The Ideal of Election: Norms of a "Proper" Election in the First Iranian Parliament (1906-1908)

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To those who were killed, raped, imprisoned, wiped, put under house arrest, prohibited from studying, working, etc., exiled from their town and country, excluded or has suffered in any other way as a result of talking about norms of a good election…

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Abstract

While elections are considered as an inevitable and minimum part of a democracy, early experience of elections has not been much studied in Political Science. The rare studies on this topic are usually done with an ahistorical approach, and are focused on the western part of the world. Adopting a different approach and case, in this research I try to reconstruct the first Iranian electoral experience after the 1906 constitutional revolution in Iran.

Building mainly on the first 33 sessions of parliamentary debates, I answer this question that what forms of election could be considered acceptable by the political actors of the time. While employing interpretive methods for analyzing electoral discussions and practices, I show that election was not a necessary part of entry to the parliament. In addition, in this research we can see that appointment of a representative by some specific people, or appointment made by a group of ordinary people could be considered as an acceptable or "normal" way of election in many occasions inside and outside the parliament. While discussing the logic behind these practices and understandings, this research also suggests a possible way of religious legitimization of elections.

The findings of this research suggest that the concept of fair election is not an obvious, universal, and unchangeable concept, as we can see a different understanding of elections. However, we can still see a similar logic behind contemporary and historical electoral practices, not only between contemporary and historical Iranian elections, but also between Iranian 1906 elections and elections in contemporary consolidated democracies.

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Chapter 1: Introduction

In surveys on contemporary status of democracy, sometimes we can see a question addressing how people see democracy. Free and fair elections are among the choices but it seems that they are obvious enough to allow us not to ask people's conception of "free" and "fair". However, democracy, as a way of governance that makes elections meaningful, was not at all an obvious universal value before the "historic change from not very long ago, when the advocates of democracy for Asia or Africa had to argue for democracy with their backs to the wall" (Sen, 1999: 5).

This "historic change" makes a closer look at the historical attitudes towards democracy in its early experiences more crucial. It would tell us how democracy was seen when it was not yet an "obvious" value (if there is such an obvious value today), and how "could" it finally prevail over other political values as a "proper" and "obvious" value. The fact that elections are considered as an important indicator and component of democracy makes the early experiences of these elections more crucial.

Nevertheless, the early experience of the conduction of these elections was not often a focus of researches in political science. The rare occasions "approaching" these elections were also mostly studied under the label of "electoral fraud" (see e.g. Ziblatt, 2009), assuming them as "imperfect", "unfree" and "unfair" elections (See Eduardo Posada Carbo, 1996, introduction). In other words, most of the efforts to understand the historical electoral experiences remain ahistorical, enjoying a degree of anachronism because of not looking at them from perspective of its actors.

On the other hand, studies on electoral history were mostly based on the experience of the "western" part of the world. Even there, we can see very different experiences of conducting early elections (see Eduardo Posada Carbo, 1996), which suggests that investigating the experience of a country in the "other" part of the world will identify much more different issues and themes.

Therefore, studying the Iranian experience of conducting elections after the incidence of Iran's first political movement for a regime change has a lot to add to this literature.

The Iranian constitutional revolution[1] in 1906 is remembered as the first democratic movement in Iran, which resulted in the formation of the first parliament[2] through an election. In the constitutional period (between 1906 revolution and the establishment of a modern dictatorship[3] in 1926), five elections were conducted in an overall freer environment in comparison to the following periods in Iran. Here we can also see a period of political "trial and error" in which political actors had the opportunity to frame and reframe new and old political concepts according to their understandings and ideals, and the electoral law changed three times. Therefore, a close look at the electoral experience of Iran, which has not been yet investigated from a social scientific point of view, would bring up novel insights.

I aim to understand how political actors of the time looked at the newly established institution of election. Thus, I investigate what the ideal of "properly conducted" election looked like in the eyes of the political actors of that time, and subsidiarily, reflect upon what this tells us about the foundations of contemporary Iranian society and political regime. In other words, what were the features of a good election in that time? Why it was seen as good and "proper, and what was making it acceptable?

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[1] Since the revolution itself is not the focus of my study, throughout this research I use the term in a very loose sense, both in terms of its duration and nature. The 1906 event in Iran has been called both as "revolution" and "movement". Also there is no clear line that tells us when exactly the revolution has started and when it has ended. But mostly the duration from the start of the movements and riots prior to the king's approval of constitutionalism in August 1906 until the occupation of Tehran by constitutionalists which the period of lesser despotism in 1909 is mostly referred as the constitutional revolution (e.g. Kurzman, 2008).

[2] The name of the Iranian parliament was always either "Majles-e Showera-ye Melli [National consultative assembly] until 1979 Islamic Revolution), or "Majlles-e Showea-ye Eslami" [Islamic consultative assembly]. An exception was the use of combination of both words, Majlles-e Showray-e Melli-e Eslami [Islamic national consultative assembly], in the discussions between Shah and revolutionaries which was soon abolished.

[3] The strength of the foundation of the new institution is also known from the fact that even the upcoming of Reza Shah Pahlavi, as the first modern dictator of Iran, did not result in the closure of parliament, and the conducting elections was continued. The mere fact that Reza Shah was insisting on having the approval of the legislature for his executive programs shows that the new institution was considered important. Only 25 years before his upcoming none of these practices was needed. (Abrahamian, 2008: 74)

The first reason why such a question deserves a close investigation is that the understanding of a "proper" election in the eyes of some of the political actors of the constitutional period seems to be far from what "we" usually perceive as a "normal" election today. Even a superficial and arbitrary reading of debates in that period suggests a different and contested meaning of election and "representation: During the elections of the second parliament, the governor of the province of Shiraz, who was responsible for the conduct of elections in that province, had sent a letter to the parliament, stating that on behalf of the "*Mellat* [nation][1]" of Shiraz, he made this person "representative" and sent him. Other MPs who were responsible for the approval of the validity of that person's election and representativeness, rejected his *Etebarnameh* [credit letter[2]], and did not let the representative enter the parliament because they perceived the letter as a sign of a problematic election, and the writer of the letter as a "despot" (Ettehadieh, 1375[3]/1997: 135). Such possible differences make a closer investigation necessary also to see if such differences follow a general or special pattern.

Furthermore, investigating norms of a proper election, which would nevertheless contain contestations over the acceptable forms of election, would shed light on similar contemporary discussions and debates over elections in contemporary Iran, helping us to understand the historical clashes lying behind the contrasting understandings of a proper election in today's Iran. Indeed, investigating the understanding of elections in the early formation of the notion, would directly contribute to our understanding of the "social construction" of democracy in a certain time and place. As Tilly (1997) puts it, "people do construct shared understandings, concerning

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[1] As I will discuss later, nation had many different meanings, and was undergoing a shift of meaning in that period. But it could also refer to a group of people, who might be the people following a special religion, or people as citizen. In other instances it could simply mean religion.

[2] Credit letter was generally a letter signed by the members of the council of auditing the election, confirming that a representative had been chosen in it, while approving the accuracy and correctness of the election of the person. See section 4.4 for more explanation on this and electoral law.

[3] This date refers to the Iranian calendar (Solar Hijri calendar) which, like the Christian calendar) is based on the orbit of sun, but starts from the hijrat [travel] of the Islam prophet from Mecca to Madina [on 622 C.E], and is used in Persian published material. The second date after slash is its Christian calendar equivalent (done using the website www.time.ir). So, double dates also imply that the reference was in Persian, and what is written here is my translation. Therefore, I only emphasis on my translation in case of Persian website material which did not have publication date, and the date was my access date.

their political arrangements. Indeed, shared understandings affect how those arrangements work" (Tilly, 1997: 196). Therefore, investigating the understandings, which can also be "contested" rather than "shared", can also help us to understand how arrangements such as elections, work.

To understand the contested meaning of election, I take these steps in the following parts of the thesis, after presenting the little things that we know about early elections in Iran. In chapter 2, I show the contrast between our today's understanding of democracy, with its inevitable relation with conducting free and fair elections, and the historical meaning of this concept. The following discussion on the "acceptable" electoral norms in western countries provides the basis for my research which I will present its methodology in chapter 3. Chapter 4, presents the contextual information that is essential for understanding the debates about elections in Iran. The analysis of the debates in chapter 5, discusses an alternative "normal" way of election which is appointment, and is followed by discussing a possible way of religious legitimization of elections. The conclusion in chapter 6 tries to propose a connection between the historical and contemporary practice and understanding of election.

1.1. What do we know about early parliaments and the conduct of early elections?

Parliaments has been the subject of many studies, but only "some" of them had the chance to be studied in great details, and Iran is nowhere at least in English available material. The journal of international commission for the history of representative and parliamentary institutions (parliaments, Estates and representation), with its 35 volumes over 34 years, has no single paper about Iran[1]. In contrast, 41 volumes has been published on the history of British parliament so far, which had also dealt with elections at some points such as the *House of Commons (1820-1832).*

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[1] http://www.tandfonline.com/toc/rper20/current

Recently French parliamentary history, and its speeches has been investigated as well (see Garrigues, 2007, and other publications of speeches by Arman Colin publication[1]. The collection of articles edited by Eduardo Posada Carbo (1996), gives us a picture of what we know about the historical elections, which also suggests that it was not at all a homogeneous experience. It was an effort to emphasize "the historical significance" of "elections before democracy" to democratic developments (12). However, it only covers the electoral experiences of some of the European and Latin American countries, and shows us that different countries have faced different kinds of issues in their early experiences: In European countries the "expansion of the electorate" was an issue of controversy, whereas in the United States "electoral corruption" played a more important role (2).

This is despite the fact that many books have been written on the Iranian constitutional revolution in both English and Persian. Event-based and chronological scholarship prevails when the constitutional revolution is discussed (e.g. Abrahamian, 1982 and 2008, Katouzian, 2006, 2011, 2013). Only a few of them are directly related to the topic of elections and to the extent that elections are thematised, they are so in the context of researches that has much broader aims[2]. A recent collection of articles on the constitutional revolution (Chehabi and Martin 2010) is quite symptomatic of the literature more generally: It covers various topics related to state- and nation-building, historiography and intellectual initiatives, but hardly speak of political representation. However, the historical significance of the new post-revolutionary political system is acknowledged in the same collection (see for instance, Ali Gheissari's article on constitutional rights 1907-41). Despite this insistence on the "nation", and the change in the political structure,

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[1] http://www.armand-colin.com/collections-term/6036/4
 I am grateful to Professor Lea Sgier for bringing this information to my attention.
[2] For instance, a discussion of the first electoral law and some references to the conduction of elections [mostly for local councils] in different cities, can be found in Martin (2013: 113-114, 123-124, 131-132, 142-143, 147-149, 152-154, 171, 185-186, 193-195), but only for chronological purposes.

the most important component of this change, which was the formation of a parliament, has not been closely studied.

Similarly, Ettehadieh (1375/1997, 1361/1982), Shaji'i (1344/1965, 1375/1996) and Shahramnia (1379/2000) have all also studied the parliament in some detail, however none of them has focused on the issue of "proper" elections. Zahra Shaji'i's book (1375/1996) entitled "the role of parliament members in legislatures of the constitutional period" has mainly studied auditing role of the parliament, relying on the texts of the questions and impeachments of the MPs, but none of the studied categories are about the conduction of election.

In "Parliament members of the 21 legislatures of the national consultative assembly: An Study from the viewpoint of political sociology[1], Shaji'i has studied the social background of parliament members in all the legislatures after constitutionalism until the publication date of the study (1344/1965), which was part of the project for answering the question that "which social classes had political power" after the change of system from despotism to constitutionalism. Based on the division of three powers[2] according to the Iranian constitution, she has started this project from the parliament. Searching for every MP's "job and specialization and education, and the job and income of his[3] father and family [1344/1965: Twenty six], she has provided quantitative [and comparative] data and tables for the composition of every studied legislature. Although the study is useful for understanding the elections as it shows the social outcome of the first parliament in comparison to the following parliaments, the study has nothing to do with the practice of elections itself[4].

In "Parliamentarism in Iran" (1379/2000), AmirMasoud Shahramnia has done a valuable job in studying the "principles and foundations" of the idea of "Parliamentarism" and "parliamentarian

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[1] [Namayandegan-e-majles-e-shorayemellidar 21 doreyeghanungozari: Motale'eaznazar-e-jame'eshenasi-e- Siasy]
[2] Including legislature, executive, and judiciary just like the Montesquieu's idea.
[3] Or "her" family in the last studied legislature.
[4] Furthermore, as stated in the introduction of the book, due to the lack of information about the early legislatures, and the fact that one could have several occupations, the same person had to be counted for every occupation that he belongs. So the numbers are not accurate for this period.

democracy" in Iran. For this he has referred to the ideas of intellectuals, clergymen, and constitutional leaders (who could also be either clergyman or intellectual), long before and during the constitutional revolution, as they can be found in their writings. He also had studied political, cultural, economic, backgrounds and political reforms that has provided the ground for "emergence and development of the idea of parliamentarism in Iran" in a separate part. However, the only section that has a reference to the legitimacy of parliamentary election and the characteristics and duty of representatives is consisted of 3-4 pages. These pages are only about the ideas of one of the prominent clergymen[1], who has written his book during the lesser despotism in 1909, basically in response to those who has closed or has supported the closure of the parliament with religious arguments. Therefore, it is not about what was going on in the parliament and at the time that the first parliament was working. Fereydun Adamiat's discussion on Mohammadali Foruqi's ideas about constitutionalism and electoral law in a constitutional system (1985: 210-212) has the same problem that the source of the discussion is written after the first parliament.

In "Parliament and election from the Constitutionalism until the end of Qajar" [Majles va Entekhabat az Mashrute ta payan-e- Ghajarieh], Mansoureh Ettehadieh has studied the constitutional period by highlighting the issues of parliament and elections. Despite the valuable historical narration of the book, it has not gone deep enough to let us understand the nature of the debates about these elections. For instance, the number of pages that are devoted to the first election is less than 15. Furthermore, it has not tried to understand elections from the perspective of its participants, and is sometimes trying to "evaluate" the "quality" of elections and their rules based on "facts" about these elections.

As I have stated earlier, the first electoral law has been discussed in chronological literature, but recently it has also been studied by law scholars as well. Vijeh and Qahvechian (2013) have studied

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[1]Ayattollah Mohammad Hossein Na'ini,

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the first electoral law in detail to see what legal characteristics it has, and analyze it "considering principles of free and fair election". So they have discussed novel features of the law, and have analyzed the "problems" of the criteria for voters and the elected people (199). Despite their detailed discussion of the electoral law, and its implementation at some points, the approach of the article has prevented it to point out to what was going on behind this law. It seems that the whole discussion and assessment of the first electoral law is only for showing that how the more recent electoral laws (including the current electoral law) in Iran were much better and freer than the previous electoral laws specifically the first one. Imposing "Western" and "liberal"[1] criteria on the first electoral law, they consider the 1906 law a "closed[2]" and "undemocratic" law (220-221), in contrast to the electoral law after the Islamic Republic which is not closed, simply because the "nation"[3] in the first parliament after the revolution has agreed on this law. Therefore, although the authors theoretically consider "political, economic, social and cultural circumstances" in assessing the electoral laws, in fact they have imposed todays "liberal" values, as if it only had one single meaning that was the same from over a hundred years ago until today.

Finally, I should mention Kharabi's numerous works on councils during the constitutional revolution (1379/2000, 1386/2007, 1384/2005), as the studied topic is related to elections in a general sense. This is because some of the discussed councils were responsible for the proper conduction of elections (especially in provinces outside Tehran). However, elections are not discussed separately in any of his works. His main book entitled "councils during the constitutional revolution", is mostly focused on its massive[4] second part (Qadam, 2015), which is discussing informal councils and their functions. The formal council who had the responsibility of auditing

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[1] Intriguingly, the authors exactly state that "although assessing the electoral laws of the national cumulative assembly [meaning all the parliaments before the 1979 Islamic revolution] based on democratic and western liberal criteria and standards is right (because the political system of Iran before the victory of Iranian Islamic revolution was liberal democracy), application of these criteria and standards for assessing the electoral law of Islamic consultative assembly [meaning all the parliaments after the 1979 Islamic revolution] is not right. Instead these [laws] should be assessed with Islamic and revolutionary values of that time" (1391/2012: 220). So, it seems that the consideration of values of the time is only valid to the extent that the authors are assessing current electoral law!

