

Critical Approach of the Constitution of the Islamic Republic of Iran to the Neutrality of the State in order to Protect the Pure Life

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Abstract

A good life involves a person's beliefs in goals and objectives that determine their perception of valuable things in life and provide a meaningful basis for their life. This perception of a good or pure life originates deeply from within the individual's mentality and directs their life like a sacred belief, and is not purely material. Various fields, such as religion, ethics, culture, art, and aesthetic experiences, can define ideal life perceptions for people in society. The question to consider is whether the society, social institutions, and especially the "State" should be assigned a mission in relation to the good life of citizens. During the critical stage of systematization and drafting of the constitution, 'Can and should the state take responsibility for the pure life of citizens?' This study employs a library-based data collection and adopts a descriptive-analytical research method to examine the perfectionist approach of the Constitution of the Islamic Republic of Iran, approved in 1979, to the pure life of the citizen. The first part analyzes the concepts of perfectionism and neutrality of the state, evaluating the justifications for each. In the second part, the preamble and text of the Constitution are subjected to legal scrutiny. The findings confirm that the Constitution of the Islamic Republic of Iran has taken steps to respond to the historical demands of the Iranian nation, Islamization of society, exaltation of moral virtues, and revival of traditions and religious education of the citizen. This fundamental document does not accept the neutrality of the state towards the good and, in a perfectionist approach, acknowledges the key responsibility of the state in exalting moral virtues and fighting against all manifestations of corruption. The Constitution identifies such idealist concepts and institutions as "Amr be Maruf" (command to do well), "Nahy az Monkar" (command to avoid evil), and "Velayat-e Faqih" (guardianship of the Islamic jurist).

Keywords: Constitution, Neutrality, Perfectionism, Pure Life.

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Introduction

The complex characteristics and needs of humans always put them on a path of pursuing and designing a specific model for life. Each person, according to their abilities, talents, and desires, follows a specific conception of the "Good." These conceptions of the good or pure life determine the goals, actions, and relationships that are ultimately worth pursuing. This "Conception of the Good" or "Pure Life" is not material but is deeply derived from mental layers and gives life its prominence. Religion, ethics, culture, art, and aesthetic experiences are among the areas that can define the conceptions of pure life for people in society.

According to John Rawls, a contemporary philosopher, "A conception of the good is a unified family of ultimate goals and objectives that define a person's conception of valuable things in life or a completely valuable life." (Rawls, 2013 AD/1392 SH: 46) In short, the good or pure life includes people's beliefs about the goals and objectives that give meaning to their lives and determine their basic strategies for well-being.

In addition to the individual-spiritual aspect mentioned above, the collective life of humans and their relations with fellow beings and collective institutions are significant topics. The inevitable necessities of collective life and the undeniable role of social contexts and institutions have made measuring the relationship between "Society" and the "Good" a major concern for thinkers, and an important part of the history of human thought. Among social contexts, such as family, guild, party, and city, the "State" has emerged as a prominent example of collective life. One of the issues under discussion regarding this institution's functions is the relationship of the state with the term the "Good" or the "Pure Life."

Based on the aforementioned considerations, the research questions of the present study are as follows:

- 1) What approach does the governance system of the Islamic Republic of Iran and its fundamental document – the Constitution - take towards the citizens' lifestyle?
- 2) What legal-moral position has it adopted towards the citizens' "Pure Life"?

The problem addressed here is a fundamental and interdisciplinary one, to which the present research responds in two general sections. Library data collection and descriptive-analytical research methods are employed. In general, when surveying the history of philosophical thought, it can be stated that the constitutions of various countries have adopted either the perfectionist or neutralist approach towards the lives of their citizens. Regarding the research background and existing literature, one can refer to the book "Perfectionism and Neutrality and Its Effects on the Structure of Power and Public Law" by Hossein Rahmatollahi and

Omid Shirzad, published by Majd Publications, and an article by Mohammad Rasakh and Mohammad Reza Rafiei titled "The Relationship between the State and the 'Good Life': An Analysis of the Approach of Perfectionism," published in issue 30 of the Islamic Law Quarterly in 2011.

However, in the present study, besides supplementing and strengthening the existing literature, the problem is approached with the standards of domestic law, especially the Constitution of the Islamic Republic of Iran. The critical approach of the Constitution to the neutrality of the state in protecting the good life of the citizens is proven.

To explain these approaches, in the first part, the perfectionist and neutralist approaches are conceptually analyzed. In the second part, the critical approach of the Constitution of the Islamic Republic of Iran to the neutrality of the state and its concern towards the realization of the pure life for the Iranian citizens will be examined.

1. Perfectionist and Neutral State

One of the approaches that deeply rooted in the history of moral-political thought is "Perfectionism," which, based on its own view of man and his/her identity, and with the aim of spreading virtue, emphasizes the state's mission towards the good. Since it is necessary to have a good grasp of the key concepts of the research, we will analyze the perfectionist state and its opposite concept - the neutralist state - and the justified arguments of each from the point of view of their defenders.

1.1. Perfectionist State

The perfectionist state is a concept with a rich background in the history of political thought that questions the human ability to recognize moral propositions and desirable life. It emphasizes the role of collective institutions, especially the state, in determining the model of pure life. Based on this approach, beyond fulfilling material functions such as providing security, health, and public welfare, the state is in charge of a higher mission, i.e. educating good citizens. It should act as the educator of society with the support of public resources and coercive power. In general, the best political action, institution, or state is the one that further improves the perfection of all human beings (Hurka, 1993 AD/1372 SH: 147).

1.2. In perfectionism, given the possibility of people making mistakes in their conceptions of pure life, the state is responsible for teaching its citizens how to live a pious life (Kymlicka, 1997 AD/1376 SH: 118).

