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Keywords: *social consensus-holy qur'an-constitution law.*

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The Bases of the Social Consensus in Holy Quran and in Iran Constitution Law

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1. INTRODUCTION

One of the important capacities of social behavior, including social consensus is based on the beliefs of that society. In Iran society, Holy Qur'an is the unique source of inspiring of people's behaviors. So the look of this Holy Book on social behavior, including social consensus is of great importance [1-3].

From Holy Qur'an's point of view, human factors act as cohesive ties for human consensus that they are rooted in deep heartfelt beliefs. It shows itself in political & social behaviors of that people (Tabatabayee, 1984). From Islam's point of view, the most important political unit is the Nation of Islam- the Ummah- that is indicative of a kind of public and universal consensus. The Umma can be composed of people & groups [4].

There are many verses in Holy Qur'an that encourages the social consensus directly. This study has investigated which verses have emphasized on social consensus & from which view they have done so. Furthermore, in the political area, Constitution Law forms the content of a political system. This law can have a high potential in convergence or divergence in a society.

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For this reason, the present study has revealed the laws that make ground for the social consensus in Iran society [5].

a) *The theoretical model of social consensus evaluation*

Lowenthal (1979) believes that for identifying the social consensus in a society, we should study people's tendencies in that society to 3 levels of "system", "process" and "policy". The theoretical model for the present study is the evaluation of social consensus based on Lowenthal theory, at the system level. Perhaps the most important factor of the citizen's tendency at the "system level" is the base of the legitimacy of the government. As we know, the concept of consensus, culture and legitimacy are interrelated concepts (Hoseini, 2006:72).

Now, considering the interrelation of the concepts of the culture and legitimacy, we ask how cultural values affect on political system's legitimacy. In other words, how the members of a political system look at the legitimacy of that system, based on their criteria, norms and values (Lowenthal, 1979:462). To answering this question, it can be said if people follow a system according to the present traditions, that system has the traditional legitimacy and if they follow it based on the divine light of the leader, that system will have a divine legitimacy and finally if in a system the policy making and employing people are done by legal and intellectual manner, that system will have a legal-intellectual dominance. As a result the bases of legitimacy are composed of: tradition, divinity and intellectuality. These cultural bases lead to legitimacy of a political system and social consensus. In order to know which bases the social consensus has in Iran, we can trace the discussion in each historical period: pre-Islamic, Islamic, safavid dynasty period up to Islamic revolution and after Islamic revolution [4-6].

It can be said that the social consensus in the first period, pre-Islamic period, was divinity. People obey the power authorities because they suppose they deserve it and God has gifted them the divinity light (Rajayee, 1992:7). The social consensus in Islamic period was based on religious traditions, customs and rituals. From Safavid period to Islamic revolution, the factors of social consensus were religious traditions, customs and rituals of Shia, and a belief to divinity of safavid kings (Ibid, p. 8).

The Mashrute revolution was a turning point because at the beginning western thoughts and ideas made their way toward Iran and in this way the cultural social consensus was transformed. The traditions, customs and rituals were no longer bases for social consensus; instead it found intellectual-legal bases. During this period, Iran for the first time had the constitution law and legislated man-made rules, both based on social conventions and ideas. From then on, people gained access to social consensus, and social solidarity was reinforced based on the conventions (Hoseini, 2006:134).

After the Islamic revolution, bases of social consensus on traditions were empowered again and along with legal and intellectual factors (with ratification of the new constitution law in Iran after revolution) and the charismatic base led to social consensus and solidarity. The charismatic base that was appeared after the revolution because of the charismatic leadership guarantees the social consensus in Iran. Therefore in this research two important sources of social consensus including religious beliefs that inspires the religious teachings and the Constitution Law that is the basis of political legitimacy, have been studied [7-8].

b) *The concept of social consensus in Holly Qur'an*

Some of the terms that are related to social consensus in Holly Qur'an are:

جمع (society), اجتماع (public), تعاون (help), اخوت (friendship), تودد ومودت (assembly), اجماع (gathering), حب (love), وحدت واتحاد (unity), brotherhood), ومؤاخات (guardianship), وتحابب (greeting), سلام, سلم (closeness of hearts), الفت وتأليف قلوب...