[2] [enghebazi]

[3] [mellat]

[4] Over 400 pages out of 550 of the whole book.

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the elections are mentioned in a very small part of the book, and even there elections are not discussed in a separate section and can only be found within the text, simply because the aim of the book is more towards introducing these councils and providing a general picture of them.

Knowing that the electoral history of Iran has not been the 'focus' of available researches, we can now move on to the theoretical basis of this research which is going to focus on the Iranian experience of election.

Chapter 2: Election, Democracy, and Equality. Altogether?

In this chapter, I provide a short overview of some key discussions over the nature of representation. As we usually understand representation in its relation with democracy, I will first explain a commonplace conceptualization of democracy, as described by freedom house. I will show the same conceptualization in some of the other referred papers about democracy. After the review of these contemporary understandings of democracy and the place of election, I will shift to the historical debates over the nature of political representation, most specifically the relationship between democracy and different forms of representation, as shown by Manin (1997).

These debates help us to better understand the "place" of Iranian debates over different forms of representation. So we can see in what ways the Iranian ways of election in the first parliament was similar or different from the contemporary or historical debates in countries where representative democracy was formed first. By looking at these debates we can also see how seemingly similar ways of choosing representative, such as the use of lot, were discussed and understood differently in early twenties century Iran.

2.1. What is democracy and what forms can it take?

Democracy and election seem to be generally accepted as inter-related concepts, to the extent that election is seen as "the" suitable way for appointing representatives. Looking at well-known and referred institutions for measuring democracy such as freedom house, would supposedly show us the "commonplace" conceptions of democracy, at least in the "western" world. The first point in "Freedom House Checklist for Political Rights and Civil Liberties" is about free and fair elections, and seeing if the "head of government or other chief national authority [is] elected through free and fair elections" (Freedom house website, 2015: Methodology). Freedom house is not the only one which introduces such criteria and priority. Electoral democracy is seen as an obvious "minimum", which according to Morlino (2004), should also have "universal, adult suffrage… [and be] recurring, free, competitive and fair" (10). Munk and Verkulien's (2002) overview to the

existing "components of attributes" to democracy also shows that both election is an unalterable component of democracy in all of the summarized measurements (10).

However, this relationship was not always an obvious relationship throughout the modern western history. Indeed, "electing" representatives was seen as an "aristocratic" feature rather than a democratic one. Despite what we might suppose, election was not supposed to be used in democracies. Manin (1997) shows that how representative government which is now regarded as a form of democracy, was once seen as its "explicit opposition" (236).

What is interesting is the availability of a simple and "possible" alternative for election that was the use of lot for appointing representatives. Manin shows that "the political use of lot was not peculiar to the Athenian democracy", rather it was used both practically and theoretically. Lot was practiced "prior to the invention of representative government" in systems "where the power was exercised by citizens". Modern political theorists of 17th and 18th Century were also insisting on the distinction between democracy and electoral representation. Based on Harrington, Montesquieu, and Rousseau's texts, Manin shows that "not only had a lot not disappeared from the theoretical horizon at the time representative government was invented, there was also commonly accepted doctrine among intellectual authorities regarding the comparative properties of lot and election" (Manin, 1997: 79).

The general idea in all of these three political theorists was that lot is the only way by which political equality of all the citizens could be preserved. This is because lot gives everybody a reasonably equal chance of getting elected, whereas in an election those with higher status are more prone to get elected, and the influence of inequality of citizens in terms of wealth, social status, etc. cannot be prohibited in it.

It is worth noting that although American colonies of Spain were also using lot, the logic behind their "intermixing of electoral procedures" was different and had a religious trace:

"as a first stage representatives had to be elected by the municipal councils of the district (partido); the aldermen selected three individuals (a terna) from whom the city's choice was then determined by the drawing of lots; it was said that man selected and God decided" (Demelas-Bohy and Guerra, 1996: 38).

Despite the fact that election was seen as a method that will "naturally" contradict principle of political equality, as people with higher status are more prone to be elected in it, today we cannot even separate political equality and good election from each other, and we are discussing both of them as inter-related measures of democracy. For instance, Morlino (2004) adds "two main objectives of an ideal democracy: freedom and political equality" to the "minimum" of election (10). In the next section we will see that not only election was not supposed to bring (and therefore be compatible with) political equality, but also some measures in elections had to make sure the exclusion of part of the society from electoral contest.

2.2. The principle of distinction

Manin shows that not only egalitarian outcome was not at all a concern of the founders of representative government, but also deliberate measures were employed to ensure the social superiority of the elected in terms of wealth, talent, and virtue. In fact, "representative government was instituted in full awareness that elected representatives would and should be distinguished citizens, socially different from those who elected them". This is what Manin calls "the principle of distinction" (Manin, 1997: 94).

These measures of superiority were getting different forms in different countries. In Britain it was not only legal, but also "cultural norms" and "practical factors", was leading to "natural" higher votes for the prominent figures who were the a source of cue for voters, or for those candidates who had the money to "transport" their voters to the polling station, which was usually far, while entertaining them (96).

In France, it was more explicit. An active citizen who could vote "had to pay the equivalent of three days' wages in direct taxes", and women, servants, and the poor were excluded as they were supposed to be "too dependent on others … to [be able to] have a political will of their own" (98). Even after the abolition of the tax qualification, "a system of indirect election [was adopted] that was explicitly conceived of as a mechanism of filtration, which would secure the selection of eminent citizens" (ibid: 100). The tax qualification was then followed in the second stage, and was even more than the previous voter qualification.

Seeming similar to France regulations, the Philadelphia convention also insisted that "the electors in each state shall have the qualification requisite for electors of the most numerous branch of the state legislature" (102). An argument for such qualifications was that "propertyless people would be particularly susceptible to corruption by the wealthy and would become instruments in their hands. (103).

This huge intellectual difference between today's western norms, and the western historical electoral norms, makes the grounds for discussing Iranian electoral norms at a totally different time and place, but similar logic. In the following sections I will explain that how I am going to build a research on Manin's findings, for the case of early twenties century Iran.

Chapter 3: Methodology

This research is an inductive research, aiming to reconstruct the experience of the conduction of the first election at the beginning of the twentieth century in Iran (1906-1908). At the conceptual level, speaking about elections is not meaningful without talking about what is seen as its precedence and consequence, meaning democracy and parliament. The reason for choosing the first parliament as the focus of this study is that the constitutional revolution that had brought the first election is remembered as the most democratic moment in the political history of Iran. Despite its class-based and exclusive democratic law, the first parliament is also remembered as the freest parliament. In his book that studies a wave of revolutions from 1905-1912, Charles Kurzman, referring to Iran amongst others, states that in these movements "millions of people participated knowledgeably in the political affairs of the new democracies. They voted in elections that were the freest in their countries' history, despite limited suffrage and considerable irregularities" (2008: 10).

To find norms of a good election I will refer to parliamentary debates, which are electronically available on the website of the Iranian Parliament[1]. For writing this paper, I could only study the first 33 sessions of parliamentary debates, which started on November 22, 1906[2], ending on January 26, 1907. We should also note that these 33 sessions are the "available" 33 first sessions. Parliament was already opened more than a month earlier on October 17, 1906.[3]

As I am only analyzing the first 33 sessions of the first parliament, the findings might not be representative of the theme of the whole life of the first parliament. Indeed, these sessions are interesting exactly because they are of a special type, happening at the heart of the clashes between

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[1] From April 21 until June 2 (which was the period that I was supposed to work on the data), the debates where not available on the website, seemingly due to technical issues. Therefore I only analyzed what I could save before this date (the first 33 sessions). As I didn't find the data anywhere else, but I uses books like Haqdar (1383/2004) that had provided the debates of selected sessions.

[2] In this period, Iranians were using the Islamic lunar calendar (Hijri Ghamari), which was later changed to the current solar system in the 1910s. All conversions from this calendar to Christian calendar is done by using www.time.ir website.

[3] It seems that the reports of the missing sessions were lost during the bombardment of the parliament on 1908.

the old and the new order. Therefore, my conclusions are only "valid" for the sessions that I could study and analyze.

The transcript of the analyzed debates was around 70,000 Persian words, but not all the sessions had something related to elections. No session was completely or mostly about elections, and due to the way of discussions, the discussion was sometimes scattered between different times in a session or between different sessions.

I have translated all the texts that I have used in my analysis in chapter 5, and while I was trying to keep the special meanings of the used words, I also had to watch for its understandability. It was not really easy, especially because many of the expressions were not used in Today's Persian language anymore, and many of the Arabic words that are used in Persian does not have the same Arabic meaning in Persian. It also contained a lot of foreign word, not only from Arabic language that has massively influenced the Persian language, but also Persianized French words, which is not used in contemporary Persian anymore.

The debates of these sessions were more like short discussions about several different issues on a single session. The longest speeches that I could see was no more than one or two 5-6 line paragraphs, and it was really scarce. The parliament had a head, but there was no time management by him, and anybody could talk in response or in the middle of another person who was talking. So somebody who wanted to talk longer, had to ask others to remain silent while he is talking (Taqizadeh, session 18). Based on MP's statements it was also making trouble for debate reporters whose jobs were to write the debates for newspapers. The debates were then published in the official newspaper of the country. Other newspapers were also sometimes covering part of the debates in the parliament, which had made the parliament to think more about its internal organization, so that reporters can hear what somebody is saying clearly. Deputies were all sitting on floor, and as I will mention later, a suggestion for the internal organization of parliament was that the speaker should speak in a higher and specific place (session 29).

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In order to analyze the data, I am doing a type of discourse analysis. My aim in doing discourse analysis was to highlight the implicit assumptions of what is explicitly stated in the parliament, regarding what is considered acceptable and expectable. I am doing this because I am interested in tracing the social construction of elections, which was highly discussed and framed inside the parliament. These framings let us understand the underlying norms of legitimacy and acceptability, which are not stated explicitly. Therefore, I had to do a kind of discourse analysis.

Since a parliament is dealing with a variety of different issues around a country, the parliamentary discourse does not only tell us about the way that the representatives see the world. Rather, to some extent, it can tell us that how a concept or an institution was socially constructed in the parliamentary discourse. It is the result of a social exchange between different voices in the parliamentary discourse that can collectively form the discourse and at the same time be influenced by this collective construct. Using Bourdieu's terms, we can state that what representatives say also include their "anticipation of profit", meaning that what they are saying would be "socially acceptable" (1999: 506). Therefore, by looking at the Iranian first parliament, we can see what was socially acceptable about the elections.

Indeed, what they say does not necessarily show how they think about an issue. Nevertheless, it can still show what ideas they think they should/could express, and what is supposed to be understood by expressing those ideas regarding specific issues. The kind of arguments that they bring in a discussion, the way they legitimize or reject an idea, and what they attach to the discussed issue to legitimize or delegitimize it, can tell us what was considered acceptable and appropriate.

As I have mentioned above, the parliamentary discourse that we see here does not only show the way that issues were framed by MPs and other actual participants of the parliamentary sessions. Indeed, the way that issues are discussed in the parliament is also influenced by the way that the letters from people outside the parliament is framed. In some cases the exact text of the letters and requests of different cities were read and reported in the parliamentary debates. Assuming isolated

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debates which are not influenced by what is happening outside the parliament is in contradiction to many types of discourse analysis, such as Foucauldian discourse analysis. My point here is that even what is explicitly said in the parliament is more than what its participants say, and we usually have the exact arguments of outsiders.[1]

In addition to the parliamentary debates, secondary data drawn from the literature was also employed if it could shed light on the findings of the debates, and add a different angle to the understanding of elections at the same period of my analysis. For the same goal, some important local newspapers were also used in this research. For example I had the concept of appointment as a way of choosing representative from the debates. Then I found a newspaper article of the same period in which appointment was stated as what one of the elected people did. As they were both appointment, but of different kinds and were seen from different angles, I included the newspaper data in my research so "appointment" could be better understood.

CEU eTD Collection

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[1] Of course, it does not mean that there was no considerable bias over the selection of letters and requests that were going to be discussed in the public sessions, and it does not deny the fact that we only have "their" selection of these arguments.

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Chapter 4: The context of elections and electoral debates

This chapter provides the basis of the analysis of parliamentary debates that starts in chapter 5. For this, I will first have a short overview to the historical political system of Iran before the incidence of constitutional revolution. Understanding the role of clergymen and their political significance in this atmosphere is an inevitable part of understanding the political system of Iran. So the next section discusses one dominant interpretation of their role, and the ideological basis behind that, as well as its social consequences. Finally I have to narrate the story of the revolution that has changed the political system of Iran to a system capable of election. The next section discusses the formal electoral law of these elections, and the last section gives some basic information about the opening of the first parliament, to better understand that where and how exactly these debates were done.

4.1. Iran, before the 1906 constitutional revolution

No survey was conducted in Iran during in 19th and early 20th century (Gilbar, 1976: 125) but some estimates give us a broad picture of Iran around 1900-1906. Although Iran had more or less the same territory as today[1], it hardly had around one sixth of today's population. This 12 million population were scattered in 8 provinces[2] (Abrahamian, 2008:6), and travelling from Tehran to these provinces could take from 14 to 37 days, when the king was the only one in the country who had an automobile (Abrahamian, 2008:3). The most important province was Tabriz, a Turkic city in northwest Iran, were the crown prince had to rule. Only 5% of the 20% urban population[3], 25-30% nomadic population, and the rest rural population, were literate (Abrahamian, 2008:6).

This scattered population, was also scattered in terms of social structure, which was "a complicated mosaic where each inlay was small but of different shape" (Abrahamian, 1974:16).This diversity

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[1]Except the official independence of Bahrain in 1971, instead of the addition of Three island in Persian Gulf (Fereyduni, 2015)
[2]Iyalat
[3] Around 200,000 of which living in the capital, Tehran.

included, but was not limited to linguistic diversity, religious diversity between Shi'a and Sunni, and between different sects of Shi'a, tribal affiliations, and ways of life (Abrahamian, 1974:16).

Ruling such a diverse population, in such a vast territory was not a simple task, and many studies have tried to explain this. A group of theories titled as oriental despotism insist on the fundamental difference between feudalism in the West and despotism in the East. Based on these theories, feudal, in its ideal form in West was restricted by "independent aristocrats", "institutions", and "civil society", whereas the ideal despot in the East, has ruled through "patrimonial bureaucracies", being the sole and ultimate ruler who could do almost anything without the barrios that the feudal was facing. When it comes to Qajar's rule, an originally Turkmen nomadic tribe, migrating to Iran at the time of Mongol's invasion in 13th century, who did not came into political power until 1795, the oriental despotism seem to be dubious.

Abrahamian argues that Qajar rulers were in fact "despots without the instruments of despotism". "In theory" they shared some characteristics of oriental despotism, calling themselves king of the kings, enjoying "extensive" powers, their words were supposed to be law (Abrahamian, 1974: 10). But there was no central powerful bureaucracy to execute these laws. In fact Qajar's power was nothing more than the "virtual power" of its ministries who "were ministries in name only[1]" (Abrahamian, 2008: 9).

The "real" power was executed at the local level, but with a nominal attachment of the king. In the absence of a central Bureaucracy, the power of the king was relying on the power of local elites. They had both their own sources of power, and links such as marriage to the royal family. Although Qajar kings "appeared to make and unmake the main officials of the realm" (Abrahamian, 1974: 10), at all levels, in "all regions and layers" of their empire, but they were in fact appointing the local elite who was already selected by the local community, or were "compelled to choose a

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[1] In 1896, five ministries of "interior, commerce, education and endowments, public works and fine arts, and post and telegraph… were new and existed only on paper. The other four (war, finance, justice, and foreign affairs) were of older vintage but still lacked salaried staffs, regional departments, and even permanent files." (Abrahamian, 1974: 10)

governor from the ruling houses" (11). So for examples tribes were ruled "without the intervention of outside authorities", and had their own laws and taxes, and were "only nominally subject to the central government" (11). The leadership of [state-] independent clergymen, and the power of the wards, crafts and guild' elders were the alternatives of the theoretical central power in cities (12).

