



State Political Activities and Political Rights of the People

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Abstract

Politics in a democratic system involves the acquisition, distribution, application power and supervising it in a peaceful manner. Considering this definition, people attempt to fulfill their political rights by using different means that are available to them. They can enjoy legitimate political power through election; they may distribute the power by using law, and they can use their freedom and media to supervise the political power. Since democratic governments are at the service of their people, protecting their rights gives the state authority and competence. Therefore, the state's political activities can be categorized into three groups, namely free election, law and the freedom of expression. These three elements could be also considered as the basic rights of people. By defining and delineating politics, and distinguishing it from other state activities, one can obtain a clear-cut understanding of people political rights, political figures, political affairs, political activities and finally political offences. The attainment of this understanding consequently leads to fighting political offences which have caused a lot of problems in our societies.

Keywords: Politics, political activities, political rights, state, power, legitimacy, democratic government.

Introduction

In order to understand political activities, we first need to look at the definition of politics. Politics can be analyzed on two main levels. Scholars have proposed a number of theories for ruling a country. Such theories have been developed as science named politics. Government political performance has received a lot of attention from scholars and practitioners. Practically, politics involve the implementation of democracy in ruling a country. Considering different cultural, social and ideological capacities of countries, governments use a variety of methods and approaches to implement democracy. Political activities are to a great extent dependent upon the prevalent ideologies of the political figures and their personal characteristics. These activities also largely depend on the existing cultural and social issues of a country. To distinguish a political action from other similar notions, an acute political vision is needed. Another reason for studying politics is the necessity to distinguish law from politics or legal affairs from political affairs and to understand the relationship between them. It is also essential to appreciate the difference between political and non-political actions of a government, and the relationship between political actions and public and political rights of the people. These issues encourage us to study politics. Therefore, after dealing with the concept of politics, we will analyze political actions which are closely related to the concept of power. Then, the role of political actions in determining the government legal liabilities will be highlighted^{1,2}.

Politics as a Concept

In Arabic, the word "siasat" has several meanings. One of the

meanings is to manage affairs, which is more prevalently used than the other meanings of the word. In Persian, "siasatkardan" signifies the punishment of a criminal. "The word 'siasat' means to properly guide people and manage their affairs, and the word 'siasi' denotes a political figure. The word 'hoghughe siasi' also refers to those rights such that permit people to manage their country such as the right to vote^{3,4}.

In English, "politics" is defined as "actions or activities which people use to achieve power in a country, society or organization"⁵⁻¹⁰.

According to this definition, all actions that are related to power could be considered political. However, in the same source, other meanings have also been ascribed to politics.

Politics is the study of the way a country is governed. This is an academic definition of the concept of politics, which views it as the knowledge of ruling a country. Another definition for politics states that politics in a general sense is the knowledge or technique of managing a county or the political units of that country. Mclean's definition of the concept is the same as the above mentioned Persian and Arabic definition. The most popular definition of politics used in the recent works is as follows^{6,7}:

"Politics is the science of studying different forms of power relations in different times and places, and shows the direction and reason of using power. The basis of such a definition is the fact that what is commonly known as politics refers to power relations within a society". In this definition, power is considered as the core invariant of politics. The same is also true for the English definition. Despite the popularity of some

definitions, no consensus exists in defining the concept of politics^{8,9}.

From the perspective of theorists and scientists, concepts such as government, state, power, power struggle, legitimacy, state power, social hegemony, political influence etc. are the rudimentary elements of politics. These elements show the popularity definitions of politics are precise since in all of them the concept of power plays a key role¹⁰⁻¹⁵.

"Politics deals with properly managing internal affairs and foreign relationships of a country. In other words, politics is the knowledge any government should possess to successfully rule country. It should also be noted that some have perceived politics as the knowledge of power, which is a very realistic perception of this concept." It can be briefly concluded that politics is the study of power and its use in a society^{11,12}.

