



Investigation of the Origin of Political Power in the Islamic Republic of Iran

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Abstract:

The foundation and essence of any government lies in the political power inherent in it, providing legitimacy and credibility to that government, both in its establishment and continuation. In essence, the stronger the political power of a government is with a robust support base, the assurance of its strength and continuity is more guaranteed. Conversely, if the political power of a government relies on a fragile foundation, it will be prone to instability and lack of sustainability. Now, the question arises: What is the essence of this support base for any political power? In other words, what is the phenomenon that constitutes the support base of the political power of any ruling entity? In response to this fundamental question, various legal, social, and political doctrines have put forth numerous theories, generally categorized into two forms: governments with popular support and the will of the people (democracy) and governments with transcendental support and will (theocracy).

Keywords: Origin of Power, System of Islamic Republic of Iran, Constitution, Oversight of Power

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Introduction

Examining the power structure and the ability to predict the outcomes of dominant governance is dependent on identifying and explaining its legitimate origins and theoretical foundations. Therefore, deducing governance and its structure from a conceivable legitimate power source does not seem far-fetched. The sequence of legitimate power is proportional to its origin (theocracy, autocracy, or democracy), defining the mode of governance. For instance, a democracy-based government derives its legitimacy from the consent and votes of the governed, making the rulers temporary trustees of power to provide public services, always subject to criticism and obliged to be accountable and persuasive to their constituents. Thus, to engineer the power structure effectively, it is inevitable to have a legitimate computational basis to clarify behavior and expectations (legislations, judicial system, and executive policies).

In the examination of the origin of political power in the Islamic Republic of Iran, considering the goals of the rightful owners (the people) in establishing the new system, one must refer to upstream sources and documents, such as the theories of scholars and influential figures in the Islamic Revolution, the detailed deliberations of the Assembly of Experts on the Constitution, and especially the principles stated in the Constitution.

It appears that the aspirations and goals of the Islamic Revolution, elucidated before its victory, embodied in the ordinary contract between the people and the leaders of the revolution, were the primary motive and driving force for people's sacrifice and the cost of this transformation. With the achievement of yesterday's revolutionaries and victorious rulers, significant differences were introduced in the

regulation of the official document (Constitution). Nevertheless, the governance of the constitution is undisputed. Apparent contradictions and sometimes substantial discrepancies in multiple principles have given rise to the possibility of conflicting interpretations. Therefore, the basis of this discourse, considering the principle of interpretation in favor of the people, the principle of people's governance, and the spirit of the Constitution based on anti-authoritarianism, is the foundation of the Islamic system.

Given the explicitness of the first principle of the Constitution, which is about establishing a government based on the vote of the Iranian people, the sixth principle overseeing the administration relying on the opinions of the people, and the key principle 56 emphasizing that the government shapes its social destiny based on human will, it signifies the reality that the Islamic Republic of Iran has taken shape based on the will and desire of the general public and will continue to do so. Any obstacle or restraint that limits or deviates from the will and desire of the people will fall from the level of credibility. Therefore, in the realm of interpreting the law or understanding legal texts to observe the coherence and continuity of legal elements, it is necessary to interpret other legal texts in a way that aligns with the principle of placing the people's power at the forefront, using the technique of referring branches to principles, ensuring that other legal texts do not conflict with this principle.

Research background

Title: Jurisprudential-Legal Boundaries of Religious and Secular Governance with Emphasis on the Views of Contemporary Jurists in the Formation and Continuity of the

Constitution of the Islamic Republic of Iran - Doctoral Thesis - Mohammad Ali Olfatpour
Supervisor: Qodratollah Rahmani – Allameh Tabataba'i University – Year (2018)

In the two perspectives of secularism and Islamism on social order, the law is considered a necessity. This thesis explores the method of legitimization within the framework of Islamic political thought, distinguishing between the ideas of Sunni and Shia scholars. The crucial duty of the ruling, whether infallible or jurist, is to enforce divine laws and, in other words, implement jurisprudential and ethical rulings. In this work, the author seeks to identify the boundaries and criteria that differentiate secularism from religious governance.