In order to survive as a nominal leader in such a situation, and without the "instruments for enforcing their will, [qajars were] forced to retreat whenever confronted by dangerous opposition" (12). The 1890 tobacco's protest against an unfair concession with Britain, started by the fatwa of a religious leader for boycotting the product under concession was a good example of this method. But another important method was also employed which was connected to the structure of society: manipulating the many communal conflict within their fragmented society[1]" (41)

Naser-al-Din Shah, the father of Mozaffar-al-Din Shah who later approved constitutionalism, reigned for almost 50 years (1848-1896) with such methods, but also brought a short national-based experience of rule-making. Katouzian believes that Naser-al-Din's visits of Europe with "its orderly and efficient government and society", made him to "charge… a high council of notables to sit and make laws for the land. But it come to hardly anything at all" (2011: 759)

This was not the only contact with the west of course. The connection was also made "through modern education, [which] introduced new ideas, new occupations, and eventually a new middle class … [who were calling themselves] … enlightened thinkers" (Abrahamian, 2008: 35). Like the Russian "intelligentsia", Iranian *"Rowshanfekran"* "venerated not royal authority but popular sovereignty; not tradition but liberty, equality, and Fraternity; not shadow of God on Earth but the inalienable rights of Men" (35).

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[1]This way, qajars could easily manage the opposition from any of these groups by promoting the sectorial challenges if there was a true opposing sect for that group, or in some cases, "making" a rival group to neutralize their threat.

[2] Intellectuals

The influence of the west was not limited to these "liberal" ideas. The war defeats of the early 19th century, which had resulted in territorial loss in wars with Russia and Britain[1], and "the humiliating treaties" that came afterwards, made foreign penetration and threat so much obvious that "Iranians began to refer to the two powers as their 'northern' and 'southern' neighbors ….[and]… their representatives became key players in Iranian politics" (36). This was continued after the constitutional revolution and became even more apparent in the 1907 Anglo-Russian convention in which the two powers divided the country into separate territories of influence among each other, Russia in the North, and Britain in the south (figure 1).
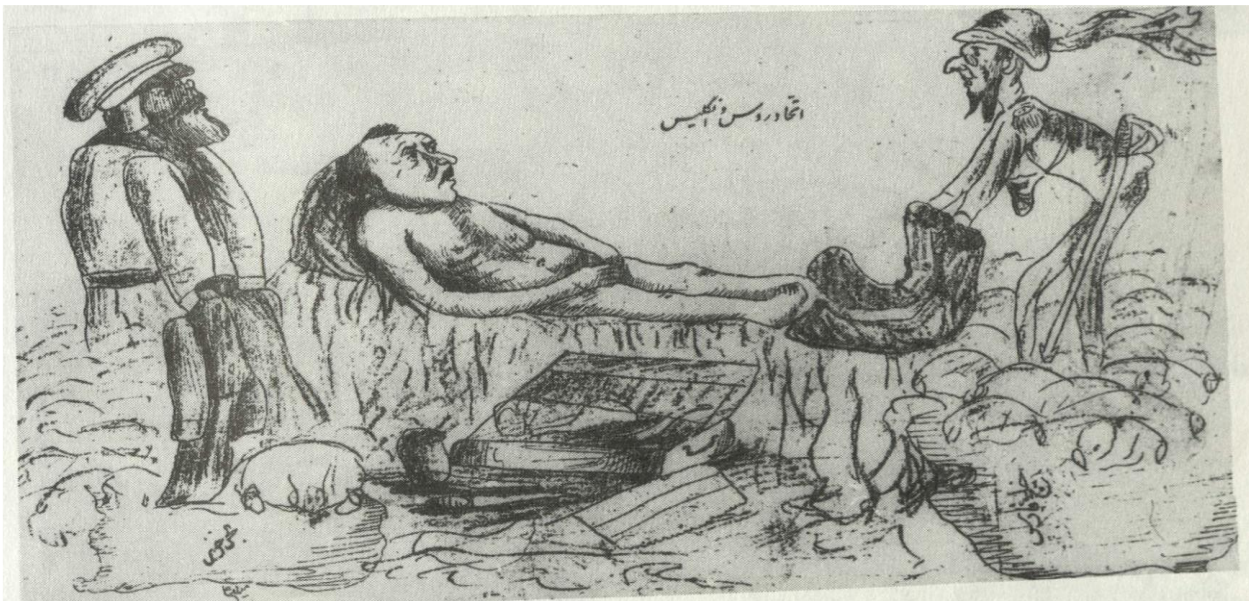
Picture 1: "Anglo-Russian Convention. Iran is stripped of its belongings and prepared for burial by the 1907 Anglo-Russian Convention. Kashkul, October 21, 1907, no 22."

Source: Afary, 1996 :149.

4.2. A brief overview to the problem of legitimate power in the history of Iran

To understand the power structure in the first parliament and the role of clergymen, we should have a general idea about the theme of some of the viewpoints about the legitimate state in Islam,

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[1] In 1812 treaty of Golestan, Russia legitimized his rule over previously occupied Northern provinces of Georgia and Daqistan, as well as some cities including Baku,and Iran lost the right for shipping in Caspian sea (Velayati, et.al, 1392/2013: 19). The next series of wars (1824-1826) led to the more humiliating and remembered treaty of Turkamanchay, which gave the control of several areas such as Erivan and Nakhchivan, to Russia, plus juridical immunity of Russian citizens in Iran before any offense. So no Iranian court could call a Russian citizen to a trial.Velayati, et.al, 1392/2013: 21). Harat in today's Afghanistan, could also be independent on 1838, with the help of British army (Velayati, et.al, 1392/2013: 24).

which will later help us to understand the mechanism of acceptability of elections as a legitimate procedure. Unlike Sunni Muslims, the general attitude among Shi'a[1] is that the ruler of an Islamic society is God, and he should have a representative on Earth. The prophet was the best and last representative of the God who was also sinless[2]. His successor should also be sinless and be from God, with the difference that he is selected by the direct or indirect representative of God (Ha'eri, 1360/1981: 78). Eleven Imams succeeded the prophet, but the problem started with *Gheibat* [absence] of the last Imam (who does not have any successor) for an unknown period of time. So while the legitimate power is still for him, he is not on Earth to regulate this power[3].

The famous belief was that after this absence, the appropriate ulema[4] were responsible for the leadership of Muslims both regarding religious service and secular issues. Therefore, gradually the prominent *alem*[5] or the most prominent clergyman of the time was called "*Marja' e Taqlid*[6]". Morteza Ansari, a prominent clergyman in Najaf in 19th century, count three kinds of affairs for Muslims: Muslim's affairs can be divided into three categories: "1) religious affairs 2) judiciary affairs 3) political affairs" stating that there is a consensus on the leadership of the ulema in the first two realms (religious and judiciary), the main contestation is around the role of clergymen in political affairs (Ha'eri, 1360/1981: 78-80).

Nevertheless, according to the prevalent interpretation, all political leaders were considered as "stealer[7]" [of the true power], and the toleration of the illegitimate ruler by *ulema* [clergyman], was

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[1] The divergence among Shi'a and Sunni starts from the incidence of Qadir-e Khom, which was the last travel of the prophet to Mecca for pilgrims. Shi'a interpret the words of the prophet in that time as introducing one of his Ali Ibn AbiTalib as his true successor, thus being the legitimate leader who has been appointed by God in fact. However, Sunni Muslims do not accept either the incidence or this interpretation of the event. So, when nobody is appointed as the successor, the previous tradition of electing and consensus over the next leader could be continued.

[2] *Ma'soum*

[3] [Basically, besides Ali who was also caliphate for a short period of time, none of the other Shi'a Imams had actual political power, while they were considered to be the only legitimate source of power by Shi'a.

[4] In contrast, for instance a prominent "*Marja'eTaqlid*"[one who has the highest, or is among the people who has the highest rank among *ulema*] believed that in this situation no government is legitimate at the time of *Gheybat*, and nobody can claim a religiously "legitimate" leadership. In this way he was approving systems like constitutionalism as an illigimate but "just" government (Kadivar, 1385/2006), which is the best way of governance during the time of *Gheybat*.

[5] [singular of *ulema*], there is a glossary for important and most used words in this research at the at the last page of the thesis: Appendix IV.

[6] Literally: source of emulation one who can announce his interpretation of the Islamic law, and can announce Fatwa.

[7] [Ghazeb]

only because they didn't have enough power to be able to govern the country (Katouzian, 2011: 764). However, their social power within people remained more than considerable. Katouzian consider the "rank and influence" of "religious dignitaries" to be "even higher than cardinal archbishops" (2011: 764), because they were seen as "spiritual" leaders in contrast to secular Qajar leaders.

It is in such a situation that mujtahids' "interpretations of the religious law" [*Fatwa*] were considered "true" (Abrahamian, 1974: 12). These "genuine guardians of the masses against secular officials", had also an important place in the everyday lives of the people, especially due to the broad range of activities that their compatibility with the religious law needed approval, or immunity in case of fiscal issues.

Fatwa was that much connected to the everyday life of people that a reference to the fatwa of ulema (sometimes even only its name) was appearing in ironical works such as Kolsum-Naneh. The other name of the book is "the beliefs of women", but the whole book is written with reference to the "ulema of women", and the writing of the book is attributed to an important clergyman living in the middle of 18th Century[1] (Anvari, 2015). Even if this collection was totally imaginary, the mere fact that these "funny" everyday regulations should be narrated by religious authorities, shows that *ulema*'s place was a special one.

4.3. The story of the constitutional revolution: What brought the first parliament?

The Iranian 1906 constitutional revolution did not emerge in a vacuum. Kurzman (2008) shows a wave of democratic revolutions, "consuming more than a quarter of the world's population", starting from Russia in 1905, continuing with Iran, china, Turkey, etc. (5), with knowledgeable participation of "millions of people" in political affairs of the new democracies[2]

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[1] Aqa Jamal Khansari , death at 1125 based on lunar Hijri calendar.
[2] Kurzman also states that these participants voted in elections that were the freest in their countries' history, despite limited suffrage and considerable irregularities. This note is important when it comes to the first electoral in Iran and its consequences in comparison to the future elections, in the next section.

In previous sections we saw the elements that were entering to Iran from the foreign world, such as foreign invasion, intellectual connections, and Naser-al Din shah's visits from Europe. However, Katouzian (2011), considers the constitutional revolution as a "revolution for law", building on this theory that before this time the king was arbitrarily ruling, and there was nothing like a rule that "limit" or "condition" the arbitrary rule of the despot. With such approaches to the history of Iran, understanding the issue of chaos become easier. Katouzian believes that "chaos had always been seen as the natural alternative to arbitrary rule[1]". So before the constitutional revolution, the only imaginable method of stability was arbitrary rule, and its lack was equal to "general lawlessness" (2011: 760). But the impact of the west had brought a different story, and "a magic wand… [was found]… that was certain to rid the country of its traditional habits, arbitrary rule, and chaos at a stroke, which would inevitably lead to modernization and progress" (760). In this sense, the idea of lawful government, which according to Katouzian was the main aim of the revolution shared by all the social classes, was both the opposite of "arbitrary rule" and "chaos"[2]

Chaos was also coming back throughout the country after the death or fall of every "able and strong" ruler, such as Naser-al-Din Shah.Katouzian consider it as a reason for the constitutional revolution, especially because the next ruler was not as powerful as his father, he was "well-meaning but feeble and weak … easy for his entourage to manipulate.." (760). So, the "great weakness" at the end of the nineteenth century, could bring a series of movements and rebels, that no better solution than the formation of a house for writing laws could be seen for it.

The short-term trigger of the movement, started with "completely traditional" and long-term petitions, when many merchants were trying to stop the raise of tax revenues as a result of modernization of the customs by Belgian officers in Iran from around 1900-1905. Sugar merchants increased the price of sugar, and the governor of Tehran responded with bastinadoing them,

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[1][*Estebdad*]

[2] "*fetneh*, *ashub*, *enqelab*, etc"

"including an old and much respected *Seyyed* [a descendant of the prophet]-severely beaten. Next day the bazaar shut down". The next protests "led to the departure of many ulema, merchants, etc in a shrine outside Tehran for a sit-in [1](katouzian, 2011: 763), asking for the dismissal of the Belgian head of the customs[2] and the governor[3], and later was "the foundation of AdalatKhaneh[4] (house of Justice)" (Ashraf, 1386/2007: 207). This last request was sooner accepted by the government, thinking that it is the same as the traditional institution of governmental judiciary (Adlieh) (206-207).

Since there was no need to establish an available institution, the accepted request, was in fact never executed. At the same time, the whole country was suffering from acute inflation (Abrahamian, 2008: 42), and further conflicts were going on, from landlords' protest against Shiraz governor who was also king's son, to bread riot in Mashhad. This brought the need for clarification of the term, turning it into "the council of justice[5]" of house of justice, coming from a prominent clergy[6]'s letter to the king, defining it as "a society consisting of all classes of people, which would see to the people's complains, and where shah and beggar would be equal" (Katouzian, 2011: 765).

The king never read the letter, and following clashes lead to the "migration" of ulema, and their adherents to Qom (765), while threatening to move to Karbala, "and thus deprive the country of religious service unless the Shah" execute all of the requests, above all establishing the house of justice (Abrahamian, 2008: 43). Supporting the migration, a concurrent sit-in in the British legation[7] started by "a group of Tehran merchants". It was here that a group of students and faculty from Tehran's new modern schools" could "lecture" the public on "the need for democracy" and could

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[1]Bast

[2] Monsieur Naus (MussiuNauz)

[3] Ala' al Dowleh

[4] In fact it was the request for houses of justice " in a way that every city in Iran would have a house of justice that investigate people's complains and petitions with Adl and Mosavaat (justice and equality)

[5]Majles-e Edalat

[6]Seyyed Mohammad Tabatabayi

[7] Legation is a diplomatic mission in a foreign country headed by a minister (Merriem-Webster dictionary: Legation.).

insert "the call for a constitution and an elected parliament into the strikers' list of demands" (Kurzman, 2008: 14).

At the same time, different groups of women had protests in the city. An eye witness[1] has written that he has seen a women placing her scarf on an stick, andshouting that we don't have ulema anymore, so in future "mussiu nauz", have to marry your daughters (Kasravi, 1383/2004: 107). The threat referred to the story of Naus's photograph in clergymen's attire in a masked ball party for foreigner inhabitants of Iran. It was recently distributed by his opponents, and had provoked the reaction of a number of clergymen, considering it as an insult to Islam and Muslims (The story of missioner Nauz during constitutionalism, 1388/2009).

Considering the general method of Qajar dynasty in dealing with threats (quick concession) that was discussed in the previous section, and the general situation of the country at that time, together with the role of the clergy in society, it is not hard to understand the reaction of the king. On August 6, 1906, he finally signed the letter that was approving the constitutionalism and the formation of an "Islamic consultative assembly" consisting of the representatives of six classes of society (Wikipedia Persian: Farman-e Mashrutiyat).

4.4. The electoral law: Who could get elected and how?

"An assembly consisting of all the people's guilds" (Ashraf, 1386/2007: 208), needed a class-based electoral law was including:

1) "Princes"
2) Clerics and "seminary students"
3) "*A'yan* (nobles) and *ashraf* (notables)"
4) "Merchants with 'a definite place of business'"

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[1]Forsat-e Shirazi

5) "landowners with agricultural property with at least 1000 tomans[1]";

6) "tradesmen and craftsmen belonging to a legitimate guild and paying at least the 'average rent' in the locality"

And excluding low paid occupations, such as "porters, laborers and camel drivers" (Abrahamian, 2008: 45).

An important section of the electoral law (articles 9-24) was devoted to councils for auditing elections[2]. In every district [*mahal*] that an election was conducted, a council of the well-known people from each of the six classes had to be formed under the "temporary" surveillance of the governor of the district in order to audit the election. Therefore, the elected people had to have an *Etebarnameh* [credit letter] from the council to present before the parliament. The content of the letter had to approve the accuracy of the election of the person who is claiming to be a representative. Forming initially as a "temporary" council that had to be dissolved after it, many cities including Tabriz, defended the council and didn't let its closure. Two kind of formal councils appeared after the constitutional revolution: one provincial councils, and the other political councils[3].

