning to consolidate its hegemony, wasted no time to considerably sacrifice this principle. The Constitution of the Islamic Republic included

many caveats to limit the political participation of people. The clerics, who monopolized political power through legislation and by imposing certain interpretations on the Constitution, refused to acknowledge the principle of participation in political affairs except for themselves and their supporters.

The principle of political participation in the Constitution of the Islamic Republic lacks necessary legal guarantees. The clerics connected to the establishment at their core do not believe in public participation; nor do they consider this principle as an Islamic requirement. Presently, the fundamentalist belief, which does not even recognize the Constitution of the Islamic Republic as valid despite all the legal obstacles that it has included in its laws against political participation, dominates Iran's political system. For example, Ayatollah Mesbahe Yazdi declared: "Throughout history, humans have shown they do not sufficiently possess the power to distinguish between their own material and spiritual good and evil." (*Parto Weekly*, November 22, 2000)

Of course, despite the endeavors of the anti-participation factions that have overwhelmed the political sphere, advocates of political participation who are not mere mouthpieces of the government are also active in Iran. The members of this group are deprived of freedom of expression and are always in danger of being accused of various crimes. Nonetheless, they sometimes succeed in publishing what they believe is urgently needed.

One of the promoters of this view is Ayatollah Mojtahed Shabestari who has refused to enter the political arena. The following reflects his views, with which many silent clerics, who are independent from the government, agree: "There are many differences between us and western societies, but there are a few issues that I would like to mention: the belief in the rational organization of society; the existence of freedom and participation; and the view that people should have the right to examine the views or political platforms presented to them and the consequences they entail. Authoritarianism is not the solution to our problems... People demand rational justifications... People measure the validity of political views through experience. They truly like to see what impact these political views and platforms have on their lives. People have become accustomed to asking questions and engaging in dialogue. Therefore, the path they take is different from that of some religious authoritarians." (*Hayat-e no Newspaper*, First Year, Issue 113, p. 8, October 17, 2000)

But the rulers of Iran are not swayed by such views. The clerics who lean toward rationality and believe in participation and equal opportunities do not possess any real power or authority and are themselves deprived of participation. The absence of freedom of expression prevents even these clerics from publishing their beliefs.

Unfortunately, the Constitution of the Islamic Republic is so full of obstacles and limitations and is so prone to interpretation by fundamentalists that the anti-participation clerics do not face any real legal obstructions in advancing and executing their own views. They have created a particular kind of theocracy in which only certain clerics have the right to interpret and dictate laws; in this respect, the Constitution is only a tool with which to consolidate and perpetuate this theocracy.

The Principle of Participation in the Constitution of the Islamic Republic

The principle of participation has been almost completely eroded in the Constitution, in current civil law, in the way these laws are carried out, and by the regulations governing the

electoral system (yielding un-free elections). The absence of essential laws which make political participation possible has inflicted heavy damage on various segments of Iranian society, causing women, non-Muslims, non-Shiite Muslims, critics, dissidents, and ethnic minorities, especially the Baha'i, to protest against the status quo. This does not mean that all Shiite Muslim men enjoy the right to participation to the same degree. There are also differences in this sphere between the Shiite men who are unquestionably loyal to the regime and those who do not adhere to its policies.

Article 26 of the Constitution creates obstacles to political participation: "The formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognized religious minorities, is permitted, provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic. No one may be prevented from participating in the aforementioned groups, or be compelled to participate in them."

We should note that the interpretation of the Constitution is the sole right of the Council of Guardians whose members are appointed by the Supreme Leader and other Islamic institutions in Iran. This has allowed this council to approve laws, which, adhering to the "criteria of Islam," brought an end to certain freedoms for political parties. These laws have created certain arrangements, for example a government commission in the Ministry of Internal Affairs will examine the records of the founders of all political parties. If this commission is convinced of the unquestionable loyalty of the founders, it will issue a license for the activity of their party. However, in cases where the activities of a party are recognized as opposed to the interests of the regime, that party's license is immediately revoked. Therefore, there are no signs of independent parties which can create the necessary basis for true participation in Iran. Even the "Iran Freedom Movement," one of the oldest advocates of religious government in Iran, lost its license for its political activities.