As an example:

«تعاونوا على البر والتقوى»

Help one another in goodness & piety. (Maidah: 2)

1. The concept of عامتج & عجمج present the coexistence, togetherness & avoiding of separation and of individualistic and nonconformist behaviors.
2. The words تودد و مودت present creating friendship and kindness and they are regarded the bases of social consensus in Holy Qur'an.

«وجعل بينكم مودة ورحمه»

And He put between you love and compassion. (Rum: 21)

«ان الذين آمنوا وعملوا الصالحات سيجعل لهم الرحمن ودا»

Surely (as for) those who believes and do good deeds for them will Allah bring about love. (Marium: 96).

3. تاخاؤم, ءاخا, تخوا means brotherhood in all of the life affairs even the social and economical issues as the Holy prophet Mohammad (P. B. U. H.) who

make Muslims brother in Madinato- al- Nabi, so as to be partner in all of their life affairs. In Holy Qur'an it is there is:

«انما المومنون اخوه فاصلحوا بين اخويكم»

The believers are but brethren, therefore make peace between your brethren and be careful of your duty to Allah that mercy may be had on you. (Hujurat: 10)

And:

«فالف بين قلوبكم فأصبحتم بنعمته اخوانا»

Then He united your hearts so by His favor you became brethren. (Al'ay Imran: 103)

ربنا اغفر لنا ولأخوانا الذين سبقونا بالايمان»

Our Lord! Forgive us and those of our brethren who had precedence of us in faith. (Hashr : 10)

داجتا and تدجو mean general consensus, unity and avoiding separation. It also represents unity and is representative of destination and intention in social, political and cultural life. داجتا and تدجو are among the fundamental aims of Holy Qur'an that are being considered in it repeatedly. For example:

«كان الناس امة واحدة...»

All people are a single nation. (Baghara: 213)

4. بباحتا and بح show affection, friendship and closeness among people of a society, because from the Islamic standpoint, without affection, social consensus is not desired for the members of a society and it will be a mechanical and artificial concept.
5. The words تىالو and ءالو mean putting one thing beside another thing so that there is no distance between them (Motahhari: 1968: 6-7). It is used for spiritual closeness and non-spiritual closeness (local- temporal,...), friendship, affection, unity, togetherness, help, controlling the affairs,... This word and its derivatives have been used in Holly Qur'an repeatedly. For example:

«والمومنون والمومنات بعضهم اولياء بعضى يأمرزون بالمعروف وينهون عن المنكر»

And (as for) the believing men and the believing women, they are guardians of each other; they enjoy good and forbid evil,.. (Baraat: 71)

To explain this verse, Motahhari (ibid: 22) has written:

The believing are close to each other and because of this they help each other. They are interested to each other's destiny and in fact they are interested to their destiny that comprised a unity so they enjoying good and forbid evil.

6. *مجلس* and *مالس* mean felicitation, greeting, security and peaceful existence. Tabatabayee (1972:1984: 5) says:
The word *مالس* represents expanding the peace, health and security between two persons that meet each other. This peace and security is equal for both. *مالس* in this sense can cause consensus.
7. *بولق فطیات* and *تفلا* mean making link between people. By this means, unity, solidarity and social consensus come into being.

«واعتصموا بحبل الله جميعاً ولا تفرقوا واذكر انعمه الله عليكم اذ كنتم اعداء فالق
بين قلوبكم فاصبحتم بنعمه اخوانا»

And hold fast by the covenant of Allah all together and be not disunited, and remember the favor of Allah on you when you were enemies, then He united your hearts so by His favor you became brethren,.. (A'lay Imran: 103)

And in another part, we see:

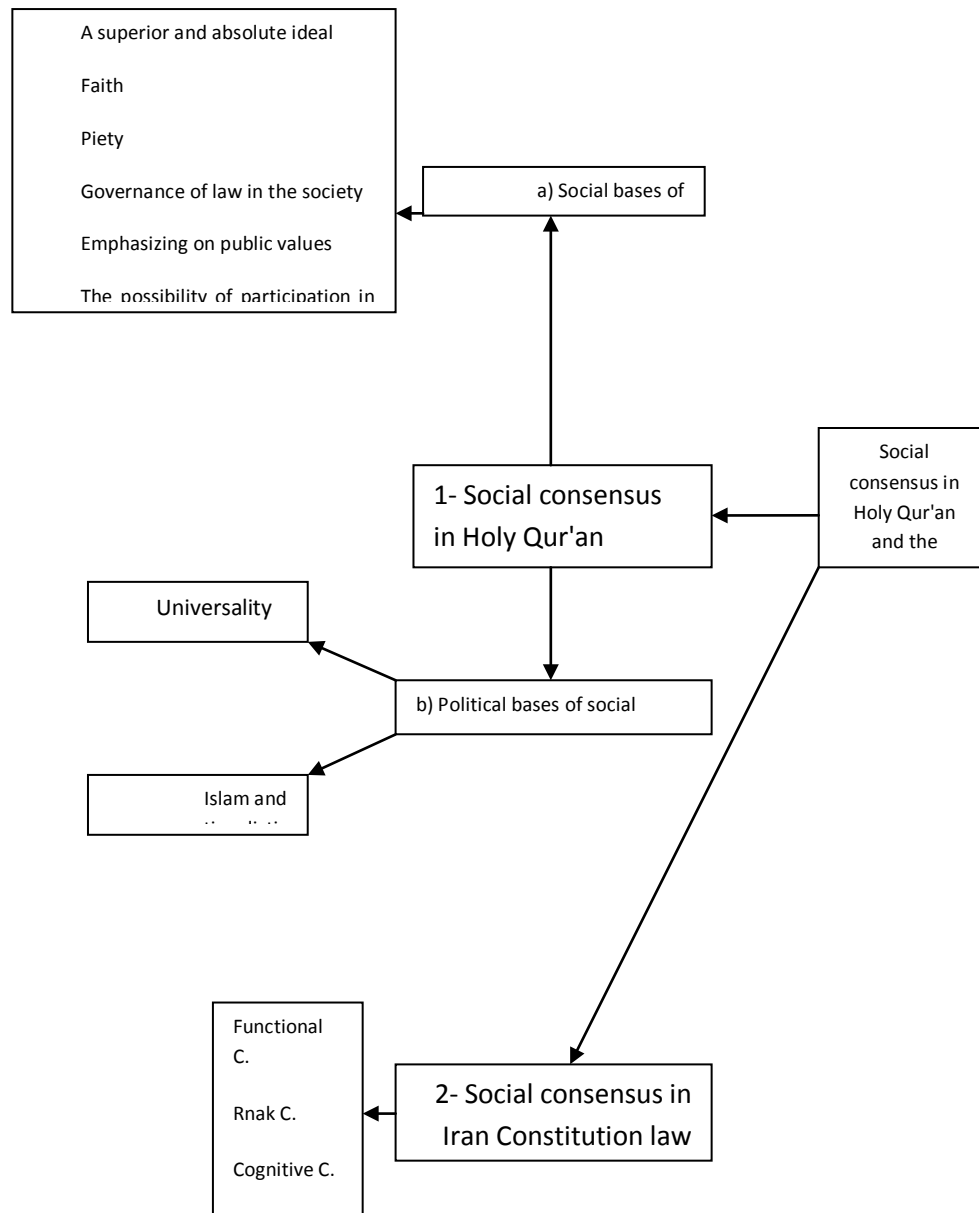
«ولكن الله الف بينهم»

But Allah united them. (Anfal: 63)

II. METHODOLOGY

This is a qualitative content analysis study. The corpuses for analysis (statistical sampling) involve Holy Qur'an and Iran Constitution Law. Using coding method, both of them have been codified.

In coding system there are 3 classifications: descriptive, combinational and semantic. This study has been done based on semantic classification. We use cumulative classification for the conceptual model of social consensus in Holy Qur'an and box classification for studying the Constitution Law. The categories used in Holy Qur'an have been divided into two parts: social basics and political basics. They both have been sub classified that are represented in the analytical model. In conceptual modeling of social consensus we use box method. First we divided social consensus to 5 categories: value consensus, functional consensus, cognitive consensus, rank consensus and conventional consensus. Then the related articles of the Constitution Law were extracted. The content unit in this study for recording unit is the subject or content and for base unit are verses of Holy Qur'an related to social consensus and the Constitution Law's articles.



As you see in this model, we use accumulative method for classification of the categories of the social consensus. In this method, the text is being studied carefully and during the study, the categories are being extracted, classified and integrated and finally the categories related to social consensus are being determined in 2 parts: the social bases of consensus and the political bases of consensus. Then we identify 5 categories for social bases of consensus:

1. A superior and absolute ideal
2. Governance of law in the society
3. Faith
4. Piety
5. Real participation of people in governing
6. Making opportunity for social movements

Also regarding the political basics of social consensus, two categories have been considered: universality of Islam and Islam's standpoint about nationalism. Then the related verses of Holy Qur'an have been studied.