Politics and Political Management

There is fundamental difference between politics and policy. Politics is the science of acquiring power and legitimately sustaining it. It is deeply related to power struggle, foundation of a political system and protecting it. Politics is often used with concepts such as political institutions, organizations, persuasions, beliefs, customs and rules, and relations. On the other hand, policy is about behaviors and methods of management and planning e.g. economic, cultural, agricultural, financial and planning policies.

Mottaharinia states that every government or organization has a series of plans which are considered as their policies. Policy is derived from the Latin word "politia" meaning the government. "Politia" itself is derived from the word "polis" which means city. Any plan or method adopted by a government or a political persuasion could be called a policy. Therefore, politics is the knowledge of acquiring power and using it. It goes without saying that if the existence of a political system precedes the existence of plans and policies^{13,14}.

Political Affairs

Anything that is related to government and government management could be considered within the realm of political affairs. Therefore, politics in the specific sense involves government as a power agency which leads and maintains discipline. Political affairs encompass a wide gamut of different things such as government structure, hierarchy of affairs, leadership, and power struggle. This also involves the relationship between nations and governments.

Issues such as government, state, power, social strata, clashes and contentions, war and peace are dealt with in politics. A political event is one which occurs under the influence of a political factor or which affects the government and political agencies^{10,15}.

Power and Legitimacy

The Concept of Power: Power is the ability of leading people toward which is by no other means attainable (McLean et al. 2003: 431). Generally speaking, power is an instrument used by government to implement its plans. The sustenance, distribution and protection of power sources are among the most critical issues in politics. Therefore, politics is not only about the use of power, but it is also about acquiring and preserving it¹⁰⁻²⁰.

In political philosophy, power is considered as the ability of human being to affect the life and to lead his will. Discussion of political and social power is prior to the analysis of government since government involves power, freedom and security. Any theory of political power demands its corresponding type of government, and is incompatible to other forms of government. Therefore, a lot of political theories which directly touch upon government instead of first dealing with main questions of power have started from the ending point¹⁰⁻²⁰.

Political power: Generally speaking, politics is related to power. Political performance is more than often considered as the use of power, and academic politics is always described as the study of power. Hobbs states that there is an inner disposition within human beings to acquire more and more power. Theoretically, power and politics are defined as a contest between different players who are fighting for their own interests. In national level, the contest between different figures is exploited as a means of founding a powerful government. Government as the most supreme agent of power is capable of providing discipline and order in the society¹⁰⁻²⁰.

There are a number of authority relationships within a society. In such relationships; some people are able to affect others via the use of specific instruments. They can impose their decisions on other people against their will. On these occasions where an act of imposition or influence takes place, instruments of power are at work. However, the imposition of power sometimes become illegitimate and illogical, and cannot be contained. In such cases, agents of power are only mindful of maintaining their own interests. These are simple authority relations that are unfair and illogical, and receive no support and appreciation from the society. These power relations are not organized, unlike some other kinds of relations which enjoy a wide public support, and are stable, legitimate, fair and organized. If such an organized power emerges in a society -often known as political society, it is called political power. Political power determines the fate of the society members and is imposed on them. It surfaces when the society is in a certain point of its evolution¹⁰⁻²⁰.

The Relationship between Power and Law: Power and law mutually affect each other. Law is a collection of binding instructions and rules which necessitate certain types of behavior in the society with the goal of making discipline, bringing justice and protecting public interests. Based on this

definition, it can be formulated that social requirements form law; rules and regulations are dictated to social communities by public authorities, and power guarantees the implementation of law. Power is legitimate provided that it is legal and based on law. Moreover, power needs rules and regulations to influence others, and any governmental action should be imbued with law. The nature of law necessitates to stop power when it becomes illegitimate and to support people against it. Institutionalizing the law distributes power and determines powerful organizations. Law defines competence and clarifies the role and the duty of powerful institutions. Therefore the use of power is no more personal but institutional¹⁰⁻²⁰.

The relationship between law and power could be outlined as follows: Legitimizing the power i.e. transforming simple personal authority into a legitimate and institutional power. Distribution of power and using it in different part of society with the intention of enforcing discipline and managing the society. Constraining the power and supporting people against illogical power imposition. Using law as a means of keeping discipline and compliance. Making people sense the legitimacy of power. Using law to organize forces and individuals.