Within this framework, no real opportunity can ever exist for the supporters of the separation of state from religion to express their political views through independent parties. The "criteria of Islam" in the Constitution have made the realization of the principle of political participation impossible. We should note that the "criteria of Islam" have not been defined or explained in the country's laws and there is no formal agreement as to their content among the regime's political administrators. But while power is controlled by Islamic fundamentalists, the governing principle will be that participation goes directly against the "criteria of Islam."

The Article 27 of the Constitution states that "public gatherings and marches may be freely held provided that arms are not carried and these gatherings are not detrimental to the fundamental principles of Islam." This article is also interpreted by the Council of Guardians in such a way that it has made public gatherings and demonstrations without the permission of Ministry of Interior and security and police forces illegal. This article has made the participation of people in public political and social affairs out of the question. The regime can label any gathering and protest demonstration as subversive to the principles of Islam, an excuse that will allow it to attack and break up such gatherings and demonstrations.

According to Article 24 of the Constitution, "Publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public." The interpretation of Article 24 by the Council of Guardians has also been anti-participation. With the approval of the amendment of the Press Law in 2001, the Council

of Guardians blocked all the outlets for the freedom of expression in the press. This maneuver practically erased all traces of participation of people in public affairs through the press.

Although women have the right to vote in all kinds of elections, they cannot enter all sections of the government. Women are not allowed to run for president and are prevented from accessing leadership positions such as *Velayat-e Faqih*. They are also barred from membership in the Assembly of Experts, the Council of Guardians, and the Expediency Discernment Council. Women may not be appointed as judges or serve as the head of the judiciary. Women can only participate as candidates in parliamentary elections, provided they gain the trust of the Council of Guardians and prove their absolute loyalty to the *Velayat-e Faqih*.

The most important barriers to political participation – an unquestionable right of the Iranian people – are the laws related to the supervision of elections.

According to Article 99 of the Constitution the “Guardian Council has the responsibility of supervising the elections of the Assembly of Experts for Leadership, the President of the Republic, Parliament, and the direct recourse to public opinion and referenda.” This supervision was later changed into absolute “approbation supervision” by the demand of the regime’s highest authorities and the interpretation of the Council of Guardians. As a result, the Council of Guardians was empowered to approve or disapprove the eligibility of all candidates according to its own discretion. With the absolute supervision rights of the Council of Guardians, even the supporters of the Islamic Republic cannot interfere with political affairs, let alone the large segments of the population who criticize the system and demand the separation of government from religion. As such, they do not stand the slightest chance to participate in the government.

With the elimination of representatives of the majority of Iranian people from participating in the government, the Elections Law of 2000 strengthened the vetting capacity of the Council of Guardians in order to block non-conformist candidates from participating in elections. This move stripped advocates of the separation of religion from government of any opportunity to send representatives to the country’s legislative and executive bodies.

Two paragraphs of Article 28 describe the conditions for elected candidates as follows: 1) a belief and practical commitment to Islam and the holy system of the Islamic Republic of Iran; and 2) expression of loyalty to the Constitution and the progressive principle of *Velayat-e Faqih*.

Bearing in mind this article and the absolute rights of the Council of Guardians in vetoing the eligibility of candidates and the regime’s outright rejection of the principle of participation, how can foreign observers and western media define Iran as a “relative democracy,” where a certain degree of political participation by people exists? Can this distorted analysis contribute positively to the process of Iran’s political transformations? In Iran’s political system, where the only sources of legislation are the “sources of Islamic jurisdiction,” how can we hope for the elimination of anti-participation laws from the legal and political structure? In circumstances in which only radical and extremist Faqihs can be appointed as members of the Council of Guardians, how can we hope that the Iranian people will be able to influence their own political destiny and have their true representatives in important spheres of government?

Elections in Iran are not free. This is the greatest obstacle to people's participation. The silent majority of Iranians look at elections as political theater in which the people play no part. They are voters without the right to support their desired candidates in elections. Is participation confined only to the right to vote? Is it possible to blot out a large number of anti-participation laws from the structure of Iranian laws within the framework of the present Constitution?

Source Information: [Mehrangiz Kar](#). 2007. *A Forum on Human Rights and Democracy in Iran*. Washington: A Forum on Human Rights and Democracy in Iran.
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