The rush to form the new institution as soon as possible led to the allocation of 60 seats to Tehran, while all "the provinces together received only 96" (Abrahamian, 1983: 86). Another major difference was that in Tehran the election was direct, whereas in provinces a two stage election had to be held: "each class in every district was to choose one delegate to the provincial capital where they were to elect the provincial representatives to the national assembly" (Abrahamian,

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[1] According to Ettehadieh, this minimum for farmers and land owners was a relatively "considerable" money, and was providing the exclusion of small farmers (1361/1982 : 119)

[2] [Anjoman-e Nezarat-e Entekhabat]

[3] Ettehadieh states that the difference between these two was not very clear and was making trouble. Consisting of 12 or 6 members, the important duties of provincial councils in addition to auditing the election in provinces included proceeding people's complaints (which was not limited to electoral complaints), and collecting tax. It should be noted that local governors also had a role in conducting elections according to the electoral law, and the councils were not substituting the previous governors. In fact, the new provincial councils were supposed to represent the (new) central government in provinces, and had to supervise governor's activities as well (Ettehadieh, 1361/ 1982: 149-150).

2008: 45). In Tehran 32 seats were reserved for the "established guilds" (ibid), 10 for the landowners, 10 for merchants, four for clerics and four for princes.

According to the electoral law, the number of deputies was 160, but it could rise up to 200 if it was needed. The same law allowed the parliament to start after the election of 61 deputies of Tehran, but in fact only 52 deputies were Tehran deputies at the time of opening. Ettehadieh (1375/1997) has estimated the actual number of deputies in the first parliament based on the number of votes in the parliament at different point of time which were 68, 63, 80, 81, and only once it reached 90, which means that many allocated seats to the provinces were not ever filled until the end of the parliament.

Despite the fact that the election was class-based, and every class has to choose a deputy from his class, it was not obliging voters to choose somebody from their own class. Ettehadieh states that it was due to this prediction that "the election in provinces would be difficult and would take a long time" (Ettehadieh, 1361/1982 : 101). According to Ettehadieh , "the concept of class was different from that in Europe, and it was not as strong and hereditary as European classes. Members of the same class could be so different in terms of wealth" (101). Furthermore, one could be the member of two classes because it was not job based. "Many of princes and merchants were also landowners" (101). As a consequence of these rules, it could happen that somebody like Taqizadeh who was not himself a merchant, was chosen both by guilds and merchants of Tabriz (Ruzname-ye Melli, Jaride-ye Melli[1], no.9 and 10, p1).

An important part of "ghor'eh" electoral system, there was no need for the prior registration of those who were willing to be elected. Instead, it was the voters who were writing a name on their ballots to be counted[2]. This way of electing was bringing a process of "acceptance of being a

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[1] Another name for Ruzname-ye Melli, which later changed to Anjoman-e Tabrz, because of disputations of its name.
[2] Logically it seems to me that because of this system, the election could not be possible without the prior meeting and consultation of the voters. A prior meeting is also compatible with the concept of *ghor'e* and its usage in different occasions including in parliament.

representative" after the election itself. For example, in number 8 of Tabriz newspaper, six names, together with the number of their vote was published as the deputy of clergymen. However, it was also added that "it is not yet determined which of the following has accepted representation[1], and will go to Tehran; if Allah wants, the names of those who accept it will be published in the future" (Ruzname-ye-e Melli, number .1324/1906: 1).

The translation of votes to seats was simple. In the direct elections, the one who could gain a majority of votes could win a seat, but the meaning of majority was a bit vague in the law: "electing is based on *ghor'eh*, and the majority of votes should be absolute or relative" (regulations of guild based election of the national assembly: 2015). This let us conclude that the system could be first past the post at some points, and (absolute) majority in the others. Based on the clarification in the second 1909 electoral law, which was not class-based anymore and was indirect and two stage in all the cities (Regulations of the two stage election of the national assembly: 2015), we can say that first past the post system had to be used in the second stage of the indirect elections in provinces other than Tehran. Table 1, shows more detailed features of the 1906 electoral law regarding the qualifications of the eligible voter and the elected.

	Criteria for an Eligible voter in 1906	Criteria for being eligible to be elected in 1906
General Criteria	Being a citizen of Iran, living in Iran Older than 25 Well-known in their region	Being a citizen of Iran living in Iran Well-known in the region age: 30-70

[1][*vekalat*]

Property or Personal Qualification	Have a regular job or business and workplace/have a store with a rent within the usual range of the rents of the stores in the region or have a land worth more than 1000 Tomans (= 200 British Pounds)	Being literate Have insight to the country's affairs.
Excluded	Women, criminals, mentally ill people, civil servants (in the region where they work), military personnel	Women, Criminals, Foreigners, Civil servants (in the region where they work), military personnel

Table 1: Criteria for eligible voter and candidate in 1906 election

Source of the tables: based on (Regulations of guild-based election of the national assembly, 2015)

Unlike what we might expect to be the result of this kind of problems, the next electoral rules did not harden the property qualification. On the contrary, the 1909 electoral law decreased the minimum price of the land, and added 4 other alternatives including studying, paying a specific tax, or having a certain annual income, and universal male suffrage with the abolition of any kind of qualification came as early as 1911.

4.5. How did the parliament start?

In the discussed context and with the discussed electoral system and rule, the first election started, and after the election of Tehran's representatives (see figure 3), the National Consultative Assembly[1] started working on November 22, 1906. Tehran and Tabriz were the two cities that their elections were conducted relatively fast and with less disputation. According to Yektayi, despite the opening of the parliament, despotic rule was continued by previous local governors in

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[1] *Majles-e Showraye Melli*, Which I use parliament throughout this research for it, to make it simpler.

بسم الله الرحمن الرحیم

بتاریخ ۲۸ رجب ۱۳۲٤

خدمت ذیشرافت حضرات معظم اهل علم و
آقایان اصناف که موافق شروط مقرره نظامنامه
حق انتخاب کردن دارند اعلان و اعلام میشود
که از روز سه شنبه ۲۸ رجب تا روز دهم شعبان
درمحل مجلس دار الشورای ملی اسلامی ازقرار
ذیل حاضر شده و نزد معرفین طبقه خود
معرفی خود را نموده ورقه شهادت نامه حق
انتخاب دریافت و برای روز قرعه و انتخاب حاضر
داشته باشند
ـــــــــــــــــ ـــــــــــــــ
(اهل علم از جماعت) (اصناف از یک از)
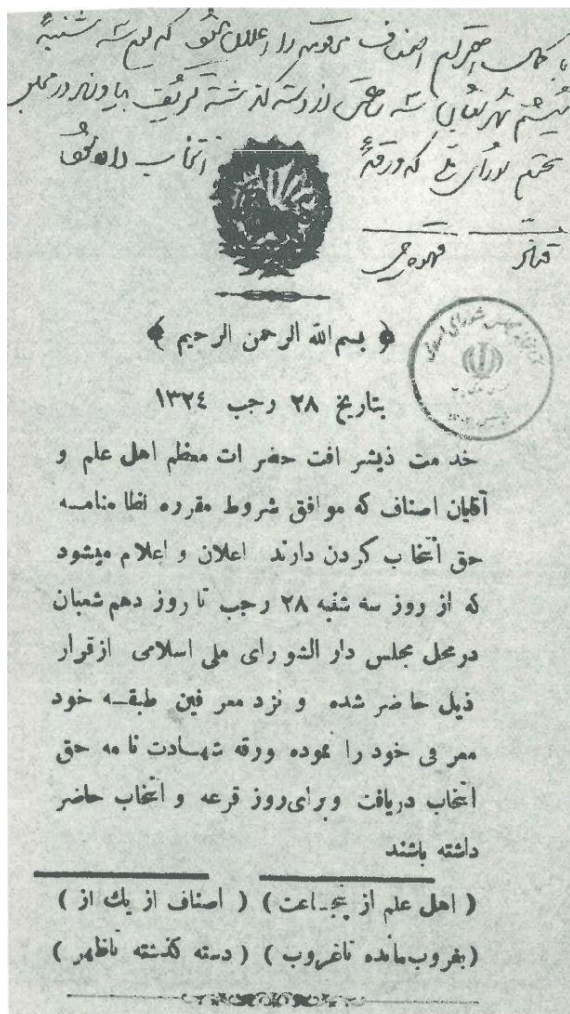(بغروب مانده ناغروب) (دسته گذشته ناظهر)

Figure 3. An announcement of gathering for the elections on the day of "ghor'eh and election", specifying different time slots for ulema (5 hours before evening until evening), and guilds (from an hour after 6 until noon) for voting.

The handwritten text on the top of it is asking confectioners and coffee waiters [qahveh-chi] to the parliament on a specified time to receive voting paper.

Source: (Yousofi-nia, 1388/2009: 565)

several cities such as Gilan, Yazd, Kerman, Khorasan, and Esfahan, who were also a barrio to the "freedom of election" [1](Yektayi, 2536[2]/1978: 52).

As I said before, from around 150 expected seats, 60 was for Tehran, so that they could open the parliament after the election of Tehran, but still they usually had the problem of having the majority to be able to poll something, and the number of Tehran deputies was never more than fifty. 32 deputies of the 60 deputies of Tehran were guild representatives, who were the lowest class in parliament. Overall they had 26% of parliament's seats, which was never repeated in the next legislatures (Ettehadieh, 1361/1982: 116), because of the change of electoral system. However, they were not much "participating in speeches" and were not committee members, while many of the works were done in committees. Formally, only 4 seats of Tehran were allocated to *ulema* and seminary students. But in fact they constituted a larger number of representatives, as

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[1] The author does not explain what he mean by the freedom of election, but the parliamentary debates show us a variation among these cities in terms of success in conducting an election. In some regions such as Khorasan, it was not even clear whether an election was yet held or not, whereas the governor of Esfahan, Zill-al-Sultan, sent a letter to the parliament stating that he is sending the elected deputies, and has opened the provincial council.

[2] The publication date of the book is based on an official "imperial" calendar that was established in 1976 by Mohammad Reza Pahlavi, the last king of Iran, and was abolished after two years. The start of the imperial calendar was supposed to be the start of the Achaemenid Empire, the ancient Persian Empire.

they were also the representative of other classes. No party was formed in the first parliament, but after a while 2 groups of radicals and moderates were distinguishable in which people from different classes could be seen (Ettehadieh, 1361/1982: 117).

It seems that some commissions were also working at the same time, but their debates or even the result of their debates was not reported in the first 33 sessions. For example, the existence of commission for complaints was stated as a commission receiving too many complaints from people every day, and "ideally" it had to deal with electoral disputations as well[1].

Parliament's "first and foremost task was the preparation and approval of the constitution that was later endorsed[2]" (Katouzian, 2011: 766). Writing and receiving the approval of the constitution was also a very important issue for people/spectators. The high number of participants in session 17 was perceived by a representative as showing that they are waiting for the constitution, and the result from the king. The constitution was finally agreed on. Four days later[3] Mozaffar-al-Din Shah who had agreed on constitutionalism and this constitution died. His son, Mohammadali Mirza, who was not liked and trusted by constitutionalists, became the new king of the country. He did not invite representatives to the ceremony for starting his reign, which deteriorated the distrust between the new king and parliament.

There was not yet exact agreement over the time and frequency of meeting at first, but later on they agreed on 4 times a week, meeting for around 2 hours a day. Tabriz newspaper, on the same page that announce the results of an election in Tabriz, reports that so far in Tehran, detailed [or trivial] issues were discussed 4 days a week. But after amendment and agreement over "*Nezam-*

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[1] Indeed, during some discussions about electoral disputations, representatives were stating that the commission should deal with these "trivial" stuff.

[2] Based on the letter of agreement over constitutionalism a *Majles* [parliament] had to be established to write the constitution before receiving the king's agreement for it

[3] on January, 3, 1907

name which is about the rights and authorities of the deputies", parliament would discuss important and fundamental issues of the country (Ruzname-ye Melli, issue 9, 1906).

The foundation of national bank's discussion was taking more than other everyday issues. The country had severe financial problems, and the parliament was resisting the old solution of receiving foreign loans. So they started a program for foundation of a "national" Bank, and people in different levels were asked to support the country with opening an account in it[1]. So, on many days we not only see people's letters and money for bank opening, but also participation of individuals that were sometimes even starting a short speech after it.

Sometimes the national bank issue could bring a sentimental atmosphere in parliament and among MP's. It was the case of some school students who had brought some money for opening a bank account. Their presence and speech made several other MPs to contribute with their money for opening an account for those children.

While the question of women suffrage seems to be absent in this legislature[2], the "honor" atmosphere could be seen in MP's references. Before the constitutional revolution, the agents of the governor of Khorasan[3], had sold girls of the families in Quchan (a small city in Khorasan, quite close to the Northeastern border with today's Turkmenistan) to because they did not have anything to pay the oppressive tax. Therefore, this honor issue was also coming up whenever the discussion was about the Asef-al Dowleh (governor of Khorasan).

The "honor" atmosphere was also coming in newspaper's comments on parliamentary debates. As I will discuss later, the parliament was considering a salary for MPs, and some elected people in provinces were waiting to hear about the salary before leaving their jobs in their cities. The author of "Ettela's" newspaper, who was against this idea, criticizes the representatives by saying

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[1] However it was usually called as people's "help".

[2] Women's suffrage was actually discussed in the second parliament, by 3-4 MPs.

[3] This issue has been regarded by Afsaneh Najmabadi (1995 and 1998) as a cause of the constitutional revolution, in "the story of daughters of Quchan"

shame on you! The money that you are requesting is from the tax of people who have sold their daughters to foreigners to pay for it ("National consultative assembly", Ettela'a newspaper 1906: p2). Another way of bringing honor issue to the parliamentary debates was to mention the help that was coming from women, and comparing it with what a hostile person has not done yet. For instance, princes were formally humiliated by the fact that they are wealthy and they do not help, while even women of the country are contributing.

Parliament could have some executive roles as well, dismissing some of the most oppressive governors, some among the influential Qajar princes but as Ettehadieh mentions, later they came back to power, because of their wealth, experience, and influence (1375/1997: 23).

This legislature ended with bombardment of the parliament by Russian troops with the king's order on June, 23, 1908 (first legislature of the first *majles,* Iranian parliament Website,). It lead to a period called "the lesser despotism", when after a while brought a civil war between constitutionalist and king's troops.

Chapter 5: Analysis

This chapter consists of two independent but interrelated parts. The first part does not directly address the question of elections; rather it addresses more contextual questions about the nature of parliament in which the discussions about the elections were taking place. In the first section about the institutional context in which the parliament is working in, we can see two different types of institutions that the parliament had to compete with, work with, or delegitimize. The first type of institutions are formal institutions that enjoy a relatively secure formal and institutional power and include the king's court, the government, and the religious authority. The informal institutional powers which the parliament had to delegitimize were informal agreements among the people, local councils, and secret published papers. The next section's discussion about the legitimate speakers of the first parliament gives us an important finding before moving on to the question of election: in order to sit and talk in the parliament, one did not necessarily need to be known as a representative.

In the second part I will move to the core questions of this thesis, discussing norms of a proper election. Knowing that being a representative is not a must for entering parliament, we might not become much surprised to see that conducting elections was not the only and the best way to choose representatives all the time. This is what I discuss under the label of "non-electoral" acceptable procedures, which have their own rules and norms that define who can appoint and how exactly. Since these non-electoral procedures were for the aim of appointing a good representative, I will also discuss the concept of good or competent representatives in Iran, which can be conceptualized as a principle of distinction as discussed by Bernard Manin.

After discussing the role of appointment as an alternative way of selecting representatives, I will come back to the issue of elections and norms of conducting them. In this section, I will highlight the logic of conducting particular ways of electing, trying to understand what is making it an acceptable practice. Unlike the section on appointment, here we might see quite similar patterns

of representation which is conducting an election, but a closer investigation on the way that this pattern is discussed reveals one specific (and different) logic of acceptability which is religion.