Title: Analysis of the Foundations of Religious Governance in Nahj al-Balaghah - Master's Thesis - Saeed Nasir al-Islami - Supervisor: Jahanbakhsh Izadi - Islamic Azad University, Central Tehran Branch - Year (2011)

As human beings are inherently social creatures, social living is essential for their existence. This necessitates the presence of command and prohibition, obedience to some, and ultimately the establishment of laws and governance. In ancient times, rulers were introduced as representatives of God on Earth, and their rule was considered divine, beyond question. However, with the awakening of societies, people's governance emerged, establishing democracy where individuals play a role in choosing their leaders either directly or indirectly through votes. Considering these two concepts, the author introduces a third form of governance called a combined governance, where legitimacy stems from both the Almighty and the acceptance and active

participation of the people. The author extracts this form of governance from the eloquent words of Ali (AS) in Nahj al-Balaghah.

Title: Analysis of the Foundations of Leadership Power in the Islamic Republic of Iran - Master's Thesis - Alireza Naseri - Supervisor: Behrouz Majd Zadehkhan - Islamic Azad University, Bandar Abbas Branch - Year (2019)

After the revision of the constitution, the concept of absolute guardianship of the jurist is highlighted, and the constitution assumes the responsibility for social behavior. Various opinions exist regarding the guardianship of the jurist; some consider it absolute and above the constitutional law, while others limit it to the boundaries specified in the constitution. Since the primary duty of this position is supreme supervision over all branches of the system, including the three powers, and acting as a coordinator and regulator of their relationships and conflict resolution, the author believes that the principle of guardianship of the jurist takes precedence over the principle of separation of powers. In the final chapter, the esteemed author addresses the important topic of oversight of leadership and how the Supreme Leader and government powers will be safeguarded from slipping into despotism.

Title: Foundations of Governance in the Constitutional Law of the Islamic Republic of Iran - Master's Thesis - Hossein JavanAraste - Supervisor: Mohammad Hashemi - Qom Higher Education Complex - Year (2001) - Publisher: Secretariat of the Guardian Council

With the approval of the constitution, the type of government, its goals, and its organs took on a legal aspect. The absolute guardianship of the jurist and the leadership of the

comprehensive jurist became legal and official. This research, titled 'Foundations of Governance in the Constitutional Law of the Islamic Republic,' takes a step towards explaining governance and its foundations in the Islamic system of Iran, based on its constitution. This work, divided into three sections, examines the foundations of religious governance, the foundations of national governance, and the relationship between the two. With a fresh approach, it simultaneously analyzes the jurisprudential and legal principles related to governance in the constitutional law.

Definition and Role of Political Power (Etymological, Terminological, etc.):

Political power, sovereign power, and political authority are terms used to refer to the ability of an individual, whether real or legal, to govern a society.

One of the fundamental concepts used in the literature of public law is "political power," and its reason should be sought in the nature of governance. Because the essential element in governance and rule is the ability inherent in the hierarchy of governance that can subjugate society to absolute or conditional obedience. According to the legal deputy of the presidency's definition, in some linguistic cultures, political power is mentioned as "sovereign power."

In the book "Contemporary culture of the millennium," compiled by Ali-Mohammad Haqshenas, published by Farhang-e Moaser, it refers to political power under the title "power." (Haqshenas, 2022, p. 1147)

The late Qazi, in the context of defining power, states: "Power means having the means and tools to influence a person or thing, or imposing a will on an individual or group." (Qazi, 2016, p. 204) From this definition, the concept of political power can be derived, as

political power's domain is relative to a society, in a way that the will of an individual or a governmental structure is imposed on the members of society. However, it is essential to note that in modern governments, especially democracies, efforts are made for the will of the people to govern the people. Therefore, actions of the government are preferably referred to the opinions and votes of the people through referendums or surveys, and the feedback and opinions of the people have a direct and significant impact on correcting the performance of the rulers.

According to Dr. Katouzian, a government without sovereignty is an empty drum, and the simplest definition given for government is "power." (Katouzian, 2016, p. 245) According to this definition, the primary foundation of government and governance is the power inherent in it, and government without power is inconceivable because as soon as power is taken away from a government, that governance itself collapses. and disappears. In other words, the logical relationship between "government" and "power" is a universal and absolute relationship because every government must necessarily have the power to enforce governance. However, not every power necessarily has governance and authority.