Traces of perfectionism can be found in the ancient Greek philosophers' thought, as Aristotle considered well-being, and not just living, to be the goal of political society. He viewed happiness in the

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acquisition of virtues (Aristotle, 1992 AD/1371 SH: 310-312). Like Plato, he did not believe that the most important duty of the state was to guarantee a better standard of living for the people or to increase financial resources. He considered the state as a tool for the moral and spiritual improvement of human beings (Liedman, 2002 AD/1381 SH: 46). Therefore, political institutions should play an active role in creating and maintaining social conditions that enable citizens to move towards a valuable life, according to perfectionism.

State actions and decisions can serve a certain conception of the good in a variety of ways. Given the capacities and assets of the state, it can force citizens to live based on a specific conception of the good or prevent them from committing to an undesirable lifestyle through a coercive approach and the use of a judicial and penal system. In addition, the perfectionist state can indirectly and non-coercively spread a certain conception of pure life in society through the allocation of public resources and the use of educational-propaganda methods.

1.2.1. Priority of the Good over the Right

The idea of priority of the good over the right is the theoretical foundation of perfectionism. The elements of such a conception are usually found in certain comprehensive religious, philosophical, or ethical teachings and are interpreted by them. It is in the light of such teachings that various ends and goals are organized and understood (Rawls, 2013 AD/1392 SH: 46). In the modern liberal thought attributed to the German philosopher, Immanuel Kant, the extreme humanist approach has led to the proposition that being right is separate from having right and people have rights though they are not right (Rasekh, 2015 AD/1394 SH: 14).

In this proposition, "Right" does not stem from a single plan of life and its meaning, rather, it is a normative claim that organizes the interactions of a large number of people with different conceptions of the good (Rasekh, Rafiei, 2010 AD/1389 SH: 114). In other words, in the distinction between being right (the good) and having right (the right), one tries to support a claim under the title of "Right" regardless of its content and moral-value judgments. This is despite the fact that basically in pre-modern thought, this separation has not been identified and "Right" originates from a specific pattern of the "Good" and cannot be applied against it.

On the other hand, the perfectionist approach presents the idea of priority of the good over the right with the aim of educating a good human being and believes in the necessity of establishing a political-legal system based on a special conception of the pure life. Therefore, according to the idea of prioritizing the good over the right, in the critical stage of systematization and drafting of the country's constitution, it is necessary

to act based on the common model of the good among the citizens and human rights and privileges should be recognized in the framework of that common model of perfection and salvation. In prioritizing the good over the right, the state should intervene in affairs and guide people to "Humanize" the society (Shojaei-Zand, 2015 AD/1394 SH: 105).

1.2.2. Justified Evidence of Perfectionism

Considering the antiquity and background of the perfectionist approach, arguments have been put forward by the perfectionists throughout the history of thought, which indicate the state's mission to protect the pure life. We will discuss some of them in the following.

1.3.1.1. Rejecting the Individuality of the Pure Life and Emphasizing Its Sociality

Proponents of perfectionism, emphasizing the social nature of humans, consider the realization of their good life as a social category. For them, turning to a normative-moral actor or becoming a completely responsible and autonomous being is the equivalent of social life. Outside society, our exclusively human abilities cannot be developed (Taylor, 2014 AD/1393 SH: 118).

Communitarian philosophers believe that a person discovers his/her goals and desires from within a set of systematic relationships with others. A person finds his/her definition of the "Good" through the form of life that exists before him/her. The essence of morality, which is indeed the "Good," cannot be understood except by a certain type of social life. Any criterion by which a person should judge his/her moral progress should be based on a norm whose authority is derived from something other than the individual's "Choices." If a person's choice is always valid, s/he will remain confined to an arbitrary and closed game of individuality (MacIntyre, 2014 AD/1393 SH: 489-490).

Therefore, contrary to the instrumental attitude of individualist philosophers, who consider society as a platform for pre-social people to achieve individual goals, perfectionists believe that humans are social and historical beings and their identities originate from their birth and upbringing in certain groups. One of the groups to which the perfectionists always pay attention, is the institution of "Family." From the point of view of perfectionists, the family is the fundamental unit of society, in which the parents should undertake the responsibility of determining the proper model for a good life.

1.2.1.1. Emphasis on Human Social Identity and His/Her Adherence to Collective Goals

In their anthropology, the perfectionists, along with considering the pure life as a collective concept, believe in the social identity of humans and their obedience to the collective goals, and criticize liberal individualistic

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attitudes. Most liberal individualist philosophers consider the "Identity" of people to be independent from their goals and desires; therefore, they believe that before the stage of choosing goals, the human identity is already fixed and certain, and in fact, we face the "Antecedently Individuated Self." The antecedently individuated self is an analysis of human identity on the basis of liberalism, which believes in the plurality and inherent separation of human beings regarding the conceptions of the "Good and the Pure Life." This doctrine holds that the "Self" and identity of individuals are formed before they enter the society. Therefore, humans' goals and objectives are subject to their choice, and they establish a relationship between the "Self" and the "Self's" goals by relying on their will. In this approach, society is also a system consisting of participation and cooperation among people who have their own specific understanding of the concept of the good. Thus, this social participation cannot be considered as the basis of our "Identity" (Baratalipour, 2005 AD/1384 SH: 39-43). Therefore, prioritizing the "Self" over the goals means preserving the right to question one's most firmly held beliefs about what the "Pure Life" is.

In contrast, perfectionist thinkers, in addressing the concept of identity, believe that human's nature is mixed with collective endeavors. They emphasize that the self is not prior to the goals because a person's basic goals and motivations are a part of his/her identity that is rooted in his/her life history, is often given to him/her, and is not optional in any way.

As Michael Sandel, a contemporary virtue philosopher states:

"Liberal ethics insists that we think of ourselves as independent 'selves'. Independent means that our identity is never tied to our intentions. However, we cannot consider ourselves independent in this way without paying a great price for our loyalties and beliefs whose moral force is partly due to the fact that living with them is not separate from understanding ourselves as certain people who are members of a family, community, or nation, or are bearers of history, children of the revolution, or citizens of the republic. Imagining a person unable to create such interests does not mean assuming a free, rational, and moral agent, but means accepting an identity that lacks depth and moral personality." (Sandel, 1982 AD/1361 SH: 179)

Therefore, perfectionists seek the correct understanding of a person's identity in his/her relationships with others, his/her social roles, and such adherences and identifications as religious faith and nationality, and consider that people's desirable lives are not the outcome of their individual choices, but the result of their shared traditions and understandings.