5.1. Who could have a say in the political atmosphere of the country?

5-1- The institutional context that the parliament was working in

Before starting to analyze parliamentary debate we should know that in that period parliament was not the sole and ultimate decision making center. Several formal and informal institutions who were enjoying some degree of independence in decision-making were also alive in the political atmosphere. Although some of these centers were explicitly acknowledged to be important power centers, remaining uncontested at this point, the others had to be delegitimized by the parliament in order to monopolize the social power.

The power of government and the clergymen seem to be the most apparent. When a representatives wanted to defend the rights of a region in which no election was conducted as its inhabitants didn't know how to do that, he stated: "these poor people …. have not heard any response neither from the head of the government, nor from the clergies, nor from parliament" (Session 16, Seyyed Hossein Speech). Although the king is not stated here, his power is more than obvious in this period, and I will discuss it in the following paragraphs.

The government, whose head was appointed by the king at this point, was seen as the most effective source of executing parliament's decision. So a prevalent behavior in parliament was writing a letter to the head of the government, asking him to do what they want (e.g. Session 12, last paragraph). The government was supposed to "complete" parliament in the task of bringing "discipline", which means that it could be equally legitimate, according to different representatives' statements. In another session, Behbahani (a conservative and prominent clergy) states that the goal of parliament is to bring the government and the nation together and unify them (Session 13).

Taqizadeh (one of the prominent radical members of parliament) considered "Legislative and executive body" as "the father and mother of the order of the country" who cannot "produce any children" without each other (Session 18)[1].

Unlike attitudes toward the government, we cannot see a unified and constant opinion about parliament regarding the Shah and the monarchy. The practice of writing letters for executive purposes can also be seen here, as the king was assumed to be an influential source of power whose "correct" decisions could solve many of the existence problems of the country. But the king also had to approve every rule that was approved in parliament, making him able to delay the approval or request a revision in it. This dual feeling towards the status of king, which can both be beneficial and harmful for parliament, can also be seen in a discussion on the oath of the representatives, where they changed the text from being "honest to our great Shah" and not betraying "the principle of monarchy", conditional to the king's support of "this constitution" and "the principle of our parliament" (Session 21).

Although clergymen were an important part of parliament, both numerically and qualitatively, they were also an independent power center outside the parliament, who could make trouble for it. After a discussion about the national bank regulations, the suggestion of polling among representatives was rejected by the head of parliament, arguing that the polling results would be rejected by the clerics as they will say that it is not correct in terms of Shar'a (religious law) (Ra'is, session 33).

Alternative institutions were not always formal. Sometimes a simple agreement among the people could also be an alternative to parliament's decision. When parliament objected to a proposal for solving a very problematic issue of meat reduction, Haj MohammadEsmailAqa responded that it is better "if parliament approve this proposal or an easier one within the next few days, otherwise

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[1] While these statements, are trying to show a "complementary" and "peaceful" relationship between the government and the parliament, it can also be an exact sign of problematic relationship between the two in itself.

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we will agree on something ourselves". The reaction of other MPs to this statement was not objecting agreements outside parliament, but to the fact that this specific proposal was not acceptable (session 7). So parliament preferred a discussion with people who were directly involved in a problem, rather than imposing its own decision as the legitimate action simply because it was coming from parliament.

Another source that was perceived as an alternative was the secret letters that were published at the time, and were a reason for concern. SeyyedAbdollah (Behbahani), a conservative clergymen expressed his concern with "different [secret] papers" that were published with different names such as "Shabnameh"[1], etc. Based on Behbahani's argument that the existence of a free parliament makes these letters useless and even harmful, because it is the parliament who is the sole acceptable place for political debate and contestation. Therefore other available ways of objection such as the informal media, had to be excluded for monopolizing the legitimacy of parliament as an oppositional power[2].

Another source of power that was seen as an alternative to parliament, and was contested, were the local councils. The main contention was over the council of Tabriz, which was the first provincial council, and was founded even before the formation of parliament in September 1906 (Atabaki, 1993: 29). However, the contestation over its legitimacy was started from its name, and its resemblance with the parliament's name[3]. But was continued in the parliamentary debates as well. On session 27, one of the deputies claimed that there "there are so many complaints regarding the council of Tabriz", expressing concerns about its export-type consequences that can bring

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[1] [literally: night's letter]

[2] If they have anything to say, they should write and bring it to parliament and argue; otherwise what is the meaning of this "legislation [*Taghnin*] and corruption (*Efsad*) and harlotness (*Harzedarayi*)", concluding that we should ask the government to stop these people from writing these papers.

[3] According to Atabaki, "it soon turned into a regional parliament in its own right" (Ibid). Its name was also a matter of contention:

In the early days, the Tabriz constitutionalists referred to the council as the Majles-e Melli (the national assembly) in their lectures and publications… In Tehran there was an immediate concern expressed over the use of such a title. Some deputies of in the Majles in Tehran accused the Tabrizis of overstepping their functions and assuming the status of a Dar Osh-Showra-ye Markazi (Central Grand Assembly) rather than that of a provincial council (ibid: 30).

"chaos in the country", since "parliament is not more than one"[1] and "the whole country should only have one legislator, …. it is not possible [that every city has its own council]" (Behbahani).[2]

It seems that the contention over the role of Tabriz council also comes from the ambiguity of the role of parliament itself. The ones who want to defend the status of Tabriz provincial council, insist on the desirable outcome of the councils in terms of abolishing and preventing oppression, which the national parliament was not much successful in that. Given the events that led to the formation of parliament, we can infer that the prevention of oppression was exactly what the deputies were expecting from parliament. In this sense, a newly established institution other than the national parliament, which could effectively bring the desired goal of the deputies, could be a strong alternative power.

Overall, it seems that representation and the representativeness of the centers does not need to be stated, defended, or rejected in these monopolizing struggles. Ironically and understandably enough, in the institutional context of the time, representation of the deputies, in the sense that to what extent they can act on behalf of the represented, and the way they are representing them, was hardly a matter of discussion and disputation in the discussions of parliament in the first 33 available sessions. . This means that a power center does not need to be representative to remain

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[1] "Not only in Tabriz, but everywhere [every city] has founded a parliament for itself." It is worth noting that this concern might not be related to the will for decentralization. At this moment, the objective of different ethnic groups who Were united in their opposition to the dowlat (state) retaining its monopoly on decision-making … was not to divide this power among the different ethnic groupings in the country in order to establish separate independent states based on ethnic identity. Although in their view, the Revolution was supposed to change the power structure which was centralized, arbitrary and despotic, the new government would still be centralized. Now, however, it would be rational and function on the basis of a written constitution (Atabaki, 1993).

[2] Some arguments were also made to defend the existence of these councils, mostly by Tabriz MPs, who were insisting on its provincial rather than national role. The defense was also attached to the king's power. One deputy reminded the shah's support of the list of request including the formation of provincial AdalatKhanehs (houses of justice) at the time of approving constitutionalism, while he was the Crown Prince. One states that it is for proceeding people's complaints, supported by Taqizadeh's claim that according to the council there are no more repression in Tabriz, and you cannot find a single problem there. One accuse anti-Tabriz councils that as the council have prevented fraud and corruption, they want to abolish it (, which is later supported by another representative who took the foreign powers responsible for this objection. He ironically warned other MPs not to interfere with issues that are linked to foreign powers in a way, arguing that otherwise "they" will make us like the Tabriz council (meaning that they will try to abolish the national parliament as well) (Haji Mohammad Esmail Agha, session 27). One refers to the major oppressions happening in one of the cities, considering not having a provincial council in that city as the cause of the oppressions.

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legitimate in the eyes of representatives, even in an institution like parliament which we understand it as a place for "representation" of the absent.

5-1-2. Who could sit and talk in the parliament?

In order to see what parliamentary debates in a specific parliament do, or can do, we should see what could be said, who could talk and who could be influential in it. Some specific features in terms of the legitimacy of deliberation makes the Iranian parliament distinct from other parliaments. Non-elected individuals could also have a say in the debates just as, or even more than, some of the "normal" and formally elected representatives.

The non-elected participants were mostly among the spectators who not only were the point of reference for MPs, for their serious or ironic comments, population, etc. but also could easily express their approval or denial decisions, or even threaten to prevent the execution of the decision[1]. Most importantly, they had the role of agenda-makers. They could easily force the parliament to deal with their issues which were not always political[2]. All of these participations were done by coming to parliament and talking.

However, the status of the spectator's opinion inside parliament did not remain uncontested. Their presence and participation became an important source of concern for the parliament to the extent that they had to be legally excluded and limited both in terms of quality and quantity. Article 87 of the internal law of the parliament was later written by the MPs states that "all the people can enter parliament and sit in the allocated seat for the spectators, by having a ticket, to listen to the debates of the public sessions". The next line determines the way of this entrance: "spectators are not at

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[1] Once it was about the outcome of an election. It is reported in the debates that Sheikh EsmailRashti stood up from the place of spectators, and announced that they [people of Rasht] do not accept the outcome of the election, and would not let the elected person to come to parliament (Session 33).

[2] The range of the issues were very broad., from an appeal about the murder of a father of an spectators during the fights before the formation of parliament (Session 8), to more relevant matters such as election appeals of the people from different cities who did not accept the results of the election, or were not allowed to conduct an election in their city due to the objection of the governors (Session 31), or a general appeal regarding the way of governance of the governor (Sa'd al dowleh, session 27).

all allowed to participate in parliamentary debates, and should silently sit and remain only listener" (Session 19).[1] The new rule still allowed people to enter parliament by "having a ticket", but nothing was mentioned about the distribution of the tickets. It is only in the debates where we can see an explanation that "these tickets are for the representatives, so that they can give it to whoever they know to watch and listen [to the debates, only], to the extent that the [spectators'] place have space" (Ra'is, Session 17). This quote shows that probably the ticket's distribution could massively exclude the ones who want to come to parliament, but do not have any relationship with the representatives.

This could also mean that parliament would no more have visitors who generally disagree with all members of parliament, because every spectator should have the qualification to be considered a "proper" spectator by a member of parliament, and this "proper" spectator could hardly be a dissident or radical citizen. In the following sessions the exclusion got a more verbal presence. So the reaction of the parliament's head to the expression of disagreement by "all" the spectators was that "you don't have the right to declare acceptance or rejection in parliament; there should be a correct order about this" (Rai'is, session 22).

The most interesting case of non-elected participants of parliament is the active and influential participation of the two clergy leaders of the constitutional revolution,[2] who "did not accept to be a deputy, but were attending all the parliament's sessions, and were very influential in all the issues" (Ettehadieh, 1361/1982: 111). The reports of what they say in parliament is not at all different from the way of reporting other MPs' statements (while for example spectators' participation is usually reported inside parenthesis stating that they were sitting among the spectators).[3] Their inclusion in the parliament is that much apparent and well-known that many of the people's letters

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[1] After some sessions we can see some explicit efforts to exclude spectators from the debates

[2] SeyyedAbdollahBehbahani and Seyyed Mohammad Tabataei

[3] In some sessions we can also see the name of a more conservative and prominent clergyman of Tehran, Sheikh FazlollahNoori, both as the addressee of the letters (session 16 and 22) and a speaker (session 22). He later started to seriously objecting the institution of the parliament and helped its closure. He was then executed by the constitutionalists after the occupation of Tehran in 1908.

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to the parliament that were read in the parliament at the request of people, were addressing one or both of these clergymen (e.g. session 16). It seems that their "distinction" from other representatives was also known outside the parliament in some newspapers[1]. This might have several implications. One is that the legitimacy of their inclusion in the new institution was that much obvious that their right did not need to be contested in an election, because they would have won a high number of votes anyway. However, we cannot see such a status for other leaders of the constitutional revolution if we accept a similar status for them. The other interpretation can be that their status as clergy leaders was considered higher than what can be contested in an election over the legitimacy of their participation in parliament.[2]

5-2. Non-electoral representational procedure: Appointment of a good representative and its norms

Today, choosing representatives by individuals' votes rather than any other method (lot, appointment, etc) might seem an obvious principle of representation. However, in the first parliament in Iran, we can see that election was not always the best way of choosing representatives, and they are many instances in which appointment by some specific and well-known individuals are discussed as a normal way of choosing a representative, and the mere principle of "appointment" is not at all contested in many of those debates. Above all, appointment of a new representative instead of a dead or reigned representative by the rest of the representatives

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[1] In an article in Ettela's newspaper when the author is "advising" representatives to watch out what they are saying in their council, and do not say what doesn't deserve to be said in the council, like every trivial issues, was adding that "appreciate and make use of the presence of the great ulema that has undergone the hardship of coming to this council for a great destination" ("National consultative assembly", Ettela'a newspaper 1906: p2)

[2] This interpretations might be rejected with the fact that before the first election, Armenians and Jewish community were requested to delegate their right to have a representative in the first parliament to these two clergies to prevent the possible objections regarding the presence of non-Muslims[2] in parliament, and the objection to this new institution as a result. However, these conversations can only be found in personal memories, which means that it was not a public knowledge. These clergymen were never announced or called as the representative of minorities in the first 33 sessions, and their names cannot be found in the formal list of representatives in the formal records. In any case, they were never "elected" or said to be "elected" by any group of people.

was predicted in the first electoral law. It was legally legitimizing a non-elective process for accepting "representatives", possibly due to the practical reasons that was making a reelection, in a country that was experiencing the first national election in its history, almost impossible. In the following sections I will discuss the norms and conditions of these appointments.

5-2-1. Appointment by the parliament: Who do we need in our Majles right now?

Choosing a new MP instead of a dead or resigned MP was given to parliament, and gave an opportunity to parliament to define some new norms for choosing a representative. One of them was choosing a person with a knowledge and specialization that others lacked, and therefore parliament needed at the time. In a session in the first parliament this competence was defined as being an "accountant[1]" (Haqdar, 1383/2004: 320). Obviously, being an accountant was not always a relative superiority, but only at the time that parliament lacked it due to the composition of the parliament at the time of voting. When we know the current specializations in the parliament and we know what we lack, it is better if we choose what we need, instead of for example researching about the relative acceptability of the representative among the people whom he is going to nominally represent. This is despite the fact that one of the MPs states that the parliament is electing exactly "on behalf of" the nation [Mellat] (ibid: 323), concluding that like the general elections and unlike the decision-making in the parliament, the selection of the new representatives should be based on absolute majority (even if it was not "practically" possible based on Taqizadeh's argument[2]).

Appointment of a representative by another elected person, could also be seen outside the parliament. If the person who was voted for, could not participate he could appoint another

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[1] [mohaseb]

[2]Taqizadeh was favoring a relative majority, arguing that it is simply impossible to be able to reach a majority of votes (suggestions), if representatives are supposed to remain independent from each other and select a person who they personally know as a competent one [as opposed to voting to whoever their friends know as a competent person], because according to another representative, they had to search for "right [Sahih]" people for the free seats) (Haqdar,1383/2004 :328).

person. According to a newspaper in Esfahan, Haji SeyyedMohammadHassanTajer-e Bonakdar had the majority of votes of the voters in guild category. "However, due to his multiple jobs and impossibility of *Tafassi* [getting rid of something hard], he appointed AqaMirzaaBadiJavaheri" (Al-Jenab newspaper, in Chelongar, 1385/2006: 25). No further explanation is given regarding this appointment, but we can see this as a delegation of representation that probably the appointed person is supposed to represent the person who has appointed him.

5-2-2. Appointment of ordinary people[1] or trustable prominent ones

One possible way of acceptable appointment, was giving the responsibility for representative selection to a person with a higher status and respect in society. In one session, we can see that a current MP is even asked by voters to appoint somebody on behalf of them. A letter from Esfahan to a prominent Tehran merchants' deputy who was originally from (Haji Amin-al Zarb) was read in the parliament, which was "authorizing" the deputy "to appoint whoever he knows, on behalf of Esfahan Merchants", because the election from merchants had "made trouble" [Asbab-e Zahmat Shod]. In response to the objection of the head of government that you cannot do it, Amin al-Zarb, gave an answer that seems to be convincing as it was not at all questioned: "it is not that I appoint, it means that I introduce somebody for representing, and they elect him, themselves"[23].