In studying the Constitution Law, box classification has been used. In this method, analytical categories are considered at first. Then the text is studied. Accordingly social consensus is divided to 5 categories: value consensus (consensus on fundamental ideals of the society), functional consensus (it means conventional acceptance of the right and own duties and others' duties), rank consensus (consent on individual and public merits of humans), cognitive consensus (consent on understanding and doing), and conventional consensus (consent on the behaviors of people and expectations). Then all of the articles of the

Constitution Law are studied and social consensus is extracted from the Constitution Law based on these theories.

Corpus:

1. Holy Qur'an and the social consensus

For studying the social consensus in Holy Qur'an we looked at it from two views. First social basics of social consensus will be studied. Then we have a look at the political basics of it:

a) Social basics of consensus in Holy Qur'an

The basics and fundamental conditions that make the ground for the social consensus in the society and its permanence and have been considered in Holy Qur'an too, are as the followings:

i. A superior and absolute ideal

If a society has a superior and absolute ideal, that is the ultimate end of the people on that society, there appears an axis that social consensus forms around it and last. In Islam, monotheism and God are those superior and absolute ideals and the ultimate perfection. These make all Muslims united. They all turn to God and step in His road. Their deeds are done for closeness to God, and in His way. If not, they will be worthless.

ii. Faith

It means believing in one absolute God. It is one of the most important factors of forming the public consensus that makes the people brethren of each other, close hearts together and paves the way for realization of consensus.

«فمن يكفر با لطاغوت و يؤمن بالله فقد استمسك بالعروة الوثقى لا انفصام لها...»

Therefore, whoever disbelieves in the shaitan and believes in Allah, he indeed has laid hold on the firmest handle, which shall not break off,... (Bagharah: 256)

So faith is the resort to a firm cycle because it has salient social effects. It takes the person out of the isolation and submerges him in the society. As a result, he ignores individual benefits and is loyal to social expediencies.

Faith can result in "sacrifice" for others and the society. The believer may give his life for the faith and for the survival of the public and even devote his life for others (to be martyred for God). Our prophet Mohammed (P.B.U.H) says:

"أشرف الايمان ان يامنك الناس...."

The most honorable faith is that of keeping people safe. (Nahj-ol-Balagha: 1958: 214)

iii. Piety

Piety can be one of the most important factors for creating social consensus. The word derives

from *عَفْو* that means controlling the self and keeping it away from the evils, dangers and sins (especially when they take public form). It leads to controlling the society and uniting its members. If a society bases its fundamental on faith, surely it can achieve a social consensus based on purity.

"افمن استسّ بنياه على تقوى من الله و رضوان خيرام من استسّ بنياه على شفا جرف هار و فانهزبه فى نار جهنم"

Is he therefore, better who lays his foundation on fear of Allah and (His) good pleasure, or he who lays his foundation on the edge of a creating hollowed bank, so it broke down with him into the fire of hell. (Baraat, 109)

iv. Government of law in Society

Social consensus depends on a convention that in that convention, the rights and duties of the members of the society and the officials are being defined clearly and all the rights of individuals and groups are recognized officially and justly. Then in establishment the social consensus: First, there should be organized and ordered rules. Second, the rights of all of the members of the society should be recognized officially. Third, member's duties and rights should be stated explicitly. Fourth, the laws should have public legitimacy.

From the Qur'an's point of view and the traditions, the necessity of these laws whether in the forms of intellectual laws or Islamic laws has been emphasized:

"شرع لكم من الدين ما وصّى به نوحا والذى اوحينا اليك"

He has made plain to you of the religion what He enjoyed upon Nuh and that which we have revealed to you... (Shura: 13)

"لكل جعلنا منكم شرعة و منهاجا"

For every one of you did we appoint a law and a way... (Maidah: 48)

"ثم جعلناك على شريعته من الامر فاتبعها"

Then we have made you follow a course in the affairs, therefore follow it. (Jasiyah: 18)

عَفْو (the Islamic law) represents law and its necessary for the society.