1.1.2.3. The Need to Revive Virtue Ethics and Criticize Kantian Duty Ethics

Another important idea of the perfectionist philosophy is the necessity of reviving virtue ethics and criticizing Kant's duty ethics. Virtue ethics, utilitarianism ethics, and deontological ethics have presented their views on the root of virtue and vice, the sources of rightness and wrongness, and the explanation of the moral criteria of action.

While, utilitarianism considers the basis of determining moral actions to be their results, from the point of view of deontological ethics, the results of actions are not relevant to their rightness, but it is adherence to certain laws or duties that justifies the action, even if the results are not desirable. The requirement of this view is the existence of specific laws that are absolute and inviolable (Derakhsheh, Fakhari, 2016 AD/1995 SH: 614).

In Kant's philosophy, a great change occurred in the moral theory: instead of happiness, "duty" was placed as the basis and goal of moral behavior. In pre-Kantian ethics, the moral issue was how a person should act to achieve happiness. In Kant's ethics, this question changed to how an individual should act in order to fulfill his/her duty. According to Kant, a person who has morally good intentions must act on the motivation of duty, regardless of the consequences of the action.

Unlike action-oriented ethical systems (deontological and utilitarian ethics), the virtue ethical theory focuses on the "Person" instead of the action. "What to do", in the ethical field, is a utilitarian question. The question of "how a person should be" is a virtue-oriented question (Qari Sayyid Fatemi, 2002 AD/1381 SH: 32). In contrast to the approach that emphasizes duties and rules (deontological ethics) or ethics that underscores the result of actions (utilitarianism), virtue ethics highlights virtues or moral characteristics. The basic guidelines of virtue ethics instruct us not only about what we should be, but about what we should do. In virtue ethics, virtues have a dual role: not only should they make us do what we do, but they should also tell us what to do (Frankena, 1997 AD/1376 SH: 148).

The founders of virtue ethics are Plato and Aristotle, whose ideas have been dominant as an important approach in Western moral philosophy, at least until the age of Enlightenment. The centrality of man in the Enlightenment moral philosophy and the weakening of moral teleology in the opinions of philosophers such as Kant marginalized virtue ethics until the second half of the 20th century.

Gradually, with the appearance of some moral anomalies and the plurality of values in Western societies, communitarian thinkers and scholars such as Charles Taylor, Michael Sandel, and Alasdair Macintyre started to criticize the dominant ethical approach, that is, Kantian

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(deontological) ethics, and its political consequence, i.e., the state's neutrality towards the pure life of the citizens. They emphasized the necessity of reviving virtue ethics and paying more attention to such issues as virtues, motivations, moral characteristics, and family relationships.

Moreover, they stressed the significance of asking and answering important questions about what kind of person an individual should be and how s/he should live. In this context, they explain legitimate mechanisms for the society and the state to define the standards of the pure life.

The perfectionist philosophers' critique to the ethical schools of the Enlightenment is based on two main points: first, ignoring the final cause in modern ethics and second, the separation between reality and value. Macintyre believes that the main problem of modern ethics is forgetting the ultimate cause of man in the system of existence. In order to develop the theory of teleology in ethics, he intends to revive pre-modern ethics, especially Aristotelian ethics. Aristotle believes that reason has the ability to discover the ultimate cause and purpose of human creation. Hence, he has a "Functional" approach to the concept of man.

Functional definition means definition in terms of the action we expect the object to perform. For example, in the definition of a knife, it should be said that it is something that is used to cut objects. The functional definition of objects makes it possible to distinguish the "Good" instance of that object from the "Bad" instance. According to Macintyre, by means of a functional definition, it is possible to reach "Value" conclusions from "True" statements. Aristotelian ethics has a functional approach to the concept of man, and through a belief in idealism for human nature, it always considers "Good Man" in its discussions (Macintyre, 2007 AD/1386 SH: 57-58).

From this point of view, Macintyre is considered a fierce critic of modern ethics and believes that this school of ethics, by considering the human purpose as unrecognizable and rejecting a functional definition of human, has presented an absurd and mission-less moral system for the modern humans.

1.2.1.2. The Need to Reduce the Spread of Evil

Perfectionists consider cultivating human nature, defining superior characteristics and actions for humans, refining vulgar moral traits, and reducing the spread of vice, as the basis of their defense of perfectionism (Hurka, 1993 AD/1372 SH: 31).

In addition, they regard the total freedom and authority of individuals in their choices among multiple patterns of desirable life as a promoter of vice. According to them, regarding the existence of the tendency to good

and evil in human actions, the defense of the concept of absolute "Freedom" on the part of liberalism is the promoter of the good and evil simultaneously. Thus, the naive idea of liberals that the scope of good will increase if there is a pluralistic and free space of values is fundamentally false.

According to critics of liberalism, this assumption that the spread of evil is caused by evil institutions ignores such simple questions as: 'How do the institutions become evil?' 'Is the evil of the institutions dependent on the human agents who created and perpetuated them?' If human agents are good by nature, 'How is it possible that the institutions they created and perpetuated are evil?' The bitter reality is that evil is widespread in all human societies, and vices such as selfishness, greed, envy, aggression, and cruelty, like their opposite virtues, motivate people. By drawing a hopeful picture of excellent possibilities, liberal faith flatters humanity, while it ignores the undeniable realities that it cannot adapt itself to (Kekes, 2013 AD/1392 SH: 60-61).

Therefore, based on the existence of both vices and virtues in humans, it is not possible to simply claim that increasing individual freedom in choosing a desirable life pattern will reduce evil; rather, reducing vice requires limiting individual freedom and adopting perfectionist strategies such as preferring order to right, requiring ethical norms, moral training of citizens, and preparing institutions that limit evil.