The conclusion is that through the establishment of a political society, power creates law, and law sustains power. After the establishment of the political society, law creates power and sustains it, and on the other hand, power implements and extends law. Law modifies and constrains the power; it supports power in maintaining order in the society. Power executes the law to bring justice and to keep discipline. On some occasions, however, law is an instrument in the hands of power to do injustice and cruelty, which is against the very goal of law.

Imagining a political society without law is impossible. In such a society, power creates law, and at the same time law constrains the power. Therefore, it can be concluded that law itself does not imply cruelty or evil. If a society is based on justice, law plays a just role. However, in a cruel society, it acts both justly and cruelly. The existence of law restricts uncontrollable power. This attitude (self-restriction) is in accordance with German political philosophy which is mainly derived from Hegelian thoughts. In Germany politics, government restricts its power by conforming to law.

It should be noted that governments use social, cultural and moral values as a source for the establishment of law, and government is not the only deciding agent in this regard. Government interference is a technical action to justify the rules derived from the society. These rules are automatically made and manifested in government decisions. "A legislator should be exactly inspired by public demands, and announce those rules that are based on the public conscience."

A modern interpretation of the relationship between law and government is under an intense influence of democracy. Law is the most powerful agent in modern societies. Contemporary

jurists reduce government and state to a legal body of instructions which is a sign of the power of governmental institutions in legislation¹⁵⁻²⁰.

Legitimacy

Legitimacy is the acceptability of legislative procedures in a government from the perspective of the people. This term is borrowed from Marxist sociology, and as Weber notes basic legitimacy is about the differences in the way of exercising power. Generally speaking, any power needs to justify itself. He puts forward a tripartite classification of authority, namely traditional, charismatic and legal authority. He believes that an acceptable person, a competent leader possessing extraordinary features and a well-established non-personal system deserve power and authority. Lipset in his classic research, "Political Man" demonstrated that legitimacy means the ability of a political system to establish the belief that the existing system is the most competent to rule the society.

In the above definition, it can be observed that power is different from authority. Authority is a power that is approved by several legitimate sources. However, a power which is not acceptable cannot be called authority since it is illegitimate. The next point is that not all legal powers are legitimate. On some occasions, power is legal at the point of establishment, but it may lose its legitimacy and becomes socially unacceptable because of its performance. Therefore, it can be stated that law is a precondition for the legitimacy for power, but it does not guarantee its sustenance. The sustenance and life of political power depends on its performance in the society as well as its reputation among the people. From the perspective of observing democratic maxims, political power could be categorized into democratic and nondemocratic power. Considering different views of scholars and the features of democratic systems, the legitimacy of a democratic system largely depends on the simultaneous existence of two factors: i. Legitimacy-building features of the system ii. Legitimacy from the public¹⁵⁻²⁰.

Political Actions

Having defined power and politics as basic terms, we will now deal with political actions of the government. Political action is related to applied or constitutional politics. Applied politics deals with the actual manifestations of an ideal government in the present century. It does not include historical studies on political systems and aggressive behavior, but it involves the precise knowledge of political stability, the adjustment of interrelationships between the government and people, their authority, rights and duties, tuning public demands to political ones, the guarantee of political legitimacy, the adjustment of the relations between civil society and government, interrelations between government branches, impeding the concentration of power, the foundation of stable political coalitions, the reduction of political and social clashes, the creation of unity and friendship in political units, performing important tasks, public

management. What is stated in the following part as applied politics or constitutional politics is what is commonly present in the discussion of democratic systems. Applied politics as a more precise knowledge could be compared to a more general body of knowledge theoretical politics²¹.