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[1] See Appendix II picture, and the its explanation as an example of appointment by ordinary people.

[2] This "introduction" and "suggestion" became a major matter of disputation in 17th election in 1951, where a pro-democracy politician (Mohammad Mosaddegh) was trying to conduct a "free" election. One of the complaints of election conductors was that the other religious leader of the movement was "suggesting" his "trusted" people in other provinces.

[3] In the literature, it is also suggested that a kind of appointment was executed in the election of one of the provinces (Tabriz), which was always considered as a "good" and calm election. Ettehadie (1375/1997) argues that the election in Tabriz was without quarrel, probably "because the deputies were appointed by the Tabriz council, and this selection was not based on the electoral law…" (106). Her evidence for this conclusion is a sentence from the diary of Azerbayjan's chamberlain [Pishkar] who has written that the council was selecting deputies (Ibid):

The situation of Tabriz has become relatively secure [amniatihaselnemudehast], and the council of here is choosing deputies (literally: "is busy with electing/selecting deputies), one after another [be nowbat] in order to send them Tehran for the central consultative assembly", and now there is no new news in this city (Nezam Al Saltaneh, 1362/1983, 726)

Although it is a considerable quote, we should also note that this way of speaking about elections does not mean that no election was going on, but it tells us that this way of talking about elections fine, and was not meant to display an irregularity in an election.

Appointment, instead of election, could also be made by a consensus among people. This can be seen in a letter from people of a city (Lahijan) in a province (Gilan) which only had to send six representatives to Tehran. They were requesting the government [1] to allocate one of those six seats specifically to that city. Based on the electoral law, six representatives from the six classes in each city in a province had to go to the center of the province (Rasht[2]) to participate in the second stage of the election, and in fact not all the cities could have a representative in the parliament. In this letter, they argue that because Lahijan is a big part of Gilan, and "it was also previously the capital of Gilan, we ask to have an independent representative in Tehran. They mention the representative[3] that they want to send and defend him not only based on the general features of the electoral law[4] but also they argue that "all the inhabitants [ahali], from clergies [ulama], and nobles [a'yan], and salesmen [Kasabeh][5]", have "agreed on" him (session 23). The sentence continues with some individual characteristics of the mentioned person, who is introduced as an eligible man: "a perfect [Kamel] man, aware of the law of the nation and state, and a right well-wisher (KheirKhah-e sahih)"[6] (ibid).

This way of appointment (delegation of voting right), seems to be that much obvious that appear in an uncontested way outside the parliament in electoral disputations. When a newspaper want to report the message of a group of ulema in Rasht that "these representatives [the formally elected representatives in the first conducted and disputed election of Rasht] are not competent for Majles,

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[1] This letter was read in the parliament.

[2] A city where its own election…

[3] An interesting point about this letter is that although there is a reference to the way of election in the electoral law, it never say from which class he is, which probably means that it is quite obvious that he is from one of the well-known classes, but as an elected/selected representative his class is no more important.

[4] (stating that all the six representatives of the city have agreed on him),

[5] I have some uncertainties regarding the interpretation of this sentence to see if it really mean "all" the inhabitants or the ones that are mentioned. It can have both of the meanings, because the mentioned classes can be only an example of the groups who has agreed on him, which can let us accept the literal meaning of all or at least all the occupations.

[6] A reference to a consensus among most or "all" voters can also be seen in parliament, when they are talking about a real election.

The desirability of a consensus among the "whole" society, can also be seen in the way that the entrance of one of the elected candidates to the parliament is reported: "AqaSeid Mohammad TaqiHarati is a deputy on behalf of the clergies of Isfahan with the majority of votes, even all the votes" (session). These examples show that being elected/chosen with consensus can even bring a higher legitimacy than being elected in a proper "formal" election according to the law. But, the important point in these examples is that consensus is not necessarily only an important competitor of acting based on a (democratic) law, but also an important accompany of it that helps the legitimacy of the democratic law.

and we will appoint some people and delegate them in Majles"(Kharabi, 1386/ 2007: 39-40), they [or the mentioned ulema] did not see any need to explain why they think so, and why they think they have the right to choose representatives on behalf of others. Despite the many different levels that ulema could have in the constitutional period, it seems that anybody with such a religious title could have that much confidence to see himself as a representative of people to choose on behalf of them.

5-3. Who is a "good" representative, and who can choose him: The principle of distinction in Iran.

We can see a trace of the principle of distinction, as conceptualized by Bernard Manin (see section 2.2), of expecting representatives to be of higher status in comparison to their constituents. However, it seems to embrace different elements than the elements of distinction in other countries. Apparently it did not include "wealth" in the sense and to the degree that it was important in early electoral rules in France and Britain.

The aspects in which the representatives should be superior is not very clear in parliamentary debates. We can understand some of them from the electoral law, where the minimum age qualification is stricter (30) than the 25 minimum age of the eligible voter, the elected person had to be literate like the French case, and he should have "insight to the country's affairs". However, MPs do not refer to the electoral law when vaguely talking about their expectation of a representative. There are some discussions in the parliament where a vague qualification of competence[1] is supposed to distinguish the elected from the electorate (the eligible voters).

One debate around the election of the deputy of farmers in Tehran, who did not have any representative in the parliament until that time, shows that age and status were considered as

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[1] [ghabel budan]

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important for the electorate and the elected, but the competence of representative was also essential, to the extent that it could deprive a group without such a person from choosing representatives among themselves. In this debate, one MP[1], suggested that the representatives of other guilds should select the representative of other non-represented guilds, while informing them. After a discussion, the MP completed his suggestion that "their elders and aldermen[2] should be informed to gather for election. It is better if there was a competent[3] person among them, otherwise somebody will be selected from here" [session 10]. This statement didn't receive any objection.

Lacking wealth alone could not disqualify somebody from being elected, but the state/parliament was expected to help those elected people who were not wealthy enough to pay for the expenses of their travel to Tehran or leave their job in their hometown. Not having sufficient money was said to be a problem of elections, especially in the provinces. Both a guild representative[4], and a deputy of nobles/landowners[5] , brought the issue of deputies' expenses and frame it as a reason of absence of deputies from provinces, together with the problem of governors who do not let the conduction of election[6][7]. But they encountered an objection that "deputies have not done anything for the government yet" to be paid. The head of the parliament's interference in this discussion is revealing: "if they are wealthy, what is the harm if they pay from their own pocket for a while[8]... and for those who does not have anything, I believe something should be determined

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[1]Aqa Mirza Seid Vali Allah Khan, who was also a lower class guild deputy of Tehran

[2] [kadkhoda]

[3] [ghabel = apt]

[4] (AqaSeid Hossein Borujerdi)

[5]Sa'd al Dowleh

[6]Sa'd al Dowleh states that representatives in the provinces have jobs, and "some does not have financial ability [Vos'at-e Ma'ash], so they are waiting for a news from Majles about the expenses (end of session 14).

[7] It was an important issue, as many of the deputies were said not to have enough money to be able to come to Tehran (especially because they were from different classes with different incomes), or that they are waiting to see how much is the income of being deputy, as they have to completely leave their job in their city. As it seems the sessions were held 2 hours every day, it was not a big problem for Tehran deputies, and their problem was only with the time that sessions were held.

[8] [moddati az kise kharj konand]

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for them" (S.15). Therefore, there was even a tendency in the parliament to include those who were "naturally" excluded from the parliament because of not being wealthy.

There was a quite different expected qualification for a representative outside parliament. Apparently somebody who was known as a previous despot or pro-despotism was not expected to be elected and/or[1] being allowed to participate in council in which he does not believe in. In an ironic article about the Esfahan's election, was questioning the election of "one of the despots who consider himself as an elected by the people, [and] has moved to the provincial council after the dissolution of the council of despotism. The speaker of the dialogue complete his criticism that ""if this person was not elected, why they let him to enter the provincial council.... and if he was among the elected, why they[2] have chosen such a person" (Chelongar, 1385/2006: 21)?

The article can show that an obvious belief criterion, which was the belief in the new system and institution, was considered as a principle of competence of the elected person. In this sense a person who was previously known as a despot cannot be seen as a "real" representative of the people (even if he was voted for in fact). Here, loyalty and representation are connected, because a real representative is not supposed to betray the institution of the parliament, and part of this loyalty is determined by his history. Thus, a somewhat clear history is needed to ensure loyalty and true representation of the deputy.

5-4. How to have a legitimate election: The role of religion in defining an acceptable electoral procedure

In this section, I highlight some elements that could justify some electoral procedures. The argument in this section is that religious elements were definitely playing a role, but their role was

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[1] As discussed earlier, election was not the only gate from which one could enter an elected council.
[2] In the article, there was no clear reference that who exactly are these "they". As they don't explain who they are talking about I could not understand from which class was him.

relatively hidden. Mentioning the role of the word "nation" that was defining the electorate differently in different situations, I will discuss another fundamental but "less seen" concept of *ghor'eh* [election and/or drawing lot]. With its several meanings in different contexts, and having different contextual and literal meaning, I will argue that the religious meaning of the term is not totally detached from the use of the term for calling an election with paper.

5-4-1. Ours or theirs?

Before starting the discussion on religious elements we should remember that two simultaneous and to some extent contrasting trends could be seen in the political atmosphere at that time, which were reference to religious and foreigner's principles or experiences. For instance, in the initial discussions about electoral problems, it was insisted that the great clergymen had ordered the conduction of elections, and this makes the behavior of a governor who is preventing the conduct of elections, unacceptable (Session31). Independent references to foreigners was also prevalent, so an unjust distribution of seats between Tehran and other provinces was justified by stating that all the parliaments of "civilized" countries have 60seats for the capital city[1]. However, sometimes these two methods of justification were coming into a clash, even when discussing a "trivial" matter like having a separate "upper" place for the person who starts talking[2]. One this reference to foreigners and clash was about the qualifications of the representatives and if he can have another job or not. One representative stated that we should see what is done in the west in such cases. Seyyed Mohammad Tabatayi, a clergy leader of the revolution got upset by this wrote, arguing that no such a thing should never be said in parliament, "Iranians have Quran, and if they

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[1] This state

[2] Interestingly, religious arguments for a "modern" bureaucratic procedure like this could be rejected with arguments that favored a more flexible use of religion in everyday life. One MP replied the objections to this suggestion (which were not related to foreigners' experience) stating that if we don't want to follow foreigners, then we can follow the prophet who was leaning to a higher place (*Manbar*) while talking. Interestingly, one MP replied that every time has its own requirements; do you put your *Ammameh*[a piece of cotton that was worn by men around their head, especially for clergymen until today] the same way that the prophet was putting?

look carefully, they can see that all the western rules are derived from Quran". (Ettehadieh, 1361/1982: 109)

This kind of contrasting and simultaneous references was also commonplace outside the parliament. Indeed, during and after the constitutional revolution many religious books were written by both intellectuals and religious leaders, arguing that norms and practices that we can now see in the Europe are in fact derived from Islam, but Muslims has long forgotten them. The experience of Islamic state in European regions, and the translation of the works of Muslim scientists from Arabic to European languages, together with verses in Quran and Sunnah that was advising counseling was strong enough evidences for such claims.

Therefore, we can see some words such as *mellat*, which was supposed to have a similar meaning with "nation", but it still could have the previous religious meaning for many. Therefore it could be used in both in meanings at the same time by different or same users, experiencing a shift of meaning[1].

Mellat was also defining the eligible electorate differently in different situations. As it has both religious and secular meaning, at some point it was referred to individual inhabitants of a region which according to the size of region, the electorate was also defined differently in parliamentary debates (in smaller "less developed" regions considering all the population as *mellat* [nation] voting for whoever they want, but in more populated and complicated ones, defined by classes, where only class members could participate in the election) But in another time in the same session, nation was referring to believers in different religions, referring to each of the groups as a "different" nation, which was basically the old and religious meaning of *Mellat* (Session.23)[2].

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[1] This point has been elaborated in detail by Mashaallah Ajoudani (1997) in "Mashrute-ye Irani va Pish Zamine-ha ye Nazarie-e Velayat-e Faqih [the Iranian constitutionalism and the grounds for the theory of the governance of the jurist]" (London: Fasl-e Ketab publication.

[2] For a detailed discussion about the word, its usage in the parliament, and the exact discussions, see Appendix XI: *Mellat*.

Knowing the status of religion and the new (secular) meanings of some religious terms in that time, we can now discuss the usage of a term which literally had a religious meaning, but it was totally secular, contextually and was a key word of the Iranian first elections.

5-4.2. Our familiar name on the new concept: *Ghor'eh* and/or election

Another equivocal concept which is very important for understanding the first elections in Iran is *Ghor'eh*. According to article 15 of the first electoral law, "the election of individuals would be based on *Ghor'eh*, and the majority of votes" (Regulations of the guild-based electoral system, 2015). The literal meaning of *Ghor'eh* is close to the act of lot: determining the share of somebody by random selection among some pieces of paper with names on it, or other objects (Ghor'eh, 2015). However, this was not its sole meaning when the word was used about elections. The use of lot obviously does not need qualified voters, choosing based on "the majority of votes", or "counting" the votes", or the banning of introducing yourself in the ballot, based on articles 2, 15, 29 and 30 respectively. Therefore, drawing *ghor'eh* had also a different meaning in that time.

This different meaning was not very different from the logic of election itself. Indeed, "*entekhab*" [choosing] and "*ghor'eh*" are coming together in many instances. Besides the electoral law, where *ghor'eh* is the form of election, the use of the word is also prevalent in parliamentary debates. In many cases when the representatives want to poll an idea for voting, this word is used. The use of this specific word for voting became more meaningful if we consider the fact that it was used in contrast to open voting. In this sense, when voting by *ghor'eh* was requested it meant that representatives do not want to express their votes orally and explicitly, and papers had to be used. In some sessions we can even see the use of "the paper of *ghor'eh*" in the debates (session 20). The type of the used paper could be different according to subject of voting. In some sessions the discussion was around writing the names of the preferred people on a piece of paper (session 17), while in some the cast of white or colorful paper was enough to show the agreement or disagreement over a specific subject (session 20).

We can also see this insistence on the secrecy of *ghor'eh* in article 27 of the electoral law: "the paper of *ghor'eh* should be a white one without any sign… [and]… all the voters should write their vote on the paper outside *Majles[1]*, close it, and give it to a member of audit council … who should throw the paper in the box in front of the other members of the council…" (The regulations of guild-based…, 2015).

At the same time, *ghor'eh* also had its literal meaning. Article 26 of the electoral law which has repeated the *ghor'eh*-based election, and has clarified the meaning of "majority", is continued with this sentence that "in case of equal votes, the determination of the elected should be with *ghor'eh*". Unlike article 39 of the law in which a reelection was needed, and therefore "the repetition of *ghor'eh*" was explicitly mentioned, this law does not state anything about the "repetition" of anything, and saying that it will be based on *ghor'eh*. Furthermore, no rules are stated for this second-time electing, which suggests that the mentioned method is too familiar to need an explanation. In addition, in the 1909 electoral law (which its part on tribal elections was discussed in the first parliament (Adamiat, 1985: 356), when this system was replaced by indirect election in all the cities, *ghor'eh* is mentioned to be the system of election in the second stage in the election of tribes. In all these instances, I think the meaning of "*ghor'eh*" is equal to a form of random selection, which is also compatible with the original and literal meaning of the word.

One reason why the name of *ghor'eh* was also used as a synonym of election can be that the formal similarity between the procedure of what was done on the day of election and *ghor'eh*. In both lot and election the decision was made by referring to a non-verbal method where the result was coming out of written papers, and it was not the decision of any single person or the consensus over somebody's decision. They are both impersonal, and most importantly secret. So no individual is responsible for it.

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[1] *Majles* literally means meeting/ gathering, here it means the place of voting. I brought the original word to show that the same word was used for this council (and essentially provincial councils) and the national parliament.