1.1.2.4. The Duty of the State for the Realization of the Pure Life

Another valid reason for perfectionism is the recognition of the state's inherent duty towards the pure life of the citizen. From this point of view, perfectionism has a close relationship with patrimonialism, which is based on determining the possibility of an individual's choice of the good, because both of them emphasize a basic presupposition about humans: The individual is not only unable to identify and follow his/her preferences, but also has a set of wrong desires and does not know what the "Good" is. Therefore, the state is responsible for the achievement of citizens' desired life, and by announcing a specific conception of the good, it takes a stand against conflicting options (Buckley, 2005 AD/1384 SH: 134).

According to perfectionists, the problem with the arguments of the philosophers of the Enlightenment era was that they abandoned the concept of human purpose and insisted on believing that human nature "As it is" is not directed to a higher and superior goal. It is obvious that assigning the moral and educational mission to the government will fulfill this ideal and compensate for the shortcomings of the citizen in achieving a desirable life. In fact, perfectionism believes in the "Right to a Chaste

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Life" and the "Right to Moral Security" of the citizen and considers the state to be responsible for the realization of these rights.

1.1.2.5. The Theory of the Neutral State

Since one of the common ways of knowing things is through their opposites and in the next part of the article, the writers are supposed to focus on the critical approach of the Islamic Republic of Iran's Constitution to the neutrality of the state, neutrality as the opposite concept of perfectionism will be briefly analyzed in this section. The idea of neutrality is the outcome of the works of a number of contemporary liberal writers such as John Rawls and Ronald Durkin. However, it has an older heritage and its lineage should be found in the secular thoughts of Enlightenment philosophers such as Locke, Kant, and Stuart Mill. According to the approach of neutrality, the members of the society are free to pursue their desired life plans, if they do not violate the rights and freedom of others.

Thus, the state should remain neutral towards citizens' perceptions of a happy life and should not give priority to any particular conception of the good over other perceptions. Neutralists believe that political ethics should be concerned with the right and leave the decision of what the good is to individuals. Neutralists believe that the government should treat people equally. This means that the state cannot distribute opportunities unequally, on the basis that some citizens have more rights than others due to a superior value perspective.

The basis of neutralists' claim is that in order to achieve the good life, two prerequisites are necessary. First, citizens' lives should be guided from within and in accordance with their beliefs about the things that give value to life. Therefore, people should have the necessary resources and freedom to lead a life that is in harmony with their beliefs about values, without being afraid of discrimination and punishment.

Thus, classical liberals are always concerned about individual privacy and against the imposition of morality. The second prerequisite is that the individuals are free to question the beliefs and test them in the light of any kind of data, examples, or discussions that their culture can provide (Kymlicka, 1995 AD/1374 SH: 81).

Neutralists believe that determining the indicators of the pure life and the good is a matter that should be pursued through individual evaluations or the efforts of civil societies, while, in the management of the political society, the state can only determine the dos and don'ts (rights and duties) in order to regulate the social relations of citizens who have conflicting views of what the good is.

From an anthropological and epistemological point of view, the justificatory bases of neutral state can be enumerated as follows:

1) We do not know what human is: This is not because of the weakness of philosophical thought or the lack of knowledge about human, but because some believe that human, unlike other creatures, lacks the nature that precedes existence. Considering having awareness and effective will, humans creates their essence and identity and shapes it with their personal experiences.

2) There is no "End" for the world and man: The future is quite open and uncertain and does not lead to any desirable or preferred end. Abandoning and denying goals is not only caused by religious exhortation, but also by suspicion of lofty ideals and any kind of historicism.

3) Our awareness of "Truth" is not complete and identical: everyone's findings are the truth with him/her. This assumption, if accepted, will not only relativize the world of knowledge, but will also take hold of the beliefs and values and reduce their strength and sharpness. (Shojaei-Zand, 2015 AD/1394 SH: 106)

1.3.1. The Arguments of the Defenders of Neutralism

The point of departure of the idea of neutrality is to acknowledge the spread of conflicting and different ideas of the good and acceptance of pluralism as a natural consequence of the free operation of reason (Mendos, 2016 AD/1395 SH: 30).

Therefore, we cannot know each other well enough to share "Public Morality" and each person is a better judge of his/her own good than any other person. Thus, a society made up of moral agents with diverse perceptions of the good must be governed based on principles that do not presuppose any specific conception of the good as valid (Cohen-Almagor, 1994 AD/1373 SH: 217).

A number of neutralists, such as Rawls, emphasize the impossibility of citizens' consensus in choosing a certain concept of the good for a peaceful collective life and the establishment of the state. They believe that universal teachings cannot be used as the definitive basis of a society (Rawls, 2013 AD/1392 SH: 275).

1.3.2. The Autonomy of Individuals

One of the justifications for the neutrality is respect for people's autonomy. The idea of autonomy or self-regulation, which has a strong place in Kantian anthropology, implies that people define or implement their desired life, and only in the case of neutrality of the government, the possibility of achieving this goal is provided. If the government imposes or induces a perception of the good, then the self-discipline of the people will be violated.

Therefore, according to the defenders of neutrality, the fact that doing some things is really valuable and others are not is deeply rooted in our

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own understanding. Autonomy is equivalent to making such personal judgments and should be considered in democratic political theory.

1.3.3. Skepticism, Pluralism and Subjectivism

Skepticism, pluralism, and subjectivism are among the ideas that are cited by neutralists for rejecting the existence of a single and objective model of good life from a cognitive perspective. Defense of neutrality from the position of skepticism is based on the following arguments:

- A) Knowing good is impossible or very difficult (first premise);
- B) The government should not base its decisions on a proposition whose truth cannot be known (second premise);
- C) The government should not base its decisions on any good proposition (result).

In other words, because everyone has their own point of view regarding the good life, no one's belief can be considered superior to others; therefore, the state should not base its decisions on a proposition whose truth cannot be known. Unlike pluralism, skepticism is basically skeptical about achieving a good life model and therefore does not accept the model proposed by the government. Pluralism, on the other hand, considers the pattern of good to be achievable, but multiple and subject to individual choice.