In the third verse the Islamic law that is legislated by God, is mentioned, like the last two verses. But in this verse following of that Islamic law has been added.

v. The possibility of participation of people in government

According to Holy Qur'an and the religious leaders, man is the successor of the God on the earth. This is applied to human beings generally, not a certain individual. The Holy Qur'an says:

"و هو الذي جعلكم خلائف الارض "

And He is who has made you successor in the land. (Annam: 165)

Or:

"امن يجيب المضطر ويجعلكم خلفاء الارض "

Who answers the distressed one when he calls upon Him and removes the evil, and He will make you successors in the earth. (Naml: 62)

و كذلك جعلناكم امة وسطاً لتكونوا شهداء على الناس

The succession of man on the earth has various dimensions. One of the most important one is that of his control on himself and his destiny that is called "sovereignty of human".

And thus we have made you a medium (Just) nation that you may be the bearers of witness to the people. (Baqarah: 143)

"كنتم خير امة اخرجت للناس "

You are the best of the nations raised up for (the benefit of) men. (A'lay Imran: 110)

"و شاورهم في الامر "

And take counsel with them in the affair. (A'lay Imran: 159)

"وامرهم شورى بينهم "

And their rule is to take counsel among themselves. (Shura: 38)

vi. *Making opportunity for social movement*

It means the possibility of movements of the individual and social groups in the ranks of the society.

"اتي لا اضيع عمل منكم من ذكر او انثى "

(A'lay Imran: 195)

b) *The political basis of social consensus in Holy Qur'an*

i. *The universality of Islam*

Islam is the last heavenly religion. It is a universal and a broad-based school. After it the missions of the prophets ended and it is a firm reason for its universality. Furthermore, it is comprehensive so that it can meet all the guiding needs in the lifetime.

"ولا رطب ولا يابس الا في كتاب مبين "

Nor anything green nor dry but (it is all) in a clear book. (Anam: 59)

Additionally, Islam is an innate religion, i. e. it is in harmony with man's innateness and his inherent nature.

فطره الله التي فطر الناس عليها لا تبديل لخلق ذلك الدين القيم

The Nature made by Allah in which He has made men, there is no altering of Allah's creation; that is the right religion. (Rum: 30)

Then its innateness shows its universality; because it conforms to equal innate characters of all human beings. As Sadr (1981) says the ideology and the beliefs have humane aspect when it paves the way for all human beings to burst in to bloom all their talents. It harmonizes all of the aspects of human being so that there is no contradiction between them and it is possible only when it deals with humanity and its genuineness, as God has created it, without denying man's talents, abilities, needs and fixed and variable values. Also Holly Qur'an has introduced the mission of Islam as universal and says the prophet, Mohammad (P. B. U. H) is the prophet of all human beings:

وما ارسلناك الا رحمة للعالمين

And we have not sent you but as a mercy to the worlds. (Anbiya: 107)

وما ارسلناك الا كافة للناس

And we have not sent you but to all the men. (Saba: 28)

Then Mohammad's mission is not an ethnic, tribal, racial and national mission. It is not limited to a social class. It is universal. According to the reasoning in Holly Qur'an, Islam will be practically universal too, that is the aim of prophecy.

هو الذي ارسل رسوله بالهدى و دين الحق ليظهره على الدين كله

(Fateh: 28, Saff: 9)

He is who sent His Apostle with the guidance and the true religion that he makes it.

Furthermore, when Holly Qur'an tells about honoring of human being, it wants all know about his esteem.

و لقدكرمنا بنى آدم

And surely we have honored the children of Adam. (Bani-Israel: 70)

In general, this religion creates universal consensus among people because it involves common principles among them. Sadr (ibid: 93) says: For universality of an invitation, it is not enough that make it universal, but it should have common principles among humans. It should have the ability to take them out of the darkness and lead them to brightness and promote them to recognition, consciousness and responsibility.

It can solve the difficulties of the nations so that it doesn't contradict with unity of humanity and their heartfelt solidarity and these conditions all are involved in Islam.

Furthermore, many verses of Holy Qur'an are addressed to سان اديا (people). سان اديا (o people) is the clear sound of Holy Qur'an and the tradition.

ii. *Islam and internationalist view*

Internationalism means super national and super-border tendencies with considering super national benefits according to human criteria. This involves those beliefs that are based on common benefits of different nations and ethnic groups of the world, also the possibility of cooperation and co-existence and help so that the borders will be removed and they will be unified (Babayee: 1990: 84).