Grotius denies that the power of any ruler has arisen for the well-being of the subjects. He cites slavery as an example. (Rousseau, 2017, p. 64)

Regarding the role of power, attention must be paid to the following points. Firstly, political power leads to the emergence and continuation of the political life of a society because every state (government) is formed by the three pillars of territory, people, and government, and governance without power is meaningless. Secondly, the power wielded over any

territory is not necessarily formed with the consent and will of the people of that territory. In this regard, we can refer to coups by individuals and parties. Thirdly, the continuity of the power of governance in any government is not necessarily an indication of the continuity of the people's will in favor of the ruler. Many dictatorships, despite the desires of the majority of their people, continue their rule. Political power, if it is based on social legitimacy, is called authority. However, in history, we see governments that have abused their political power or imposed their will on the nation, gradually losing their social legitimacy. As a result, despite having apparent power, the authority of the government has suffered significant damage. In other words, authority is always legitimate and legal, but power can be legitimate or illegitimate. Authority is based on the consent of the general public, while power is often force-dependent.

The Purpose of Political Power

In response to the question of what the purpose of political power or governance is, governments can be categorized into three groups. First: governments whose objective is to implement the will and desires of the people. They strive through various methods to achieve the majority's opinions, aiming to secure the people's satisfaction for the continuity of their rule. Often, governments with democratic principles fall into this category. The second group consists of governments pursuing the enforcement of religious laws or party directives. Their goal is the flawless implementation of divine laws or party directives. Examples include religious governments such as Jewish, Christian, and Islamic regimes, as well as communist governments like the former Soviet Union and China. The third group

includes governments whose rulers aim to achieve personal and family interests. Examples of these are dictatorships and monarchies, such as the former governments of Iraq, Libya, Egypt, and the current regime in North Korea. In detailing the differences among these three categories of political power in terms of their objectives, it can be asserted that governments relying on fulfilling the majority's desires have no preconceptions or preferences other than the will and choice of the people. Therefore, they refer to the people's votes to explain their governing methods, actions, and fundamental plans. It is evident that the majority's opinion within society can evolve and become more complex over time, considering scientific, technological, and economic changes.

However, governments that exert their power in the path of religious or party desires have specific preconceptions, motivations, and a defined manifesto determined by the religion or party. They consistently and conclusively allocate the country's resources towards achieving their sacred goals, even if it contradicts the will of the majority.

It is essential to note that when discussing the differences between the second and third categories of governments, which have religious or party goals compared to those with personal objectives, one must recognize that the goals of the second category are honorable and values-based. They aim for excellence defined within the realm of religious or party objectives. On the other hand, the goals of the third category, which includes dictatorships, are entirely devoid of value and dignity. This is because the sole axis and objective of such governments revolve around the desires and will of an individual or a group for their personal gains, often conflicting with the collective interests of society.

Dr. Naser Katouzian asserts in this regard, "The legitimacy of a government is dependent on the extent of 'public services' it provides. Services that are necessary for the life of the nation and fulfill its material and spiritual needs. So, if a government is incapable of or doesn't know how to perform this duty, it forfeits its own sustainability." This statement aligns with the definition of a government that considers its emergence and survival to be dependent on the will and desire of the people, earning its legitimacy entirely through providing public services, welfare, and the fulfillment of the people's interests.

In conclusion, governments with religious or party goals, as well as those with personal objectives, direct all their efforts towards executing religious laws or party directives or securing personal interests. They regard the people's interests only to the extent that it does not hinder the achievement of their goals, considering the people's satisfaction as a means for the continuity of their governance and the attainment of religious, party, or personal objectives. In contrast, governments with people-oriented objectives dedicate all their efforts to gaining the satisfaction of the people, making the people's consent the primary goal of governance.

History of the Emergence of Political Power (Governance)

The oldest human society is the family, and children, as long as they need their father to preserve their lives, maintain their bond with him. (Rousseau, 2017, p. 61) Rousseau's statement speaks to the existence of power in the most primitive and ancient social institution of humanity. However, within the family institution, in addition to paternal power, emotional and human affairs also play a role.

Historical facts tell us that, to escape natural dangers and conflicts with fellow beings, humans preferred to live socially from the very beginning of their existence. By relinquishing some authorities to the leader of the tribe, they could benefit from the social support of their fellow beings. In this give-and-take, where one party surrenders some of its freedoms and capabilities to the community and tribe, in return for protection from the community and tribe against attacks from animals, nature, and fellow beings outside the tribe, an unwritten mutual agreement is formed. In this context, humans enter into a social contract, relinquishing part of their power and abilities to the rulers of society so that they can provide welfare and security services to individuals under specific regulations and customs.