In defense of neutrality, subjectivism claims that if the value of things is determined by referring to people's mental state, desires, attitudes, feelings, and emotions, then there is no reason for the government to act to achieve its desired model of a good life because the evaluation of phenomena takes place in the mentality of individuals (Rahmatollahi, Shirzad, 2019 AD/1398 SH: 139).

2. The Constitution of the Islamic Republic of Iran: Critique of Neutrality and Protection of the Pure Life

"State Building" and "Drafting the Constitution" are the historic milestones of every nation, which are brought up for reasons such as the country's independence, freedom from colonialism, or the occurrence of revolutions and huge social changes. Such turning points define the jurisdiction of the government, public institutions, and the limits of the rights and freedom of citizens. The perfectionist and neutral approaches of the government towards the good and the pure life, which were examined in the first part of the article, are regarded a fundamental issue that should be considered by any Constituent Assembly. Regulating state power, guaranteeing the nation's rights, and constitutionalism do not have a rich background in the history of Iran. The turning point of the freedom-loving and anti-authoritarian movements of the Iranian nation should be sought in the Constitutional movement, the formation of the Constituent

Assembly, and the drafting of the Constitution in 1906. But the deviation of Constitutionalism from the desirable standards of the nation and the lack of real implementation of the constitutional monarchy system, the increasing interference of foreigners, the suppression of the anti-colonial movement of the nationalization of the oil industry, the coercive strategy of the Pahlavi regime in the modernization of Iran, Ayatollah Khomeini's endeavors, as well as other historical factors, led to the victory of the Islamic Revolution, the fall of Pahlavi II regime and the establishment of the Islamic Republic of Iran based on the Constitution approved in 1358.

The religious character of the leadership of the revolution and his decisive role in the development of the political system, the demands of a significant part of the society, and the jurisprudential structure of the final revision of the constitution turned the direction of the nascent political system towards the establishment of a religious state. Considering the legitimacy of Twelve Imami Shia¹ religion and the rule of the standards of this religion over the general laws and regulations², the government of the Islamic Republic of Iran can be considered as a "Sharia-oriented Government," in which the central core of the political-legal system is formed on the basis of the standards of the Sharia and its ideal model of the pure life.

By establishing the unity between ethics and politics, this vision defines political action in the framework of "Guidance," in which the political agent, by using the context and capabilities of the government, tries to find ways to influence people's thoughts and actions and guide them towards spiritual qualities and moral excellence (Shateri, 2013 AD/1392 SH: 102-104). With this view of politics, the legal system should provide conditions that not only order, security, health, and welfare will be provided, but moral growth will also occur and the society will progress comprehensively and in line with all worldly and other-worldly purposes (Faqihi, 2015 AD/1394 SH: 174). Therefore, the Constituent Assembly in 1358 approved the constitution with a religious-perfectionist orientation and enumerated the main mission of the state to educate citizens and spread religious ethics. The thought of the late Ayatollah Khomeini, the founder of the state, also indicates this. According to him:

Humans do not have one dimension. Society also does not have one dimension. Humans are not like animals whose concern is just feeding. Satanic policies guide the nation in one dimension and that dimension is animalistic and materialistic. Such a policy is an incomplete part of the policy that has been sent to prophet and is fixed in Islam. The prophets

1. Article 12 of the Constitution.

2. Article 4 of the Constitution.

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want to guide the nations, the society, and the individuals, in all dimensions. This is exactly what is said in the Qur'an about the straight path, and we say it in our prayers. The ideal political system is the one that can morally guide the society (Khomeini, 2006 AD/1385 SH: 432).

Therefore, in his political jurisprudence, the Islamic government basically has an educational and guiding mission, which should bring people closer to the ideal lifestyle through Sharia norms and appropriate state structures.

At the same time, in order to comply with the requirements of the republic, the public affairs administration's reliance on the people's votes³, the nation's rights⁴, monitoring the government and its accountability⁵, within the framework of the requirements of the country's official religion⁶, were recognized by the Constitution. Based on this, the Constitution tried to identify both the foundations of a legitimate and Sharia-oriented government and the key elements of republicanism and constitutionalism in order to provide the basis for their realization. In the field of managing public affairs by relying on public vote, the 6th Article, with a clear statement, considers the governing and managing institutions of public affairs as "Elective" institutions that are formed through elections. The numerous elections held in the field of the Presidency, the Islamic Council, and the local city and village councils confirm this idea. In an indirect approach, Article 107 has entrusted the determination of the highest official position of the country, i.e. the Leadership, to the assembly of experts directly elected by the nation.

In the following, the critical approach of the Constitution towards the neutrality of the state (at the level of regulations and institutions) will be examined.

2.1. The Approach of the Preamble of the Constitution

In most constitutions, beside the main text, there is usually a preamble or a declaration that includes general principles, goals, and ideals that inspire the legislators. The purpose of the preamble is to declare the ideology of the government and its perception of society, humans, and their rights and freedom (Saffar, 1989 AD/1368 SH: 11).

In the beginning, the preamble of the constitution mentions the perfectionist approach of the Islamic system and its definition of the good by stating the mission of the constitution. From the point of view of Islam, the government does not arise from the class position and domination of

3. Article 6 of the Constitution.

4. Excerpts from the 3rd, 9th, and 19th to 42nd Articles of the Constitution.

5. Articles 76 to 99, 111, 117, 173, and 174 of the Constitution.

6. The 12th Article of the Constitution: "The official religion of Iran is Islam and the Twelver Ja'fari School. This principle will remain eternally immutable.

an individual or group, but it is the crystallization of the political ideal of a nation, which organizes itself in order to make its way towards the final goal, which in this case is movement towards Allah. Thus, the purpose of the government is to help and guide human beings in moving towards the divine system.