Internationalism is a viewpoint that reside somewhere between nationalism and cosmopolitanism. Cosmopolitism means deletion of every criteria and measure for human unification and consensus and replacement of some irresponsibility to those criteria and standards that can exist for the creation of the nationality and the solidarity of humans, but nationalism involves ethnic group criteria.

Islam's viewpoint, as with its humanitarian mission, is an international view in its broad sense. Accordingly, consensus and solidarity are based on common factors among humans that go beyond racial, group and rank borders. They will lead to a universal government within which the most important factor of social consensus are feelings, faith and desired political system common to all human beings. This Islamic internationalism is different from that of Marxist that seeks the bases of universal solidarity and consensus in economical factors. It emphasizes on unity of humanity, beliefs, feeling and religious ideals, as Holy Qur'an says:

ياايهاالناس اتقوربكم الذي خلقكم من نفس واحدة وخلق منها زوجها وبث
منهمارجالاكثرأ ونساء

Nisa (1)

O people! Be careful of (your duty to) your lord, who created you from a single being and created its mate of the same (kind) and spread from these two, many men and women...

Then as far as origin, base, aim, mission, insight and teachings are concerned, Islam has an international viewpoint and it is confirmed by the great scholars and jurisconsults like Abunaser-e-Farabi, Avesina, Molla sadra, Seyyed Jamalo-al-dine Asadabadi, shahid sadr, Imam Khomeyni,...

As a matter of fact because of human logic and universal mission and its internationalism, Islam basically hasn't confirmed the internationalism, sectarianism and ethnicity especially if they are barriers to public consensus. So not only none of its teachings shows any inclination to ethnic, rank or racial priorities, but also its criteria and measures are universal and belong to all human beings:

ياايهاالناس اناخلقناكم من ذكروانثى وجعلناكم شعوباوقبائل لتعارفوان اكرمكم
عندالله اتقيكم

O, you men! Surely we have created you of a male and a female, and made you n tribes and families

that you may know each other; Surely the most honorable of you with Allah is the one among you most careful (of his duty)...(Hujurat:11)

Additionally, in Baraat: 24 man is forbidden of ethnic and tribal consideration firmly.

c) *The concept of social consensus in Iran constitution law*

In this part, first we divide consensus to 5 categories: functional, conventional, cognitive, value and rank consensus. Second, they are defined. And then they are studied in the articles of the constitution law.

i. *Conventional consensus and Iran constitution law*

Conventional consensus is conventional acceptance of authority and freedom in the shade of security, consent, order, peace, justice, fairness and promotion for owners of right and duty (Chalabi: 1992: 28).

Islamic revolution of Iran comes into existence on one hand of denial of monarchic political-legal system and on the other hand of consensus on creating a new political-legal system in the form of the constitution law of Islamic republic of Iran. In this process, the instrumental and content diagram of conventions and contracts of the superiors of the revolution is the constitution law. In its introduction it is claimed that the written and collected text of the constitution law is the reflection of the desire of Islamic nation (necessary aspect) that by means of it the internal autocratic and external domination (based on dispossession aspect) were broken down.

Articles of the constitution law confirm that the long lasting belief of Iranians to the government of right and justice is the basis of the Islamic revolution of Iran and the Islamic republic confirmed in referendum was announced as Iran's government. So both the form and the content of Islamic revolution and the two referendums represent that in early stages of the revolution, Iranian made a pledge for what they desire and what they don't desire, in written and non-written form and they have consensus on them. This is called the conventional consensus that is the sign of the most basic needs. And it shouldn't be forgotten that justice, anti-autocracy, public life with right, justice and fair and freedom have always been the most basic needs of Iranians that are being realized in Mashrute revolution, in nationalization of Iranians Oil Industry and in Islamic revolution of Iran. The basis and theme of convectional consensus are not being supposed to change.

ii. *Value consensus and the constitution law of Islamic republic of Iran*

Value consensus is defined as optimism and consensus on political ends of the society and common norms and basic ideals of the society (Chalabi: ibid: 17).