The form of collective decision making that was written in the electoral law seems to be a new one that was not experienced before. Although many of the constitutionalists who wanted to justify constitutionalism with Islamic principles mentioned the principle of *Showra[1]* in Islam and *Sunnah*, this was not supposed to happen in a secret written way. However, there was a practice of *ghor'eh* in Islamic *Fiqh[2]*, which was similar to the use of lot for determining the faith of things and solving the interpersonal problems that cannot be solved in any other way (What is the rule of *ghor'eh…*, 2015). The examples of the use of *ghor'eh* among Muslim judges was very diverse, from its prevalent use in financial disputations to determining the true father of the son of a bondswoman with whom three men had slept at the same time[3] (Shushtari, 1381/2002: 190). The logic of *ghor'eh* in Islam as far as it is understandable from hadiths and narratives seem to be the fact that it ends the disputation and everybody are prone to accept it, and that it is a form of submission to the will of God[4]

This way of reading of the word became more acceptable if we refer to the use of the word in parliamentary debates as well. In the parliament, this word is used as a way of secret voting by giving papers in contrast to open voting.

Considering the fact that MPs were from different classes and backgrounds can give us some ideas why open voting was hard, especially in contested topics. In this sense both in the electoral law and the parliamentary debates, the "secret" aspect of *ghor'eh* prevailed all of its other aspects. On the other hand, according to a story from Imam Ali, the use of *Ghor'eh* for judgment was

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[1] [consultation]

[2] A kind of religious law, laws not stated in Quran.

[3] This judgment is attributed to Imam Ali, the first Imam of Shi'as and the 4th caliphate of Sunnis, who was an important companion of Prophet Mohammad. "Ali's justice" is a famous expression among Shi'a, who consider his judgments as the fairest judgments. The judgment in this story continues with obliging the winner to pay one thirds of the blood money of a man to each of the other men. The last sentence of the story is that the prophet became so much happy from the news of this judgment that his teeth became visible as a result of his smile. We should still that not all of the hadiths and narratives are accepted by different Muslim clergymen, and there is a historic discipline for distinguishing "true" from "false" narrations.

[4] A hadith from Imam Sadegh (the 8th Imam of Shia's), states that "when it is not possible to gain the truth, and all the ways to know the truth is blocked, what can be more solid than *ghor'eh*? (What is the rule of *ghor'eh…*, 2015) Therefore, one who act based on *ghor'eh* is conferring his affair to God. The same book that narrate the story of the child of the bondswoman, brings another story from Imam Ali where he was reading a prayer asking God to give the right to whoever has the right in the disputation (Shushtari, 1381/2002, 191).

accompanied by asking God to give the right to whoever has it. In this sense, is we believe any relation between the use of *ghor'eh* in *Fiqh* and the use of name in election, then we might remember the use of lot in American colonies of Spain, where it was said that "man selected and God decided" (Demelas-Bohy and Guerra, 1996: 38). Therefore, it seems to me that although there is no explicit reference to the religious tradition of ghor'eh when talking about election and random selection, the use of the word is not arbitrary and has something to do with justification and familiarization of new concepts/practices with old, available and understandable ones.

Chapter 6: Conclusion and Discussion

I started this research with the initial question that what are the norms of a "good"/ "proper"/ "acceptable" election, but the data finally led me to see the absence of practice and/or idea of election. So far, I have presented most of my findings as if there was an "obvious" baseline of "conducting" elections, and having "defined" and "unalterable, inflexible" "norms" for "elections" that democracies (or those seeking it) have variant experiences of them, but each of these experiences are somewhere around that "normal" baseline of conducting election. So if something is way far from the line it is either not identifiable (like what seemed to me in the first time that I was reading the debates), or bizarre, and of course undemocratic (if not anti-democratic).

Just because what we saw in history seems far from our everyday experiences, we consider it "irregular[1]". The sacredness and inevitability of elections [and their fixed norms] as an integral part of democracy, does not let us -including myself- see things as they were in their own context not as we name them today. So, no matter how much I try to get close to the period that I am studying, or how "normal" it is for them to agree on somebody as a representative, or how acceptable it is to "appoint" somebody in an "election" instead of you to participate in parliament. For "me" all of these are "non-electoral procedures", because "me" is also living in this world with all of its "obvious lines" here and there. So even if some people do not believe in these norms, they should "pretend" that they are playing within these lines, instead of challenging, questioning, or discussing the lines.

However, choosing a representative did not have an "obvious" baseline for them. Their previous shared norms were be challenged by other "far" norms, and, unlike us, they had to "consider" them. Instead of excluding the new norms (or excluding the previous "obvious" norms), many of the 1906 Iranian political actors tried to bring the "far" norms closer. Apparently religious concepts

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[1] For instance, the word that is used for not following the electoral law in elections is electoral "irregularities".

were employed to legitimize the new norms, both for the basics of constitutionalism (e.g. the use of *Showra*[1] for calling and discussing parliament) and seemingly the practice of election (e.g. *ghor'eh*[2]). So, I resisted changing the title of this research to something not including the word election, to leave a small chance of seeing these all as "their election".

Nevertheless, we can still see that the general logic behind "their" election was not really "far" from ours. Our principle of equality does not let us to exclude the poor from getting elected, simply because we think they are not competent, or because of being seen as "too dependent" to have their own opinion. Rather, the expenses of participating in an election are that much high that they are "naturally" excluded, and there is no need for an explicit exclusion.

Our democratic norms would never accept appointment or agreement by a group of ordinary people, or a group of elected representatives. Rather, in our world "the choice of representatives by the votes is largely replaced with the nomination of candidates by internal party processes" (Colomer, 2011: 8). Therefore, we do not need to exclude women because of being too dependent to have their own political idea. In our "democratic" party systems, they are "naturally" excluded.

So we are not much different in "what" we do, but in "how" we do them. We have "democratic" and "legal" procedures for "naturally" and "inevitably" doing whatever was done previously by "explicit" rules and norms. Like western party members, members of the Iranian "legal" branch for auditing the process of elections, the guardian council, do not need to "express" their reasons for rejecting the eligibility of an "unwanted" candidate. The difference lies in explicitly; when a practice is buried under numerous layers of purely "democratic", absolutely "legal" or genuinely "Islamic", they cannot be challenged, discussed, and contested anymore. That's why the consequences of disputing an election conducted on these days in 2009 can still deprive many people from having the life that they want (if they are among the ones who still have a life).

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[1] Consultation, a principle advised by Quran.
[2] See section 5.4.2.

To follow up the findings of this research, a study of the debates about elections and choosing representatives during the time of the next legislatures would give us a better picture of electoral politics in Iran. It will tell us that when and how the nature of discussions changed, and what other themes were discussed and used for legitimization and acceptability in the following legislatures; for example is it still religion at the same level of legitimization with the experience of foreigners or the balance has change towards one of them? And what are the "new" elements for legitimization? Such a study (depending on how many periods it can cover) might tell us that until when we can still see concurrent lives of different norms of elections in the debates inside and outside the parliament? Is there a period of time that we see a "triumph of elections"[1] with definite and fixed norms? What norms were they, and how these, over others, could "triumph"?

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[1] Used and Discussed by Bernard Manin (1997) in the western history.

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[1] As stated before, the references that have two dates are Persian publications. The first date is based on solar hijri calendar, which is currently used in Iran, and the second one is its equivalent Christian date.

[2] Parliament's website has a problem with the number of sessions. So for instance when you click on session 1, the text has stated that it is session 31. The 30 initial sessions 30-1 can be found in sessions 257 until 286. So for example if you want session 1, you should click on session 286, 285 for session 2, and so on. I have refered to the "real" number of sessions.

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[1] Another name for Ruznameye Melli, which later changed to Anjoman-e Tabrz, because of disputations of its name.

[2] Here, the first date is based on lunar Hijri calendar since this calendar was used at this time in Iran. However, for this issue the newspaper has also provided the equivalent "French" date as January, 3, 1906 based on "Christian calendar", which is exactly 1 year backward.

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Appendix I: 1906 electoral law[1]

Regulations for the Elections to the National Consultative Assembly (to be convened) in accordance with the August Prescript of His Imperial Majesty (Muzaffaru'd-Din Shah), may God immortalize his reign, issued on the 14th of Jumada ii, A.H. 1324 (=August 5, A.D. 1906) are as follows.

FIRST SECTION.

Rules governing the Elections.

Art. 1. The electors of the nation in the well-protected realms of Persia in the Provinces and Departments shall be of the following classes: (i) Princes and the Qajar tribe: (ii) Doctors of Divinity and Students: (III) Nobles and Notables: (iv) Merchants: (v) Landed proprietors and peasants: (vi) Trade-guilds.

Note 1. The tribes in each province are reckoned as forming part of the inhabitants of that province, and have the right to elect, subject to the established conditions.

Note 2. By "landed proprietor" is meant the owner of an estate, and by "peasant" the tiller of the soil.

Art. 2. The electors shall possess the following qualifications: (i) their age must not fall short of 25 years: (ii) they must be Persian subjects: (iii) they must be known in the locality: (iv) the landed proprietors and peasants amongst them must possess property of the value of at least one thousand tumans (=about L200): (v) the merchants amongst them must have a definite office and business: (vi) the members of trade-guilds amongst them must belong to a recognized guild, must be engaged in a definite craft or trade, and must be in possession of a shop of which the rent corresponds with the average rents of the locality.

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[1] Throughout the thesis I have used the original Persian text of the law, and have not used this translation. I have a bit edited the text and have corrected misspellings.

ART. 3. The persons who are entirely deprived of electoral rights are as follows: (i) women: (ii) persons not within years of discretion, and those who stand in need of a legal guardian: (iii) foreigners: (iv) persons whose age falls short of twenty-five years: (v) persons notorious for mischievous opinions: (vi) bankrupts who have failed to prove that they were not fraudulent: (vii) murderers, thieves, criminals, and persons who have undergone punishment according to the Islamic Law, as well as persons suspected of murder or theft, and the like, who have not legally exculpated themselves: (viii) persons actually serving in the land or sea forces.

The persons who are conditionally deprived of electoral rights are as follows: (i) governors, and assistant governors, within the area of their governments: (ii) those employed in the military or police within the area of their appointments.

ART. 4. Those elected must possess the following qualifications: (i) they must speak Persian: (ii) they must be able to read and write Persian: (iii) they must be Persian subjects of Persian extraction: (iv) they must be locally known: (v) they must not be in government employment: (vi) their age must be not less than thirty or more than seventy: (vii) they must have some insight into affairs of State.

ART. 5. Those persons who are debarred from being elected are: (i) women: (ii) foreign subjects: (iii) those who are actually serving in the land or sea forces: (iv) fraudulent bankrupts: (v) persons who have been guilty of murder or theft; criminals; persons who have undergone punishment conformably with the Islamic Law; and persons suspected of murder, theft and the like, who have not legally exculpated themselves: (vi) those whose age falls short of thirty: (vii) those who are notorious for evil doctrine, or who live in open sin.

ART. 6. The number of persons elected by the people in the different parts of Persia shall correspond with the total number of the inhabitants of that locality. In each province (ayalat) six or twelve persons shall be elected in accordance with the following table, save in the case of Tihran, when the number of those elected shall be as follows: (i) Princes and members of the Qajar family,

4: (ii) doctors of Divinity and students, 4: (iii) merchants, 10: (iv) land-owners and peasants, 10: (v) trade-guilds, 32 in all, one from each guild.

In other provinces and departments the numbers shall be as follows: (i) Azarbayjan, 12: (ii) Khurasan, Sistan, Turbat, Turshiz, Quchan, Bujnurd, Shahrud and Bistam, 12: (iii) Gilan and Talish, 6: (iv) Mazandaran, Tunkabun, Astarabad, Firuzkuh and Damawand, 6: (v) Khmsa, Qazwin, Simnan and Damghan, 6: (vi) Kirman and Baluchistan, 6: (vii) Fars and the Persian Gulf Ports, 12: (viii) 'Arabistan, Luristan and Burujird, 6: (ix) Kirmanshahan and Garrus, 6: (x) Kurdistan and Hamadan, 6: (xi) Isfahan, Yazd, Kashan, Qum and Sawa, 12: (xii) 'Iraq, Mala'ir, TuySirkan, Nihawand, Kamra, Gulpayagan and Khwansar, 6.

ART 7. Each elector has one vote and can only vote in one class.

ART 8. The number of those elected to the National Consultative Assembly throughout the whole well-protected realms of Persia shall not exceed two hundred. In the individual towns of each province not exceed two hundred. In the individual towns of each province each class shall assemble separately, elect one representative, and send him to the chief town of that province. The delegates so elected must reside in the town for which they are elected, or in the environs of the town. Three delegates thus elected in the individual towns of the elect members for the National Consultative Assembly according to the number specified in the above table for each province, so that they may present themselves to the National Consultative Assembly, and, during the period of their appointment, may discharge their duty and function, which is to guard the rights of the Government and the Nation.

The electors are not absolutely compelled to elect (a deputy) out of their own class or guild.

ART. 9. In every place where elections are carried out, a Council (anjoman) shall be formed of well-known local representatives of the six classes of electors to supervise the elections. This Council shall be under the temporary supervision of the Governor or Deputy-Governor of that

place. In this way two Councils shall be formed, one local and one provincial, the former in each of the individual towns in the province, the latter in the chief town of the province.

ART. 10. Complaints in connection with the elections shall not interfere with the carrying out of the elections; that is to say, the Councils mentioned above in Art. 9 shall investigate such complaints without suspending the elections.

ART. 11. Should anyone complain of the local Council, he shall refer his complaint to the provincial Council, and if his application be without effect, it shall be referred to the National Consultative Assembly.

ART. 12. If any Member of the National Consultative Assembly should resign or die, and if more than six months intervene before the next (general) elections, the Members of the Assembly shall elect (in his place) one form his province.

ART. 13. The local and provincial Councils shall send the names of the electors and the elected of each department to the Record Office (daftar-khaneh) of the National Consultative Assembly, where their names shall be arranged in alphabetical order, and shall be printed and published for the information of the public. So likewise, after the conclusion of the elections, the local Council shall, within the space of one week, communicate the result of the election to the provincial Council.

ART. 14. Those elected in the individual towns of the province must be provided with a certificate from the local Council: and in like manner those elected in the chief towns of the provinces must be provided with a certificate from the provincial Council, which they must produce in the National Consultative Assembly.

ART. 15. The election of the persons designated shall be by a majority of votes.

ART. 16. After the election of the Members of the National Consultative Assembly, the names of those elected shall be recorded in the Registry of the Assembly, and shall be announced in the newspapers.

ART. 17. The National Assembly of Elector shall be established in all towns where there is a resident Governor, which are divided into two categories. The local Governor, having regard to local requirements, is empowered to fix the place of the Court of Electors.

ART. 18. The time and place of the election must be made known to all the people on month beforehand by the local government, by means of printed leaflets and other suitable channels of advertisement.

ART. 19. Those elected to represent the Capital and the various provinces shall proceed to Tehran as quickly as possible. Since those elected in the provinces must be elected in accordance with the Regulations, and since consequently some considerable time will necessarily elapse before they can present themselves, therefore the representatives of Tehran shall be elected, and the Assembly constituted immediately, so that it may proceed to discharge its functions until the provincial representatives shall present themselves, nor shall the delay in the arrival of these latter cause the Assembly to be inactive.

ART. 20. The living expenses and annual allowance of the Members of the National Consultative Assembly depends on the determination and sanction of the Assembly itself.

ART. 21. The period for which the National Representatives are appointed shall be two years, after which period fresh elections shall take place throughout the whole of Persia.

ART. 22. Complaints regarding the Assembly and its Members respecting the carrying out of the Elections, etc., must, in so far as they refer to the Assembly, be submitted in writing to the President of the Assembly, so that the subject of complaint may be investigated in the National Consultative Assembly and judgment thereon delivered.

ART. 23. No Member of the Assembly can be arrested or detained on any pretext without the permission of the Assembly, unless he shall publicly commit some crime or misdemeanor.

All written or spoken statements of Members of the Assembly on the affairs of the Government and the Nation shall be free, except in cases where such writings or statements of any Member shall be contrary to the public good, and, according to the enactments of the Most Luminous Law (of Islam) shall deserve punishment. In such cases, by permission of the Assembly, persons of this description shall be brought before the Court of Cassation.

ART. 24. Government officials and employees of government offices who are elected in a representative capacity as members of the Assembly shall quit their previous service, and while employed in this capacity shall have no right to intervene or concern themselves in their former office or in any other (similar) service, otherwise their representative function and membership shall be null an void.