2.2. The Responsibility of the State in the Development of Moral Virtues

According to paragraph 1 of Article 3 of the Constitution of the Islamic Republic of Iran, paying special attention to the desirable life of citizens, creating a favorable environment for the growth of moral virtues, and fighting against all manifestations of corruption are the most significant duties of the Islamic government. Purifying the society and educating the population are among the practical policies that lead to the elimination of the manifestations of corruption.

In the Islamic government, the edification is equal to the return to Islamic values. Regarding the fact that not all people have strong faith, in order to reform people and prevent individual crimes, certain policies are necessary:

A) Compilation and distribution of comprehensive cultural programs and continuous guidance towards the moral values of Islam.

B) Reforming and improving the educational environment and using righteous and faithful human resources in order to reinforce the moral strength of the young generation.

C) Developing appropriate criminal laws to prosecute and punish the morally corrupt.

D) Public supervision through "Amr be Maruf (command to do good) and Nahy az Monkar (command to avoid evil)" to take care of social affairs and values based on Sharia and legal standards.

E) Purification and continuous improvement of the state (Hashemi, 2006 AD/1385 SH: 274-275).

2.3. The Interaction between the Islamic Standards and General Rules and Regulations

The concept of sovereignty is one of the key elements of public law. The concept of sovereignty refers to the origin and source of the political power of the state. By examining this concept, we intend to find the root of the political power of the institution that exercises power (the government). It is the sovereignty that "Gives each of the ruler's apparatuses the authority to act. All actions of the three powers and other parts of the political system are done in sovereignty's name and are caused by it." (Ghazi, 2008 AD/1387 SH: 71)

Article 56 of the Constitution of the Islamic Republic of Iran is the most important law that defines the origin of sovereignty. According to this article: "Absolute sovereignty over the world and man belongs to

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God, and it is He who has made man master of his own social destiny. No one can deprive man of this divine right, nor subordinate it to the vested interests of a particular individual or group. The people are to exercise this divine right in the manner specified in the following articles." In the beginning, this article specifies the origin of all sovereignties, and it is in this position that it expresses the view of monotheistic system. Therefore, the origin of the sovereignty of the nation is from a divine source. Such an interpretation of the origin of sovereignty is the basis of the theoretical difference between Islamic point of view and secularist perspective. In this vision, the Constitution presents an image of national sovereignty in which the nation, although it becomes the ruler of its own destiny, considers the government a divine gift from God. Therefore, there are two main differences in the concept of national sovereignty in Islamic worldview and secular-democracy. The first is the difference in the origin of the sovereignty and the second is the difference in the scope of the sovereignty. In Islamic worldview, "Just as the absolute denial of the sovereignty of the people is wrong, so is the acceptance of the absolute sovereignty of the people." (Javan-Arasteh, 2001 AD/1380 SH: 72-74)

One of the most important manifestations of sovereignty is legislative competence. By accepting divine sovereignty as their foundation, religious governments consider the will of God to be a privileged place in their legislative systems. Therefore, the second Article of the Constitution of the Islamic Republic of Iran has clarified the issue of assigning sovereignty and legislation to God and has pointed out the essential role of divine revelation in the expression of laws. In addition, in the emerging issues and areas that may not be included in the written laws of Sharia, human legislation and collective wisdom are effective and valid only if it conforms to the general standards of Sharia because the legislative power of the Islamic government basically does not have the authority to enact laws against the official religion of the country. Executive bodies are also bound to comply with Sharia requirements in decision-making.

Therefore, the fourth Article of the Constitution⁷ has validated the necessity of the conformity of the Constitution, Parliamentary acts, and government regulations with Islamic standards; in a fundamental approach, it has considered the Islamic model (in accordance with the precepts of the Imamiyyah religion) as the only valid understanding of the pure life.

7. All civil, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the Constitution as well as to all other laws and regulations, and the wise persons of the Guardian Council are judges in this matter.

2.4. Amr be Maruf (Command to Do Good) and Nahy az Monkar (Command to Avoid Evil)

Following the recognition of the government's responsibility in the development of moral virtues, the Constitution has also benefited from the Islamic doctrine of "Amr be Maruf (Command to Do Good) and Nahy az Monkar (Command to Avoid Evil)" and in the 8th Article, has considered this principle as one of the most important mechanisms for achieving a desirable Islamic society, the development of moral virtues, and the rejection of corruption. The strictness of this doctrine is a clear proof of its perfectionist character, which believes in the absolute truth of a certain way of life, regards any opposition as reprehensible and deserving of prohibition, and considers the government to be the leader in spreading and promoting the views that are in favor of the Islamic model. The importance of the issue in the opinion of some members of the Constitutional Review Asswmbly has been to such an extent that the necessity of establishing the Ministry of "Amr be Maruf (Command to Do Good) and Nahy az Monkar (Command to Avoid Evil)" has been mentioned (Annotated Report of the Deliberations of the Asswmbly of the Final Review of the Constitution, 1985 AD/1364 SH: 410).

2.5. Velayat-e Faqih (Guardianship of the Islamic Jurist)

In perfectionism, determining the goal for human movement and expressing supreme values for his/her life is not possible without an executive system and leaders who are familiar with those goals. Therefore, the result of perfectionism is the belief in a virtuous and enlightened statesman. In this regard, Aristotle holds: "Providing the good for nations is not by chance, but the result of knowledge and kingship; the virtue of every nation depends on the fact that the people who participate in the government should have virtue." (Aristotle, 1992 AD/1371 SH: 312)

The constitutional system of the Islamic Republic of Iran pursues the virtuous life of its citizens within the framework of the Islamic model of the good. To achieve this, it needs a superior institution to make appropriate decisions, manage the country, monitor the implementation of Sharia requirements in the government, and ensure that various institutions do not deviate from the original Islamic duties. For this purpose, the legislator has provided the ground for the leadership of a highly qualified religious jurisprudent who is appointed by the elected members of the Assembly of Experts. In fact, it is the 57th Article that has recognized the institution of Absolute Authority/Guardianship of the Islamic Jurist (Velayat-e Motlaqe-ye Faqih).