"This public personality arising from the union of individuals used to be called the tribal society in the past (city-state), and now we call it a republic or a political entity. When those who command it are given orders, it is called a government, and in comparison, with similar entities, it is referred to as political power." (Rousseau, 2017, p. 107)

Considering the above content, it becomes clear that, given that humans are social and civil beings by nature, from the very beginning of the emergence of wise humans, these beings turned to society for the continuation of their lives. Every society also needs a manager, leader, or supervisor for its survival. Therefore, by giving some authorities and powers to the manager and leader of the tribe, humans have practically provided political and social power for the leader of the tribe to enable him to meet the interests of the people within the customs and traditions of that era. Consequently, it must be said that simultaneously with the emergence of wise and social

humans and the formation of primitive human societies, political and social power also took shape. It wouldn't be an exaggeration to say that simultaneously with the emergence of humans, society came into being, and concurrently with the formation of society, political power took shape.

Hobbes expresses in this regard: "The ultimate end or desire of human beings, with self-imposed limitations, and contemplation about the preservation and protection of oneself and, consequently, providing a more satisfying life. That is, their goal is to rescue themselves from that state of war and misery, which is the necessary consequence of the natural passions of human beings when there is no clear and evident power... If sufficient power is not established to secure our safety, then everyone can rely on their own power and skill, even for caution against others. This will lead to looting and violence against each other." (Hobbes, 2017, p. 190). As is evident, Hobbes, as a social thinker, has considered the emergence of the political power of governments and tribes to be parallel with the establishment of human societies.

Political Power and the Separation of Powers

As mentioned earlier, the governing body in any political system borrows its political power from the people and is entrusted to use this power for the benefit and will of the people. Human experience tells us that, to protect delegated political power from the people, the best governance structure is the separation of powers. In this way, three branches with specific powers and duties can cooperate and interact with each other. They can mutually monitor each other to protect the trust of the people and have oversight over each other.

Montesquieu states: "In any country where all powers are concentrated under one person, freedom is not achieved. Therefore, the best way is to maintain governance and prevent the rule of one person or one group. Thus, in the political system, a balance must be established among the powers so that each power can oversee the others." (Eshraghi, 2006, p. 124)

As evident from the above text, Montesquieu argues that the concentration of governance in one authority higher than the three powers leads to the political power delegated by the people being controlled by one person or a group. This monopoly and quest for superiority will violate the rights of the people and distort their fundamental freedoms.

Professor Seyed Mohammad Hashemi also states: "In the classical system of the separation of powers, complete superiority of one power over the three is not present. Essentially, the separation of powers is to ensure that there is no superior power, and the three powers moderate each other, preventing misuse." (Hashemi, 2017, p. 7)

Professor Hashemi, in line with Montesquieu's view, fundamentally sees the existence of one person or a group as having power superior to the three powers in conflict with the principle of the separation of powers and the protection of political power entrusted by the people.

It should be noted that merely adhering to the separation of powers and the absence of dominance of one over the powers alone does not provide the means to safeguard the political power of the people. Instead, all branches of government and all members of society must strive for the governance desired by the people. The design of the governance system should be such that all three powers can balance each other in a way that, if one of the powers deviates from the will of the people,

the other powers can compel it to adhere to the will of the people through legal means. Professor Katouzian emphasizes in this regard: "Undoubtedly, belief in national governance and the separation of the three powers (legislative, judicial, executive), reliance on universal and free elections, and drafting a constitution are effective and powerful guarantees to prevent tyranny and dictatorship. However, experience has shown that all these enticing concepts can be manipulated. In the path of the torrent of power, no matter how high and strong dams are built, it diverts and deviates it from its course, preserving the seed of freedom." (Katouzian, 2016, p. 57)

The Relationship Between Political Power and Economic, Social, and Cultural Power

When comparing the origins of political power with other powers such as economic, cultural, and military power, it is crucial to recognize the need for differentiation. Some powers may have origins beyond the general populace. For example, economic power may derive from underground resources and rational interactions with other countries, where the role of the general population may be less significant. Similarly, the origin of military power could be linked to technological capabilities and intellectual prowess within a country or regional military alliances. However, what is certain is that all these powers, in various forms, operate under the umbrella of political power and evolve accordingly. In other words, no government can sustain itself without the support of political power, even if it possesses other powers like economic and military, and if it persists, it will deviate from being a people-centric government, taking on the color of despotism and dictatorship.