Some of the ideals that are regarded as the most basic norms are as following:

In individual and humanistic area (articles 19, 56, 154), the equal right of Iranians, mastering of man on his own destiny, his happiness in the society; in the area of public life, family and group life, sacredness of family; In social area (articles 1, 2, 4, 5), long-standing belief in Islamic government and its basics and acceptance of religion and leadership for the governing; in the foreign policy area (articles 152, 11), the rejection of all forms of domination, the attainment of independence of the country and its territorial integrity and the defense of the rights of all Muslims, non-alignment with respect to the hegemonic superpowers, and peaceful relations with all non-belligerent states and the attempt for unification of Islamic nations and nation-making; in economical area (article 43), economical independence, removing poverty, employment, leisure possibilities, rejection of wrong trades and prohibition of extravagance and wastefulness in all matters related to the economy and in military area (article 144), Islamic army, ideological army, public, devoted, all are value consensus of Islamic republic and the constitution law. These values can be considered as indispensable result of governing that if they are executed, we can have a strong and healthy society with good citizens and the rulers who find the best policies.

iii. *Cognitive consensus and Iran constitution law*

Cognitive consensus is the common consensus on methods of seeing, feeling, doing and having relationships with others. It is also the process of cognition that involves the problem-solving through attention, thinking and temporal expression (Ghamari: 2005:111).

The common methods of seeing, feeling friendly, marching together, uniting in a single destiny are of the other basics of consensus that are found in the constitution law of Iran in various forms. In the individual right area (articles 27, 112, 13, 14, 20), freedom, safety, prohibitions and limitations; in basics area (articles 6, 7, 8, 9, 50, 100, 101, 104, 106), honoring the public opinions, inseparability of independence, freedom and honoring enjoying the good and forbidding evil; in the symbol area (articles 15-18), common script, language, formal date and declaration of existence; in leadership and governing area (articles 5, 75, 107, 108 and 111) honoring the leader and methods of choice, supervision and dismissal; in executing area (articles 3, 29, 30, 31, 60, 114, 116-120, 130, 131, 135, 139-141), government's duties in establishing the welfare, security and the methods of selection, supervision and dismissal; in legislative area (articles 57, 59, 65, 66, 68, 69, 73, 74, 77-83, 86-89, 92-95, 98 & 99), the basics of legislation in Majlis (the Islamic consultative Assembly), preservation of the endurance of the Majlis, selection of the best Majlis deputies, different supervision of Majlis

on behalf of people on public affairs of the country, defence of Shariah (Islamic law) and the constitution law and the very importance and validity of knowing the way public affair of the country are managed: in the Judiciary area (articles 32-42, 61, 156, 159, 162, 164-166, 168, 169, 171, 172), preservation of the accused's rights, the legal settlement of the claims, protection of public rights, extending the justice execution, performing the divine orders and honoring the right, Justice and fair in orders of the court as the most meritorious duties of judges; in economical and financial areas (articles 28, 44-49, 51-55) the legitimacy of the ownership in accordance with the Shariah, religiously forbidden of every non-humanistic and non-religious gain and legality of the budget and the tax and being three dimensional forms of economical management; in military and security area (articles 81, 145, 146, 149, 151, 153), preventing severely of every foreign domination on the country's affairs and empowering people for armed defense of the country; in the area of resolving the problems (articles 110, 112), center for resolving the problems and its methods; and in revision area (articles 132 & 177), revision, its pioneer, the revisionists and the important role of the people and leadership are among the case of consensus in the constitution law.

is keeping watch of the sanctities, honoring the possession, and try is to access to what people don't have that can be done in various forms according to temporal and local conditions and various tools.

iv. *Rank consensus and Iran constitution law*

Rank consensus means consensus on the set of capabilities of a person which is supposed by a legal structure and on the set of the rewards and punishments that every society establishes for each person in every social ranks (ibid, 2007:16).

There are some acquired ranks or hierarchical ranks in some fields that are shown in the constitution law and they involves various areas; in leadership (articles 5, 107, 109, 110, 117), Faghih with various features and special characteristics and determined and comprehensive authority ; in governing area (articles 113, 115, 124, 126, 128, 129, 137, 138) the president with authority and various responsibilities; in legislating area (articles 62-64) the selection of representatives and the base of the representatives on behalf of the people; in the justice area (articles 157, 161, 163, 173, 174) to acquired base of the Judiciary affairs; in the area of safeguarding the law (article 91) it is referred to the Guardian Council, in area of resolving the problems (articles 112) to the Nation's Exigency Council, in the area of safeguarding the national interests and the national security (article 176) to Supreme Council for National Security. These articles shows whom the primary legislators of the constitution law and the nation-as those who ratify it- have officially recognized. In the case of leadership, governing, legislation, Judge

safeguarding of the law, resolving the problems and safeguarding the national interests and the national security, this area is a domain that can tolerate changes both in infrastructures and in the apparent methods and tools; because we are concerned here with proficiency, endurance, and efficiency and if it isn't done as it must be done, the revision on the work of the past is a must.

v. *Functional consensus and Constitution law of the Islamic Republic of Iran*

Functional consensus is the consensus on the amount of the interfering or the participation of someone that the political-legal structure expects him a certain behaviors in participation links and giving order in hierarchical form (Ghamaei: *ibid*: 112).