In Islamic Republic of Iran's constitutional law, the sources of Shiite jurisprudence play a key role. In addition to providing narrative evidence

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related to the general representation of jurists on behalf of the Prophet and the Infallibles in the Age of Occultation, these sources, in a rational approach, consider jurists to be the chosen people for the leadership of the Islamic society.

It should be noted that the concept of "Absolute Authority/Guardianship of the Islamic Jurist" is a jurisprudential term that is fundamentally different from absolute and autocratic government. Jurists such as Ayatollah Khomeini, have put it forward in a jurisprudential study against the rival theory, that of "conditioned jurisdiction." In addition to the authority to issue Fatwas and supervise the administration of justice, the jurist, in the age of the occultation of the impeccable Imam, has the right to lead and manage the Islamic community like the Prophet and the Imams. In cases where it is necessary to maintain the state or when the interests of Muslims require, the jurist can make an appropriate decision by issuing a temporary government order.

Since the legislation of Absolute Authority/Guardianship of the Islamic Jurist "Velayat-e Motlaq-e Faqih" in Shia jurisprudence is to preserve the interests of people and not to ensure the benefit and expediency of the Faqih, in Ayatollah Khomeini's thought, "Velayat-e Motlaq-e Faqih" is bound by the important condition of "Respecting Public Interests," which indicates it is not unconditional (Arasta, 2010 AD/1389 SH: 55). The Islamic ruler is bound by the set of conditions that are stated in the Holy Quran and Islamic traditions and rulings. In addition, the Shia jurists believe that a jurist should be all-inclusive in order to assume the leadership of the state. Articles 5⁸ and 109⁹ of the Constitution define basic rules in this regard; while, in authoritarian systems, the ruler is not required either to comply with the public interest, or to possess any specific scientific or ethical characteristics.

8. Article 5: During the occultation of the Wali al-"Asr (may God hasten his reappearance), the leadership of the Ummah devolve upon the just and pious person, who is fully aware of the circumstances of his age, courageous, resourceful, and possessed of administrative ability, will assume the responsibilities of this office in accordance with Article 107.

9. Article 109: 1) Following are the essential qualifications and conditions for the Leader:

- a. Scholarship, as required for performing the functions of religious leader in different fields.
 - b. Justice and piety, as required for the leadership of the Islamic Ummah.
 - c. Right political and social perspicacity, prudence, courage, administrative facilities, and adequate capability for leadership.
- 2) In case of multiplicity of persons fulfilling the above qualifications and conditions, the person possessing the better jurisprudential and political perspicacity will be given preference.

2.6. The Guardian Council

Considering the importance of the Constitution and its position at the top of the hierarchy of legal norms, the supremacy of this document should be guaranteed over other rules of the legal system. This responsibility is undertaken by the institution of the Guardian Council. In addition, the perfectionism of the Constitution, placing the rulings of the Holy Sharia in the central core of the political-legal order, and the necessity of achieving a virtuous society require that the Islamic identity of the system is protected and this is also done by the Guardian Council. These responsibilities make this council one of the most important institutions in the Islamic Republic of Iran.

Based on Article 91, this institution consists of six jurists directly appointed by the leadership and six Muslim lawyers proposed by the head of the judiciary and appointed by the Islamic Council. This council, based on several articles of the Constitution, especially the Article 4, monitors the laws and regulations based on Islamic standards and the non-contradiction of the Islamic Council's approvals with the Sharia and the Constitution, thus preventing the legalization and formalization of views that are contrary to the official model of good life. The Constitution provides other responsibilities for this institution, such as interpreting the articles of the Constitution and monitoring elections. In these cases too, the Guardian Council, following the perfectionist principles of the Constitution, protects the Islamic model of the good life.

2.7. Supreme Councils of Cultural Revolution and Cyber Space

The authority of the Faqih to establish institutions based on the principle of protecting the Islamic society is one of the practical outcomes of the theory of the Absolute Authority/Guardianship of the Islamic Jurist, which is referred to in the 57th Article of the Constitution¹⁰. The absolute appointive authority of the jurist attributed to the jurisprudential thought of Ayatollah Khomeini is a theory that is based on the secondary titles of jurisprudence, especially the title of the "Expediency of the State," which emphasizes the extent of the authority of the Islamic ruler in the office of the administration of the Islamic society (Arasta, 2010 AD/1389 SH: 36-56). In the political history of the Islamic Republic of Iran, the jurist, in order to protect the interests of the Islamic society, has given governmental orders to establish special institutions in the government structure. Among these institutions, we can refer to the "Supreme Council of the Cultural Revolution." The approval of the transformation document of the Supreme Council of Cultural Revolution announced on December

10. The governing powers in the Islamic Republic of Iran are: the legislative power, the executive power, and the judicial power, which are exercised under the supervision of the absolute authority of the Faqih. These powers are independent of each other.

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21, 2022 (Azar 30, 1401 SH), has considered this institution as the supreme authority for policy-and-decision-making and coordination and guidance of the country's educational, cultural, and research affairs.

In the aforementioned order (the transformation document of the Supreme Council of Cultural Revolution announced on December 21, 2022 - Azar 30, 1401 SH), the purgation of scientific and cultural environments from materialistic ideas, the negation of manifestations and effects of Westernization in the cultural space of the society, the transformation of universities, schools, and artistic centers based on Islamic culture, the promotion of public culture based on Islamic and revolutionary values, designing measures to deal with deviant schools, policy-making in the direction of promoting the Islamic-Iranian lifestyle among people in society, especially the young generation, are put on the shoulders of the members of the Supreme Council of Cultural Revolution. Moreover, the philosophy of this council confirms the perfectionist approach of the Islamic Republic of Iran's constitutional system toward culture, art, public education, and the pure life of the citizen.

Among the institutions appointed by the leadership, we can also refer to the Supreme Council of Cyber Space¹¹ headed by the President. Considering that, according to the Constitution¹², the president and the ministers are the authorities of the executive power, such institutions as the Ministry of Culture and Islamic Guidance¹³ can also be mentioned as examples of perfectionist ideology.