The late Professor Qazi stated: "Political power is one of the fundamental conditions for the existence of a government and a country. It's not just political power that operates in society, but family, class, party, economic, religious, spiritual, and other forms of power have tangible realities." (Qazi, 2016, p. 204)

Political power is among the most essential social phenomena, playing a unique role in ensuring the security and development of a country. However, this power can be abused, causing irreparable damage to society. Power, in all its forms in society, such as government, politics, economics, growth, development, and ethical and religious values, is entirely interrelated and manifests itself in all aspects of individual and social life—external and internal relations, material and spiritual, military, artistic, cultural, and human rights. The health and strength of the political and administrative system in any society contribute to its growth and development. In the presence of corruption and weakness in the administrative system, society will tend towards decline. Undoubtedly, the existence of a sound political power creates the conditions for health in economic and cultural relations.

Furthermore, political power, whether national or international, has a direct relationship with the cultural and scientific potential of that society. Today, the tangible power of governments is not solely an indicator of governance capability; rather, the scientific, cultural, historical support of governments is also crucial in assessing their real power. Therefore, in many cases, it becomes apparent that the "strength of culture" of a nation in confronting the "culture of power" of another country has the potential for compatibility and confrontation.

It's worth noting that there is a close relationship between political power and social power. The more social cohesion and national unity increase in a country, the more the political power of the ruling system grows. Conversely, if there is discord and enmity among different segments of society, the popularity of the political power of the ruling system will decline, and the general public will no longer consider it the embodiment of their will. In other words, the art of political power lies in creating a cohesive, unified, and harmonious society. Therefore, the health and sustainability of a political power system are closely related to the coherence and unity of society. The level of cohesion or discord in a society can be an indicator of the success or failure of the rulers.

Political Power and the Guardianship of the Jurist

In this section, we delve into the examination of the origin of political power from a religious perspective. According to Islamic teachings, the source of all power in the universe is the essence of the Almighty. The Quran states, "And He is the Subjugator over His servants, and He is the Wise, the Acquainted." (Chapter Al-An'am - 18) and "To Allah belongs whatever is in the heavens and whatever is in the earth." (Chapter Al-E-Imran - 109), along with numerous other divine verses indicating the unrivaled power of the Almighty in the cosmos.

Now, the fundamental question arises: how does this divine power manifest in the realm of political power, which is essential for the governance of human society? To answer this pivotal question, we need to explore a few premises:

Firstly, based on divine teachings, no individual among humanity has superiority or dominance over others. All are equal before the Almighty, and according to this fundamental principle, no person has the right to rule over others unless granted by the Almighty.

Secondly, according to the sacred verse "Obey Allah and obey the Messenger and those in authority among you..." (Chapter Al-Nisa - 59), the divine discourse explicitly establishes an exception for certain individuals. In other words, obedience is required only for Allah, the Messenger of Allah, and those in authority, the details of which, according to various interpretations, especially in Tafsir al-Mizan, exclusively encompass the infallible Imams (peace be upon them). (Tabatabai, 1984, p. 85) Thirdly, from the viewpoint of the teachings of Islam, especially Ja'fari Shia jurisprudence, the sacred law for after the Imams (Ahl al-Bayt) (the individuals in authority) does not specify any exception or example for appointing an individual or individuals to govern the people. All the narrations presented to prove the guardianship of the jurist do not, in any way, indicate the permission to rule over the people but rather involve judgments or the issuance of religious edicts.

Moreover, based on the interpretations of Shia scholars, it is understood from the mentioned sacred verse that power is exclusively vested in the Almighty, and He has delegated this authority only to the infallibles, namely, the Messenger of Allah and the Imams (peace be upon them), and no individual outside the sphere of infallibility possesses a share of divine authority.