In the recent decades, the extension of democracy, the fall of Asian and Arabic dictators, the rise of Arab spring, the western revolutions all indicate that people seek democracy as an ideal form of government. However, it should be noted that democracy is adapted and localized considering the socio-cultural features of every society. In all of the mentioned uprisings, states fight people and people lead the revolutions. People expect their leaders to be just and lawful, to defend their legal rights and to be responsible for their actions. We briefly proposed our definition of political actions that is all those actions that are done by power and legitimate institutions. All these actions are directly related to legitimate power acquisition and sustaining it. In a democratic society, power does not exclusively remain in the hands of a certain group, but power is distributed among different political parties. In terms of power distribution, all actions that are done to distribute power among the three branches of state are also called political actions. However, power distribution in lower levels of a system is categorized under the concept of policy management²¹.

In a democratic system, the acquisition of legitimate power is as important as sustaining it. Power should always guarantee the legitimacy, which is dependent upon two elements, namely the legal application and supervision of power. The legal use of power indirectly increases the both elements, and prolongs the legitimacy. Consequently, political actions could be defined as follows.

Political actions in a democratic system are the government voluntary actions that play a direct role in the formation, distribution and application of legitimate political power, which as a result leads to the legalization of power in the system.

Based on this definition, political actions have the following features: voluntary aspect of actions, the close relationship between the political power and political action, solidarity with political legitimacy, the distinction between political actions and other action such as administrative and judiciary action¹⁻²¹.

Features of Political Actions

Voluntary aspect of political actions: When an action is voluntary, it is performed with a clear intention, an independent will and a plan. Governments perform political actions under no external influence or obligation because governments enjoy full authority. No power ever tops the power of the government otherwise the authority of government is disputed. Government actions can only be influenced by the existing cultural, social, political, legal, temporal and spatial conditions that the political action might involve.

The close relationship between the political power and political action: As stated before, a political action is one which is closely linked to politics. This feature permits us to distinguish a political action from a judicial or administrative one. Political affairs might be both political and administrative at the same time. For instance, a minister is a political figure, but the head of an administrative organization. However, it is possible to distinguish between judicial, administrative and political actions.

Weber believed in distinguishing between the tasks of politicians and managers (Bureaucrats). From this perspective, a politician designs policies and plans, but a Bureaucrat executes the policies determined by political leaders.

Bureaucrats emphasize the roles, structures and methods of Bureaucracy. This is different from power relation that is focused on by politicians. Therefore, governmental management is closely related to politics and policy planning, and is an instrument to exercise power.

Solidarity with political legitimacy: All government actions are directly or indirectly related to the legitimacy of political power. Government gains political legitimacy through election so that it constitutes laws to perform actions and to manage the country. The government provides utilities and economic services to people, and extends security, discipline and justice, which as a result indirectly improves the legitimacy and reputation of the government.

Therefore, the political actions of the government are directly or indirectly connected to the legitimacy of its power. But the question that follows is that what action could be exactly called political? Based on the early given definition, political actions of a government are directly related to the legitimacy of political power, therefore election, legislation and provision of freedom play the biggest role in prolonging the legitimacy.

By contrast, political management has an indirect relationship with power and political legitimacy. From the author's perspective, the relationship between political action and administrative action can be described as follows.

From terms of similarity, both actions are supervised by the legislative branch of the system. The goal of political and administrative actions is to provide welfare for people and to maintain law and order. In terms of hierarchy, however, political figure come first, and have priority to administrative figures. In other words, administrative actions are a kind of instruments in the hands of political figures.

Political actions could be distinguished from administrative ones in terms of their relation to the core of political power and legitimacy. While political actions are central to the political power, administrative actions happen more often in executive branch of the government with the goal of providing service to the civilians.

Whereas Political figures are often chosen by people, administrative figures are appointed by political figures. Administrative and judicial action both follow certain patterns and formalities which barely change, but political affairs and actions are majorly defined by the concurrent conditions in a society or outside of it. They are dependent upon different parties ideologies, and thus can change.

Instances of political actions

Our definition of political action can have a variety of uses. It can be applied to legislation, law, and determination of government responsibilities. Using this definition, we can also define political crimes; determine political authorities, and distinguish between different governmental actions. Now, we will briefly touch upon some of these actions.