11. Supreme Council of Cyber Space is another institution that was established in accordance with the government decree of the leadership in March 2013 and given the increasing expansion of information and communication technologies, especially the global Internet network and its significant effects on the dimensions of individual and social life, it has assumed responsibilities under the chairmanship of the president. Establishing complete supervision of cyberspace at the global and domestic levels and making decisions about how the country should deal with this issue in terms of hardware, software, and content are among the council's goals. Therefore, the Supreme Council of Cyber Space is the authority for policy-making and public education of people about the dangers of cyber space, and is in charge of the effective supervision and monitoring of it. Thus, it should have the necessary and continuous planning and investment in the field of the production of attractive content based on pure Muhammadan Islam and the discourse of the Islamic Revolution.

12. Article 60: The functions of the executive, except in the matters that are directly placed under the jurisdiction of the Leadership by the Constitution, are to be exercised by the President and the Ministers.

13. In this regard, the act of "Purposes and Duties of the Ministry of Culture and Islamic Guidance" approved on 12/12/1365, refers to the development of moral virtues based on faith and piety, the immunity of society from the influence of foreign culture, the spread of Islamic culture and art, the expansion of cultural relations with different nations and

2.8. Radio and Television

Today, considering the ever-increasing technological advances, the media has become one of the important factors of exerting influence on the decisions and behavior of others, and in the governance process, it is considered a powerful tool in guiding the behavior of citizens in the direction desired by governments.

The Constitution of the Islamic Republic of Iran has paid special attention to the media category in the position of laying the groundwork for the educational role of the government, and in the 175th Article¹⁴, the management, monitoring, and general policy of this institution has been directed towards the religious model of the good.

At the level of general laws, the "Law on the General Policy and Principles of Radio and Television Programs of the Islamic Republic of Iran" approved on 4/17/1361, has emphasized the guiding role of this organization in several passages. The preamble of this law, quoting from the preamble of the Constitution, states that mass media should be placed in the developmental process of the Islamic revolution and serve the spread of Islamic culture, and should refrain from promoting destructive and anti-Islamic traits.

By clarifying the prophetic mission of this public media, this law has declared that the duties of the organization are to lay the foundation for flourishing human talents and creativity to prepare him/her to achieve the position of Allah's representative on earth, to call for the absolute good and perfection, and to try to export the revolution through the presentation of Islamic culture and thought. Furthermore, in the field of ideological issues, the lawmaker has given attention to raising the level of people's Islamic vision, propagandizing and spreading authentic Islamic culture, and enlightening the public mind about heresies and religious deviations. Regarding cultural issues, the Broadcasting Organization has been made responsible to try to help establish the value system of Islam, create a favorable environment for human excellence, and expand moral virtues and spirituality in society.

peoples, especially Muslims and the oppressed of the world, and the creation of grounds for unity among Muslims as the main responsibilities of this ministry.

14. The freedom of expression and dissemination of thoughts in the Radio and Television of the Islamic Republic of Iran must be guaranteed in keeping with the Islamic criteria and the best interests of the country. The appointment and dismissal of the head of the Radio and Television of the Islamic Republic of Iran rests with the Leader. A council consisting of two representatives each of the President, the head of the judiciary branch, and the Islamic Consultative Assembly shall supervise the functioning of this organization. The policies and the manner of managing the organization and its supervision will be determined by law.

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Based on the mentioned theoretical considerations, in the practical sphere, this organization applies the perfectionist approach in various fields of film, drama, news, entertainment, literature, and music, and allocates its capacities and resources in introducing and promoting appropriate and desirable models.

Conclusion

Responding to the research question, the approach of the Islamic Republic of Iran's Constitution to the pure life of the citizen should be considered as "Religious Perfectionism." Taking into account the conflicts and damages of the pure neutrality of the state towards the life of the citizen, the Constitution has moved towards perfectionism by defining an educational mission for the government while criticizing the neutral approach.

As the critics of liberalism in the West note, the disadvantages of neutralism, including its focus on the individual's will in distinguishing the good and bad and his/her absolute right to choose the model of the good, lead to the destruction of the community and the collective relationships of individuals. According to perfectionists, moral pluralism caused by neutrality will lead to the blocking of the path of human transition to a desirable moral state, the spread of vice-oriented patterns, the occurrence of social anomalies, the expansion of emerging religions and beliefs. Therefore, reviving the ethics of virtue and establishing a public dialogue about the pure life through political institutions are at the center of the perfectionists' ideas.

In Islamic Republic of Iran, based on the historical demands of the nation during the Islamic revolution for the Islamization of the political-legal system, the revival of Islamic tradition and education, and the promotion of moral virtues, the Constitution was prepared with the approach of "religious perfectionism".

In Azar of 1358 (December 1979), it was approved by public votes. Therefore, the majority of the people of Iran expressed their long-standing belief in the standards of the holy Sharia and its role in moral uplifting and virtuous living, and chose Islam and Jafari's Twelver religion as the fundamental sources of a desirable and pure life. This religious perfectionist approach oscillates between coercive and non-coercive methods and includes criminalization of some behaviors and allocation of resources to some perfectionist organizations.

At the same time, the Constitution of the Islamic Republic of Iran recognizes the necessity of blocking the path of perfectionism to authoritarianism, and with the aim of achieving this goal; it has reflected

several basic republican indicators. Therefore, the Constitution acknowledges the necessity of eliminating any tyranny and autocracy, the participation of the public in determining the political destiny, the equality of the public before the law (Article 3), the reliance of public affairs administration on public votes (Article 6), the identification of legitimate rights and freedoms (Article 9 and Chapter 3), the rights of religious minorities (Articles 12, 13, 14), legislative referendums and reference to public votes in general legislation on very important issues (Article 59), to show its concern regarding such values as freedom, equality, and national sovereignty whose fulfillment requires more attention and effort from related agents and public institutions.

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