

Article

THE POSSIBILITY OF TRANSITION FROM THE OLD STATE TO THE MODERN STATE IN IRAN: AN ANALYSIS OF JAVAD TABATABAI'S THOUGHT

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Abstract: The transition from tradition to modernity is a significant challenge in political science, particularly regarding the shift toward the modern state. In Iran, this transition creates a period of uncertainty, leading to an unstable state structure. Javad Tabatabai's work focuses on this liminal conditoin, where Iran exists between tradition and modernity, reflecting the nation's current crisis. Tabatabai argues that modern Iranian history began when traditional paradigms failed to address the demands of the new world order. He elucidates the continuity of Iran amidst its decline through a complex system of concepts, with the notion of "Iranshahr" at its core. Tabatabai does not advocate for a return to tradition or simply copying European modernity. Instead, he aims to establish a modern tradition of thought, particularly in political philosophy, recognizing the complex navigation required between tradition and modernity. This article explores the concepts of possibility, im-possibility, the old state, and the modern state, aiming to answer the key question: under what conditions is the transition from the old to the modern state possible?

Keywords: Iranshahr, Tradition, Modernity, Javad Tabatabai, State

1. INTRODUCTION

In the recent decades, the institution of the state in Iran has not only resulted in a significant crisis but has also created a rigidity that obstructs the resolution of various issues, making progress toward positive change exceedingly difficult. In this context, the transition from a traditional state structure to a modern one emerges as a central factor contributing to the crisis in Iran's political thought.

Javad Tabatabai argues that "Iranshahr," or Greater Iran, represents a broader cultural entity that includes all regions historically influenced by Iran, extending beyond its present geopolitical boundaries. For Tabatabai, the boundaries of this

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“cultural Iran” are historically rooted, transcending contemporary political borders. He posits that Iran’s intellectual resolution to its current crisis lies in a return to the concept of *Iranshahr*, advocating for the revival of this notion to interpret the crisis and the historical trajectory of Iranian identity. In the later stages of his intellectual project, Tabatabai presents this idea as a strategic consideration aimed at preserving the unity and territorial integrity of the Iranian nation.

Tabatabai seeks to formulate the concept of “*Iranshahri*” as a framework for identifying elements of traditional political thought that have underpinned Iran’s historical continuity. He argues that in the contemporary context, the essential condition for an endogenous transition to modernity lies in understanding the “new within the old.” According to Tabatabai, the interplay between tradition and modernity, as well as the process of endogenous modernization in Iran, can only be fully grasped when examined within this paradigm. He contends that modernity is realized when the “old” can be reinterpreted through a “new” perspective.

In his conceptualization, the history of modernity in Iran involves the establishment of new ideas and institutions that emerge from the “new within the old (traditional system)”. This history, which extends beyond a mere chronological account of events, serves as the foundation for understanding the logic of Iranian modernity and its development across different historical periods.

In essence, Tabatabai defines the foundation of the modern state through the reclamation of concepts such as nationality, national sovereignty, and law. He further asserts that the transition from the traditional to the modern state necessitates a deep understanding of the logic that sustains the continuity of “*Iranshahr*.”

In this research, we have endeavored to employ Leo Strauss’s method of “reading between the lines” to address the posed question. Leo Strauss, a theorist and historian of political philosophy, articulated the theoretical foundation of his interpretation in two seminal essays: *Persecution and the Art of Writing* and “*On a Forgotten Kind of Writing*.” Strauss posits that one must confront fundamental questions without regard to the temporal context to which the text belongs. He considers repeated re-reading to be the only means of uncovering the text’s true meaning. For Strauss, the sole focus is the “written word,” rendering the historical, economic, or psychological background of the work irrelevant. He advocates for a genuine historical understanding, aligning his method with the goal of comprehending the author’s thought exactly as the author himself understood it. Strauss argues that the thoughts of past thinkers must be understood precisely as those thinkers themselves understood them (Strauss 1989).

Philosophers often draw a distinction between what is explicitly stated in philosophical texts and what remains unspoken. Leo Strauss, in particular, seeks to uncover the latent meanings embedded within these texts. Historically, esoteric teachings have served as a means of concealing profound philosophical ideas, and Strauss posits that truly grasping an author’s message necessitates an understanding of what the author deliberately refrains from expressing. Strauss further underscores the importance of considering the intended audience of philosophical works, categorizing

them as friendly, close, or distant. While the general audience may only perceive the overt content, those with expertise can discern the deeper, more nuanced meanings. According to Strauss, effective hermeneutics demands careful attention to the historical and intellectual context of the time, a task particularly suited to the “close” audience. This emphasis on audience distinction has informed our approach to Tabatabai’s texts, guiding us to interpret them through a distinct lens.