With respect to goal, governmental actions are divided into administrative and political. Regarding the content, actions could be legislative, judiciary and executive. In terms of subject, they are governance and enterprise actions. And from a formal perspective, they are categorized as unilateral and bilateral. However, the definition and instances of political action are influenced by the definition of politics. Political sciences mainly revolve around the following criteria: the source of governments, the forms of governments, internal structure of governments, the foundation of governments and their sustenance, the collapse of governments, the emergence of uprisings, power struggle, establishment of new governments and the meaning of an ideal government. Putting these instances under a close scrutiny, one can understand that they are rather theoretical, and cannot be considered a applied concepts. If politics is comprised of applied and theoretical politics, political actions fall into the category of applied politics, and are a part of government activities. Applied politics mainly deals with those issues that involve political forces such as parties and government official.

"This area of politics has been considered more or less the same as democratic studies since democracy is the prototype of political systems, and it systematizes the potential indeterminate political relations in a unified discourse.

One of the practical aspects of politics is the contention over power. Before the emergence of democracy, contention included fatal clashes, but in democratic systems it happens peacefully through election. Some have defined politics as turning contention into agreement.

Through a logical design, we defined political actions in the light of applied politics, and recognized power as its basic element. It was concluded that political action are related to political power. Legitimacy is a very important feature of political power in any democratic system. Without legitimacy, such systems are no more democratic. In democratic systems, political figures are chosen directly or indirectly via election. In

order to exercise their power and use their resources, they need to appreciate a legitimate instrument named as law. Law stops the illogical and selfish use of power. The idea that "power brings corruption" is widely acknowledged, thus the integration of power with no supervision leads to the violation of people rights. God, who has created us and is aware of the very core of our existence, names self-sufficiency as a reason for disobedience and insubordination.

Political power should be legal, and should be exercised in just manner. To fulfill this goal, supervision is necessary. Basically, people supervise power in democratic systems. Logically, political power belongs to people, and if someone or a party is trusted with such a power, it should be merely considered as a temporary belonging. Government is derives its existence from the people and is trusted by them. Therefore, it must conform to their will. God has put people in charge of their own destiny (The Constitution of the Islamic Republic of Iran, Article 56). God orders us to give back what we have lent from other, and rule over people justly.

In this verse, the collocation of "rule", "people" and "lend" shows that people lend ruling power to rulers. From the perspective of Quran, political power in a democratic system is a property that is given to the government, but it truly belongs to people. Political power should follow the demands of people, and if it crosses a line, the real owners of the power i.e. people can take it back to the right course. To provide a proper supervision, supervising agents should be creative and free, otherwise supervision is ineffective. The verse shows that in past also, political actions were voluntary. Based on this analysis, the instances of political actions in a democratic government are election, legislation and freedom, and all other actions that are known as government actions or political actions are wholly or partly relevant to these three instances¹⁻¹⁰.

The relationship between political actions and political rights

By political rights, we mean those rights that allow a person to participate in determining his/her national governance (e.g. participating in elections, becoming a judge or a member of jury, being a concessionary of a newspaper.

Undoubtedly, political rights are, as jurists also note, fundamental or public rights of the people. In fundamental rights, political implies different kinds of freedom and equality such as the freedom of job, expression, education and the equality of paying taxes, having official careers. People should be also equal in the court of law. However, more research is needed to give a more precise definition of political rights. In the international covenant on civil and political rights signed by several countries, political rights have been referred to. Although, no specific definition has been provided for political rights in this covenant, they are distinguished from civil rights.

According to the contents of this covenant and what we formerly mentioned as political actions, we can form an understanding of political rights.

Article 1 in the first part appreciates the right of nations to determine their own destiny: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." (*International Covenant on Civil and Political Rights, Article 1*). With regard to freedom, article 19 in the third part states that: i. "Everyone shall have the right to hold opinions without interference." ii. "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".

Regarding the right to form political parties, the covenant states that: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (order public), the protection of public health or morals or the protection of the rights and freedoms of others". The interesting point is that article 5 (clause-1) states that no State shall interpret the covenant in a way that destructs any of the rights and freedoms: "Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant." This is similar to article 9 of the Constitution of the Islamic Republic of Iran where an emphasis has been put on the interrelation between freedom and independence. This article also prohibits the government from the legislation of laws which destruct the legitimate freedom of people¹⁻¹⁰.