The late Imam Khomeini, in establishing the necessity of Islamic governance and the guardianship of the jurist, did not resort to the debates on the authenticity of the narrations

but rather endeavored to present rational arguments to substantiate the guardianship of the jurist. He used conjectural or indicative narrations in a supplementary role for rational arguments. (Imam Khomeini, 2017, p. 6)

He considered the guardianship of the jurist as an issue that, when conceptualized, leads to affirmation. (Imam Khomeini, 2017, p. 3 and 51)

Nevertheless, opposing rational arguments to those of Imam Khomeini, there are counter-arguments such as the lack of alignment between the expertise of a jurist and the management of governance or the absolute delegation of governing the country to a single person, considering the existence of corruptive elements, which requires a separate discussion. (Hashemi, 2017, p.p. 62-68)

So, what is established is that divine power for the governance of society is sought and manifested through the will and choice of the people as the vicegerents of God. It is these people who can delegate the power bestowed from the Almighty to an individual or a group for the administration of society.

Fourthly, as per the detailed discussions of the Constitutional Review Council: "Entrusting the existence and non-existence of a nation to one person, far from caution, is inappropriate. Therefore, for the benefit of Islam and the welfare of Muslims, it is advisable to impose limitations on the Supreme Leader. If these limitations are not in place, chaos, disorder, and lawlessness will prevail in problems and decision-making. Disunity emerges; others do not know what to do, and we won't have a clear framework for our actions" (Management and Planning Organization, 1970, p. 649).

These remarks indicate that from the perspective of rational consensus, the fate of a nation cannot be entrusted to one person with

absolute authority, as it will lead to successive corruptive influences. Therefore, it must be accepted that the authority of the Supreme Leader should operate within the framework of the law and within the confines of the conditional power that the people have granted to the leader and ruler. Sufficient oversight should be in place to control this power. Hashemi states in this regard: "In this way, the exercise of absolute guardianship by the leadership authority, within the limits of the legitimate and inalienable rights and freedoms of the people, is legally valid" (Hashemi, 2017, p. 64).

Investigating the relationship between the origin of political power and the monitoring of political power

If we accept that the origin of political power in democratic systems is the "people," and it is these "people" who bring about the emergence of political power in a country, and also the survival and continuity of political power depend entirely on the will of the people. The question arises as to what criteria and nature the oversight of this political power, which crystallizes the will and desires of the people, should be? Can an elected oversight body, independent of the will of the people, be organized to monitor political power based on the will of the people?

Certainly, the answer is negative because the oversight body monitoring popular power must be of the same nature as the people to prevent ruptures and conflicts in the governance structure. How can it be justified that governance is determined by the people's vote, but the oversight and limiting apparatus of this governance is designed and appointed in a non-elected manner, independent of the people's will?

Yes, it is acceptable that in "theocratic" systems where the origin of power is indebted to supernatural and non-popular powers, the oversight body should also be of the same nature, dependent on supernatural powers, to achieve uniformity and consistency in the governance structure. In other words, we must define the nature and conformity of the oversight body according to the "origin of power" in any political system.

If the political system is a democracy, and its origin of power is the people, oversight bodies should be formed and managed based on the will and vote of the people. If the political oversight is theocracy, and its origin of power is representative of gods or the ruling party, the oversight body should be established and managed by representatives of gods or parties appointed by those authorities. If the political system is a monarchy, and its origin of power is an individual or family, oversight bodies should be designed and appointed by the ruling person or family.

In the Islamic Republic of Iran, based on its first constitutional principle, the establishment of this system is based on the will of the Iranian people, categorized among democratic governance systems. However, the method of appointing the judges of the Guardian Council, appointed by the leadership, resembles a system close to "theocratic" systems.

Considering the necessity of conformity of oversight bodies with the origin of power in the relevant political system, it should be remembered that elected oversight institutions such as the Supreme Council of the Cultural Revolution and the Supreme Council of Cyberspace are not of the same nature as democratic systems based on the power of the people.

It is worth noting that the creation of government and political power by the people is one thing, but the continuation and persistence of government by the will of one person or a ruling council is an innovation that some politicians have fallen into.

Key principles addressed in the constitution regarding the role and voice of the people include:

Principle 1 - Refers to the creation of a government based on the vote of the Iranian people.

Principle 6 - Addresses the administration of the country based on the public opinions of the people.

Principle 9 - Indicates the prohibition of depriving the people of their legitimate freedoms.

Principle 23 - Addresses political and ideological freedom of the people.

Principle 24 - Mentions the freedom of newspapers and publications in expressing their content.

Principle 26 - Focuses on the freedom of parties, associations, political and professional associations, and Islamic or religious minorities.

Principle 27 - Addresses the freedom of forming societies in contracts.

Principle 56 - Expresses human governance over the destiny of their society.