In the constitution law, the defined ranks are not let go for themselves. They have been asked for special behaviors and the expectation for putting them in to action has been declared, in the leadership area (articles 5 & 110) it was expected from the ruling juriconsultor, in the area of governing (articles 11, 121, 127, 132, 134, 136, 137) from Executive power, in the broad sense of it, in the area of legislation (articles 67, 72, 76, 84, 90, 96, 97, 113) from legislature power and all of the representatives of Assembly; in the area of Judgment (articles 160, 161, 167, 170, 173, 174, 142, 158) from Judiciary and all of the related organizations; in the area of safeguarding of the laws of supervision and interpretation (articles 92, 98, 99), of the Guardian Council, in the area of resolving the problems (article 112), of the Nation's Exigency Council; in the area of supervision on leader (articles 108 & 111); from experts Assembly, in the military affairs (articles 143, 147, 148, 150), from Army, the Islamic Revolution Guards Corps and the armed forces; in the area of public defense (articles 151 and 176) from all of the members of the society and Supreme Council for National Security, in the public affairs (articles 102, 104, 175) from Councils, the Radio and Television of the Islamic Republic of Iran and in the area of revision of the thoughts, functions and behaviors (article 177) the leader, Nation's Exigency Council, the Council of revision and the nation are expected to behave well in relation to governing. Some should lead, some should govern, some should recognize the legal needs of the country, some should settle the disputes and spread the just and fair, some should supervise on the rules and the alternative selection choices, some should settle the disputes among the organizations, some should supervise on the leader, some should deal with the interior and foreign security and all of them should participate in executing public programs and revise themselves permanently.

III. CONCLUSION

From Qur'an's point of view the human factors are the linking factor of consensus among people and that is possible only in the shade of the firm faith and the

strong beliefs. On the other hand, the belief can turn into a real and fixed and at the same time sacred unity only when it is around the axes of right, Justices and humanity and this is that feature that Islam has leaned on it for making a public consensus in the world and has set the One God as the criteria for the beliefs. So not only the Islamic consensus roots in the human hearts and leads to the unity of hearts, but also it has the result of the practical consensus and this case has not in congruity with nationalism. Of course nationalism in certain temporal conditions and in the positive sense is confirmed as far as it is the factor of consensus and solidarity of groups and the members of the society and serves to mutual understanding of people and helping the fellows, as far as it isn't a barrier to consensus and solidarity among people and not create unnatural boundaries. The most important political unit of Islam that represents the concept of universal and public consensus of human being is the united Ummah or Islamic ummah. Ummah may involve different people and groups that have a common political aim and organization. Accordingly, it can be supposed that it is a special form of nationalism that universal nature and innateness of Islamic teachings and the dependence on the general political aim and organization of the society and its common benefits form its basis. The basis of such an Ummah is "general consensus"; it means that even when people don't have the same belief, they have the same aim, benefits and the organizations that provide that benefits and thus they have consensus. But about the constitution law and the social consensus the research has the following results:

1. The individual and public identity of humans is unforgettable. The conventions of people with each other are for the observation of rights of his and others. Constitution law is the result of the convention.
2. Consensus is the result of norms, compromises, interaction and cooperation that is classified into 5 categories: conventional, value, cognitive, rank and functional.
3. Five consensus assemble together and form a cone because each consensus has an epistemological dependence.

Conventional consensus has superiority on other consensus and its special function of it is determining the special function for other consensus. The foundation of conventional consensus is on homogeneity and recognition. Value consensus has the basic function of empowering and is based on accompaniment and similarity. The basic function of cognitive consensus is gathering and preventing of dispersion and on interaction and consensus. The basic function of rank consensus is equipping and preparation and is based on multiplication. The basic function of cons-

ensus is duplication and management and is based on equality.

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