"In the Islamic Republic of Iran, the freedom, independence, unity, and territorial integrity of the country are inseparable from one another, and their preservation is the duty of the government and all individual citizens. No individual, group, or authority, has the right to infringe in the slightest way upon the political, cultural, economic, and military independence or the territorial integrity of Iran under the pretext of exercising freedom. Similarly, no authority has the right to abrogate legitimate freedoms, not even by enacting laws and regulations for that purpose, under the pretext of preserving the independence and territorial integrity of the country."

Definition of Political Rights

In the prior discussion, we showed that political rights should be considered as a branch of social, public and fundamental rights,

and they belong to people. Political rights are in nature social but are realized before state and government. Some interpret all rights cited in different covenants and protocols on human rights as political. However, it seems that like political actions, political rights are only meaningful in the presence of a political power. For example, the right to determine our destiny is political rights since it is manifested in choosing political power through election and referendum or in distributing the political power. People play an active role in choosing the legislators and parliament members. The right to supervise the political power in a democratic system should be considered as a political right. In order to supervise efficiently, one must enjoy legitimate and lawful freedom. It can be concluded that political rights are fundamental to the formation of a democratic system in which people are truly capable of determining their own political and social destiny.

Therefore, in politics, the most basic rights of people include: The right of enjoying a just and democratic political system (*International Covenant on Civil and Political Rights, Article 1, Clause 1*), The right of determining our own political and social destiny (*International Covenant on Civil and Political Rights, Article 1, clause 1*), The right of supervising political powers (*International Covenant on Civil and Political Rights, Article 19, clause 2*).

All rights that are mentioned in the constitution of other countries or in other covenants of human rights are branches of the above mentioned rights. Both the first and the second right exist before and after the establishment of the political system. However, the third right is only available after the foundation of the system. It is interesting to note that since these rights conform to the very nature of human beings, and are derived from the social nature of human life, no legislation can ever take them away (*Constitution of the Islamic Republic of Iran, Article 9*).

Considering the above mentioned points, political rights of people in democratic systems including religious democracies can be defined as follows: "A political right includes a legitimate, innate and legal power that a person has since he/she belongs to a specific society and political community. People should also enjoy a just, independent, free and democratic political system in which they are able to supervise the power directly or indirectly, and this right should not be violated at all."

The Political Rights of People and the Government Actions

It was already mentioned that a political right includes a power that a person has since he/she belongs to a specific society and political community. The instances of such are the right of enjoying a democratic political system and the right of supervising this system through direct or indirect participation. We also proposed that the government political actions in a

democratic system play the most direct role in forming, distributing and using the legitimate power. The result of such action is the legalization of power in a democratic system. The comparison of the definitions these two terms (i.e. political rights and political actions) yields the following consequences which are indicative of the relationship between the political rights of people and the government political actions:

A political right belongs to people while political actions are taken by government. Political actions are because of the political rights of people. People have the right of participating directly or indirectly in the determination of power. People are eligible to supervise the political actions of the government, and to amend them if necessary. Government cannot destruct the right of people, and people cannot stop government from taking legitimate political actions. The way people fulfill their rights and government takes its actions should be in accordance with democratic rules and values. The only authority that is able to judge the fulfillment of political rights and government political performance is law. The people rights cannot be violated, and they are prior to the political actions of the government.

Conclusion

In democratic systems, politics involves acquiring, using, distributing and supervising the power. Based on this definition, people use election, law and parliament, and freedom as instruments to respectively gain, distribute and use, and supervise the political power. The Political rights of people give government a legal authority. Therefore, the legal actions of a government can be categorized into three main categories which are as follows: free and just elections as a way of forming a legitimate political power; law as a means of administrative and political management of the society, and the extension of freedom as a fundamental right. Defining and demarcating the concept of politics, we can now distinguish between political actions and other actions of the government, and we can also arrive at a clear definition of political rights, figures, affairs, and finally political crimes, which has created a lot of problems in our society and is in need of an urgent treatment.

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