Principle 107 - The direct election of the leader by the absolute majority of the people

for the foundation of the system and the election of subsequent leaders by the Assembly of Experts chosen by the people. It emphasizes the inherent power of leadership originating from the will of the people.

Principle 111 - Refers to the dismissal of the leader by the Assembly of Experts elected by the people.

Considering the content of the above principles, it becomes clear that the founders of the Islamic Revolution and the framers of the constitution have emphasized not only the role of the people as the main factor in establishing the Islamic system but also the indispensable role of the people in the continuity and survival of the Islamic system. In the absence of popular support for the Islamic system, there is essentially no viability for this structure. Therefore, it cannot be claimed that the people played a fundamental role in creating political power in this system. However, in the continuation of political power, the role of the people must be marginalized, and other individuals or institutions must replace the role of the people in the survival of the political system in Iran. Certainly, thinking in this way, which revolves around the conflict between the "origin of the emergence of political power" and the "origin of the continuity of political power," will create various instabilities and conflicts in the political structure of the country.

Of course, if the origin of creating government in any country is the will of a party or the desire of an individual or the claim of connection to supernatural and unseen forces, that system, for its survival, must continue to follow the will and desire of the party, person, or supernatural beyond the cause of its creation, so that the motivating cause and the remaining cause

of the system are in line with each other in accordance.

The role of occurrence and survival of the origin of political power (creation and continuation)

The first principle of the Constitution of the Islamic Republic of Iran refers to the role of the "people" in the establishment of the Islamic Republic system in Iran. According to the wording of this principle, the primary reason for the establishment of the Islamic Republic system and the source of political power in this system was the "people and their votes" in the year 1358. Based on undeniable historical facts, the main factor in the overthrow of the monarchy system and the establishment of the Islamic system in 1357 in Iran was the will and determination of the overwhelming majority of the people. Therefore, both based on historical facts and the first principle of the top document of the Iranian system (the Constitution), without a doubt, the source of political power in the current governance structure of Iran has been the "people."

Now, the question arises whether in the continuation of the Iranian government, the "role of the people" as the main factor in the survival of the government is still relevant. By examining other principles of the Constitution, including the sixth principle, which delegates the administration of the country to the general opinions, and principle 56, which considers humans as rulers of their own social destiny, and future principles of the fundamental law in the direction of exercising the social rights of individuals, it is stated that the "will of the people" plays a fundamental role in the preservation and continuation of the Islamic Republic system in Iran. With these details, it can be stated that any law or policy that

weakens or denies the role of "people" in government administration is contrary to the principles enshrined in the Constitution and must be amended in any way possible.

Considering the above levels, it becomes clear that the main factor in the existence of the Islamic system and the continuation of this system is the "will of the people." Therefore, to assess the legitimacy of the system at any given time, the level of support and satisfaction of the people must be taken into account.

For example, in theocratic systems (religious or party-based) where the origin of political power is supernatural or a specific segment of society, political power in the continuation of the government is manifested in supernatural and religious symbols or the ruling party cadre. In individual and family systems (monarchy, autocracy), where political power is created through coup d'état or hereditary means, and this power continues in the person of the monarch or the ruling dynasty. However, in democratic and popular systems, the creation and continuation of political power occur through the people, and at all stages of determining the social fate of the people, the will and desire of the people are the decisive and final factors.

Now, if a system does not adhere to this coherence and coordination between the creative power and the system's sustaining power and defines a system as opportunistic, the governance method in that system will certainly not be logical and rational.

The origin of political power in the constitution

In the context of preference, we state that, according to the top document of the Islamic Republic of Iran, namely the Constitution, which

has been endorsed as the national covenant by the Iranian people, certain principles explicitly emphasize the source of power and the legitimate basis of the system as the vote and will of the people. Examples include principles 1, 6, 9, 23, 26, 27, and especially principle 56, which considers the will of the people as prevailing and ongoing in their social destiny. On the other hand, principles 4, 5, 12, 57, and 110 highlight the adherence to Islamic standards and the authority of the Supreme Leader, which can act as limitations and constraints on the principles related to the governance of the people. Since a good law should have internal coherence and not be scattered or conflicting within institutions, the constitutional law, being the highest law of the country, must possess this characteristic. Therefore, legal experts aim to resolve apparent conflicts between constitutional principles, and in some cases, even conflicts between constitutional principles and the executive branch, especially when the will of the people clashes with the will of the Supreme Leader or a particular interpretation of Islam.