SECOND SECTION.

The conduct of the Election and registration of votes, and the conditions thereof.

ART. 25. The election of Members of the National Consultative Assembly in the Capital, and in the towns of large, moderate or small size, will take place in the presence of the Governor, or Deputy-Governor, under the supervision of the Council (anjuman) mentioned in Art. 9.

ART. 26. Election shall be by votes, and by absolute or relative majority. In case of an equality of votes, the determination of the elected (candidate) shall be effected by a (second) voting.

ART. 27. The Polling day for the Election of Members to the Assembly and the recording of votes shall, in whatever year it takes place, be on a Friday[1], with due observance of the following arrangements.

First, the voting shall take place in the presence of the Governor, the local council and the electors who are present.

Secondly, for the organization of the electoral court the Councils (anjomans) mentioned in Art. 9 shall be responsible.

Thirdly, the voting-paper shall be of white paper having no sign.

Fourthly, each of the voters shall inscribe his vote on this voting paper outside (i.e. before he enters) the Court of Electors, and shall give who shall be designated (for that purpose), who, in the presence of all, shall throw it into the ballet-box.

Fifthly, one of the Members of the Council (anjoman) mentioned in Art. 9 shall compare the names of those voting with a list furnished to him.

ART. 28. Before the votes are taken, one of the Members of the Council shall lock the ballet-box, which shall be sealed by two others, while another Member of the Council shall take charge of the key.

ART. 29. After the voting has been concluded, the lid of the box shall be opened, the voting-papers shall be counted in the presence of all, and the majority and minority shall be verified by the list (of persons entitled to vote), while several of those present shall, under the supervision of the Council, and in the presence of all, set themselves to work out the result of the voting.

ART. 30. Voting-papers on which nothing is written, or which bear illegible inscriptions, or which fail to specify clearly the name of the Candidate voted for, or on which the voter has inscribed his own name, shall not be taken into account, but shall be noted in the minutes. Thereafter the result of the election shall be proclaimed in a loud voice, and shall be declared by the president of the Court of Electors.

ART. 31. Should the number of Members elected by the people exceed the number fixed upon, those persons will be regarded as elected who possess seniority of age. Otherwise, should the occasion allow, the votes will be recounted. If, after the votes have been recounted, it appears that the number of voting-papers exceeds the number of electors, the election shall be regarded as null and void, and a fresh election shall be held.

ART. 32. The Members elected for Tehran shall choose from amongst themselves one President, two Vice-presidents, and four Secretaries, and the Assembly shall then be opened under the Honorary Presidency of His Imperial and Most Sacred Majesty (may God immortalize his reign!).

ART. 33. The President, the two Vice-presidents, and the Secretaries of the National Consultative Assembly shall, with the approval of the Members of the Assembly, be changed once a year. In renewing the election of the persons above-mentioned, it is understood that regard shall always be paid to the majority of votes of the Assembly.

Dated the 19th of the month of Rajab, A.H. 1324

(=Sept. 8, A.D. 1906).

"In the Name of God, the Merciful, the Forgiving.

"To the Right Honorable the Sadr-i-A'zam (Prime Minister).

These Regulations are correct."

Rajab 20, A.H. 1324 (=Sept. 9, A.D. 1906).

(Place of the Royal Signature.)

Source:

Human Rights & Democracy for Iran. Pro-Democracy Movement 1880-1925: IRAN ELECTORAL LAW OF SEPTEMBER 9, 1906. Accessed June 2015. URL: http://www.iranrights.org/library/document/203

Appendix II: Appointment by the people

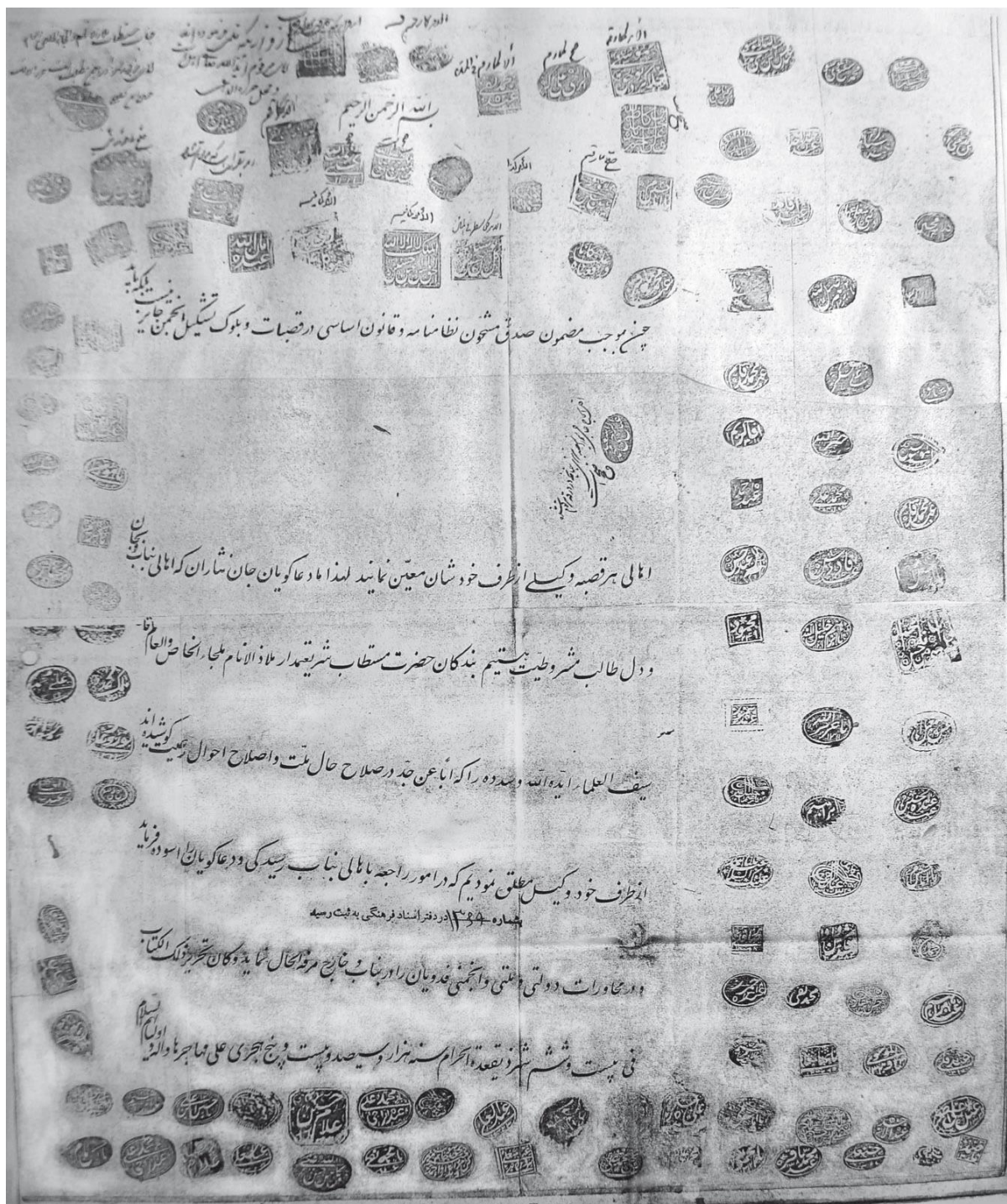A letter of sending a representative signed and sealed by the people of a sub-district

Figure 1: Some of the seals (signatures) of the inhabitants of Bunab appointing a representative to follow their interests. (Courtesy of the National Archives of North West Iran, Tabriz.)

Source: (Martin, 2013: 133)

Explanation of Vanessa Martin about the letter:

"By the beginning of 1908, local communities felt that they were under-represented at the national level. The people of Bunab and its surrounding villages organised to select a representative to speak on their behalf in January 1908. They drafted two documents, one for the town and one for its surrounding villages, which stated that according to the text of the Constitution the subdistricts and small towns were not permitted to establish councils. Therefore their only option was to appoint their own representative to take care of their affairs inside and outside Bunab relating to local and provincial issues. As wholehearted supporters of constitutionalism, they had decided to introduce AqaSaif al-Islam, a member of the 'ulama whose forebears had always served the local community, as their choice for this purpose. The documents were endorsed by the seals for the townspeople, and the local villages, with the name of each signatory carefully written below".(Martin, 2013: 133)

Appendix III: Mellat

Mellat [Nation] seems to be a quite vague term that according to the way it was defined, it could perfectly frame elections as well. According to what it meant, and whom could it include, the size of franchise and even the way of voting could "legitimately" change. In a debate around religious minorities, the implicit reference to the nation was made several times, and a change in the definition of the nation in small cities, could in fact expand the franchise, and bring a more democratic conception of election in that time. In the following paragraphs, I will discuss references to the nation, while providing the historic meaning and implications of this word, as well as pointing out to the other important functions of the word in this context.

Nation was a very important word in the parliamentary discourse. It could also mean different or multiple things in different situations, but the most important point is that it was also widely used as a way of calling the parliament, specifically in the nation/ state dichotomy. "Mellat", literally means nation, but was widely used instead of parliament ("Majles"). This is mainly because in these early sessions there was a strong dichotomy that came in every session between "Mellat" and "Dowlat" (the state), and the possible difference between the representatives of the nation and the nation itself was lost in this nation/state dichotomy. Indeed, the efforts that were made to "announce" that Dowlat and Mellat (the government and the nation) are the same was not at all made about the people and parliament, as they were obviously the same in this ambiguous word.

Picture 2, which is a cartoon dated after the studied sessions in this paper, is a perfect depiction of this homogeneity. In this picture, we can see "Mellat-e Majlesi" (literally parliamentary nation) written on the baby's cradle, who is the infant of "Iran" (written on the lady's left arm). Here we see that the two words of nation and parliament are used for naming a single person.

Picture 2: "The infant "Majlis" and her mother "Iran" are threathened by internal and external enemies. Mulla Nasr al-Din, March 31, 1907, no.13."
Source: Afary, 1996:149.

Furthermore, there are some discussions among historians, noting that the word "mellat" had a more religious meaning before the constitutional revolution, referring to a religion or the people who believe in it (Najafi, 2015). In this sense, the heads of the nation were the clergymen, and the term was still used in opposition to the state, and the power of the clergymen was putting a limit on what the state and the local governors could do. The word "nation" experienced a shift, when it was used in a secular sense after the constitutional revolution, referring to the people living in the territory of Iran. However, we can see that in this "shift" period, "nation" is still different from "ordinary" people, based on picture 4.

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Picture 3: The man with long dress and beard is called "Mellat" [nation], and the one who is fighting Mellat is "despotism", who in terms of appearance he looks like Mohammad Ali Shah (the king with anti-constitutionalist attitudes who came after the death of the king who had signed constitutionalism).

Right-up (resembles Russians): "Bravo, a bit of pressure is needed, soon you will win, as much as money you want is ready."

Left-up (resembles Brits): "I would never interfere, but I would also let my friend to interfere; but finally Mellat will win, despotism is over."

Left-down: "I swear God, both [Russians and Brits] are lying. They have provided the situation for the state-nation battle to overthrow the independence of the country. Alas none of them understands [this], otherwise they would have made peace sooner."

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Right-down: "Aah! Aah! Why they are fighting and these poor [people] are trampled? I wish they have made peace."

Source: Kashkul-e Isfahan newspaper, 1907

A debate around the request of Shiite minority in Kurdestan (a province whose inhabitants were mostly Sunni) at the beginning of session 23, can show these variable meaning of nation, as well as its link to the problem of elections. The letter of these people was originally sent to the government (head of the ministers), and the government had sent it to the parliament, adding some other issues and problems of Kurdistan elections to it, asking the parliament for decision on these issues:

The expenses of the deputies[1],

The expenses of the local council that the city is going to form,

Decision on the Jews and Christians who also want to have a representative from their own group.

We can see that in this case, the Kurdistan Shiites' letter is mediated by the government who is attaching monetary and sectarian issues to the problem, which then became the main points of discussion among the representatives while discussing Shiites' request. In response to the request, some refer to a feature of the electoral law that enable classes to vote saying that "they are right. There is a group among them who are merchants and landowners". The logic behind this request was mentioned by another representative who responded that these are inhabitants of there, but probably nobody will be chosen among them with "the majority of votes". Another representative

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[1] It was an important issue, as many of the deputies were said not to have enough money to be able to come to Tehran (especially because they were from different classes with different incomes), or that they are waiting to see how much is the income of being deputy, as they have to completely leave their job in their city. As it seems the sessions were held 2 hours every day, it was not a big problem for Tehran deputies, and their problem was only with the time that sessions were held.

says that they have the right to vote, but choosing one exclusively from them would be problematic.

These statements provides the ground for the statement of Sa'd al Dowleh who makes a distinction between the meaning of nation in different locations: "in big cities with high number of guilds and more population" the way of electing does not encounter any problem; However, "in small cities and villages" that we have different guilds with low population, "everybody" has the right to elect in this way that every class candidate one person, write his name and elect (*Ghor'e*), and whoever receives the majority of votes would be the representative. He attaches the meaning of nation to his argument: "nation means different classes who are inhabitants of the same country and the same state. "In these affairs, all the individuals of the country have the right to elect and vote". The implication of Sai'd al dowleh's distinction, which is not contested by others is that in "less populated regions with less number of classes, the rules of the game can be freer, and we can expand the franchise. It is in a more populated and complicated society that we should limit the number and quality of voters and votes, and our rules would make a problem in small region.

The inclusion in the "nation" came again when the concern of the government about Jews and Christians [Yahud o Nasari] is moving the discussion exactly after Sa'd al Dowleh's distinction. One representative says that if they [Shiite minority] receive the right to have an independent representative, those two tribes would also ask the same thing, and this will deteriorate the problem. After a while Sa'd al Dowleh again entered and continued this discussion by stating that: "It is as it was said before, Jews and Christians are among the nation and have the right to vote". He was then reminded that Tehran's Jews and Christians had have delegated their right to vote, which brings Said al Dowleh's response that they have the right to delegate or vote.

The explicit connection between the inclusion in the nation and the right to vote in the case of religious minorities can also remind the religious meaning of Mellat which was referring to the members of the same religion. It is worth noting that the opposite issue can also be seen in the

debate around the foundation of the "national bank" [Bank-e Melli], where some of the representatives reject part of the law that is excluding non-Iranians from putting money in the bank, with this argument that probably Qafqaz Muslims also want to put money to help constitutionalism.

What is apparent here is that in order to be able to participate in the election one had to be part of the "nation", with all the ambiguity included in it. But we could also see the historical (previous) religious meaning that lies behind this word, and make the ambiguity of the word understandable. "Nation" was previously referred to the members of the same religion, but now it had to undergo a shift in meaning to include a different characteristics. We might say that both meanings are referring to the same population in terms of number. But when the discussion come to the rights of religious minorities and foreign Muslim activists we can vividly see that how change in "nation" could make a change in the perception of a good election.

Appendix IV: Glossary

Aqa	A title: Literally: Sir. Used before or after male names for respect.	**Sheikh**	A title. Opposite of young. Aged man.
Anjoman	council, society	**Shari'a**	Religious laws stated in Quran
		Showra	1) The practice of Consultation 2) A council
Asnaf (singular: senf)	Guild	**Sunnah**	Statements and practice of the prophet. Shi'a also refers to the 12 Imams, together with the prophet's daughter.
Dowlat	government, state	**Ulema/Ulama (Plural of Alem)**	clergymen

Fatwa	religious pronouncement
Fiqh/feqh	A kind of religious law, laws not stated in Quran
Haji	A title for a person wo has gone on a pilgrimage to Mecca.
Kadkhoda	headman
Majles	1) Meeting 2) Parliament
Marja' (Marja' e Taqlid)	Literally: Source of Emulation. The prominent *alem* or the most prominent *ulema* of the time who can announce his interpretation of the Islamic law, as *Fatwa*.
Mellat	Nation (modern meaning)/ people/ community
Mujtahid/Mojtahed	High-ranking cleric
Seyyed /Sayyed/Seid	Male descendant of the prophet