To achieve this, the technique of referring branches to principles should be employed, particularly in resolving conflicts and tensions between constitutional principles. Thus, for clarity in the scope and understanding of constitutional principles, it is necessary to first explain the primary source of political power from the perspective of the Constitution and then address restrictions and boundaries presented by other principles, using the technique of referring branches to principles to resolve ambiguities and conflicts.

From the perspective of the Constitution and the founders of this system, we affirm that the principle of the vote and will of the people is

established, and in all national affairs, the collective will of the people must be the primary criterion. In light of this crucial reality, it is clear that all the mentioned constraints in other principles of the Constitution, such as adhering to Islamic standards and the absolute authority of the Supreme Leader in governing the country, are valid as long as they align with the principle of the people's governance and will. However, in cases where these constraints conflict with the will of the majority of the people, their validity is nullified, and those in charge must interpret and apply the Islamic standards and the legal authority of the Supreme Leader in a way that does not conflict with the will of the majority of the people. With this legal perspective, the Constitution has defined the duties of officials and those in governance. As political power's legitimacy stems from the will of the people, and other matters are considered branches in service to this principle.

In accordance with Article 107 of the Constitution, the Leadership Authority has derived its legitimacy and political power from the people, and the decisive majority of the people have accepted the leadership and authority of the late Imam Khomeini, legitimizing it. In the continuation of this legitimacy, the elected scholars of the people are responsible for the election of the next leader. Therefore, it can be definitively stated that, based on Article 107 of the Constitution, political power belongs to the majority of the people who entrust their leadership to the Supreme Leader. The leadership of the revolution, relying on the people's votes, will have the responsibility of leading society. It is evident that this granted power from the people is entirely a trust, and if the said authority does not act in line with the will of the majority of the people, it will be

removed from office according to Article 111 of the Constitution.

Conclusion

Based on the Constitution as the top-level document of the Islamic Republic of Iran's system, especially its first, sixth, and fifty-sixth principles, as well as the detailed discussions of the Assembly of Experts on the Constitution and the opinions of the founders and influential figures of the Islamic Revolution, the origin and reason for power have been the will and desire of the people of Iran. The administration of the country must rely on public opinions, and the governance of human destiny has been explicitly stated by the legislator. Conclusions drawn from these superior principles lead to the result that the will and consent of the people are both the main reasons for the establishment of the Islamic system and the reasons for the continued acceptance and legitimacy of the Islamic government. Therefore, in cases of conflict between the will of the majority of the people and any other source of power, the principle should be given precedence over the governance of the people's will. If these fundamental principles are implemented by legislative, supervisory, and executive bodies, they will forever see a clear horizon in terms of legislation, interpretation of laws, and the implementation of laws, because whenever legal provisions (whether fundamental or ordinary) appear to contradict the will and consent of the majority of society, with adherence to the principle of "governance of the people's will," the relevant laws and regulations will be interpreted and implemented in favor of the majority of the people. Based on this principle, the following solutions can be proposed:

1- The Guardian Council, based on Article 98 of the Constitution, is responsible for

interpreting the Constitution. If there is any conflict or apparent ambiguity with the "principle of the sovereignty of the people," the Guardian Council, using the technique of referring to the principles, should interpret the conflicts and ambiguities in favor of the majority of the people.

2- The Islamic Consultative Assembly (Majlis), following the provisions of Article 71 of the Constitution, has the duty of legislation. Additionally, according to Article 73, it is responsible for interpreting ordinary laws. The principle of "the sovereignty of the people" should be the guiding principle in both legislation and interpretation. The Majlis should always prioritize the will and consent of the majority of the people, rejecting any law that goes against the people's will and societal norms. In case of conflicts or ambiguities in existing

laws, it should interpret them in favor of the people, resolving apparent ambiguities and conflicts in the laws.

3- The judiciary, executive, and armed forces, in their roles in the judiciary and execution, should always consider the will of the people and societal norms as their criteria. In case of conflicts or ambiguities in relevant laws and regulations, they should always lean towards an interpretation and execution that benefits the people. Implementing these suggestions would lead to the majority of people seeing their interests and desires aligned with the governance, fostering shared interests between the nation and the government, facilitating the prosperity and growth of society.

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