Strauss identifies two primary reasons why an author might obscure certain ideas within a text. The first pertains to the intended audience: throughout history, philosophers have often tailored their writings to be accessible primarily to other philosophers. The second reason lies in the historical constraints that may prevent authors from directly addressing certain issues, compelling them to communicate indirectly with their intended audience. However, the application of this interpretive method must be rigorous and transparent. This necessitates, first and foremost, a comprehensive consideration of the author’s entire body of work. Additionally, one must be attuned to instances where “reading between the lines” is warranted, such as in passages that deviate from the overall narrative or present clear contradictions (Strauss 2016).

A striking feature of Tabatabai’s writings is his deliberate complexity. In an interview, when questioned about why he authors detailed and lengthy works that may not be easily accessible to all readers, Tabatabai explained that his intention is for only those with expertise to fully grasp his message. Moreover, Tabatabai frequently emphasizes the importance of “reading between the lines” in his works. The presence of contradictions within his writings has further justified our adoption of Strauss’s interpretive method, deepening our comprehension of Tabatabai’s intellectual contributions.

POSSIBILITY OR IM-POSSIBILITY CONDITIONS

Javad Tabatabai employs the method of “conditions of possibility or impossibility” to address the question: “Is modernization exclusively attainable in Europe?” To structure his intellectual project, Tabatabai develops a sophisticated framework grounded in Ibn Khaldun’s *Muqaddamah* and its relationship to philosophy and social science, engaging with the perspectives of Kant, Weber, Foucault, Althusser, and Habermas.

Tabatabai seeks to critically engage with Max Weber’s assertion that “the potential for modernization exists in Europe and is absent elsewhere” (Tabatabai 2024), approaching this claim from a philosophical standpoint. He posits that while sociological barriers to modernization may be overcome, epistemological barriers—those that involve the conceptual rejection of modernity—can persist.

Drawing on Foucault¹, Tabatabai elaborates on the concepts of “conditions of possibility and impossibility.” He endeavors to organize his discourse around the idea of “impossible conditions” within the human sciences during the Islamic era. As Tabatabai notes, the exploration of “conditions of impossibility” involves elucidating the underlying logic of what is deemed impossible based on the theoretical foundations of thought (Tabatabai 2024, 67). He argues that an examination of the “impossible conditions” of modernity in Iran is only viable when built upon the discourse surrounding its “conditions of possibility” in Europe. For Tabatabai, the issue of “conditions of impossibility” is fundamentally philosophical, and he structures his analysis in opposition to “sociological ideologies,” which, in his view, sustain a state of conceptual impossibility.

According to Tabatabai, when there is a lack of clarity in the relationship with tradition, and when tradition itself becomes rigid and resistant to foundational critique, a sociological approach is insufficient to resolve these complexities. Rather, it risks exacerbating the situation, much like historical methodologies that fail to address the deeper philosophical issues at play (Fadaei Mehrabni 2022).

Tabatabai employs the concept of “conditions of im-possibility” to introduce his theory of the “decline of thought,” aiming to elucidate the deterioration in intellectual processes as a means to foster the development of “national consciousness.” He contends that while constitutionalism instigated changes in practice and some social transformations, it failed to bring about a fundamental change in the Iranian system of thought due to the rigidity of tradition.” During the period between the Dar al-Saltanah of Tabriz and the triumph of the Constitutional Movement, a transformation of their foundational principles was not possible, and thus the conditions for a paradigmatic or epistemic shift were not established (Tabatabai 2007b).” It is precisely this impossibility and these conditions of impossibility that Tabatabai addresses. He also believes that “the understanding of the ‘impossibility of thought’ as ‘conditions of impossibility’ is a consequence of recent crises (Tabatabai 2024, 410).” Nonetheless, Tabatabai views this recognition of “conditions of impossibility” as a manifestation of Iranian self-consciousness.

Tabatabai does not advocate for a complete rupture from traditional Iranian thought; rather, he seeks to challenge modernity and address the enduring symptoms of Iran’s intellectual stagnation. He argues that the divide between the old and modern

¹ In *Words and Objects*, Michel Foucault initiated an exploration of the “conditions of possibility for the human sciences” within Europe, a discussion he framed under the subtitle “Archaeology of Human Sciences.” Foucault’s investigation, grounded in European historical contexts, sought to uncover the foundational conditions that enabled the emergence of human sciences. From the perspective of the “archaeology of human sciences,” Foucault demonstrated that between the latter half of the 17th century and the early 19th century—at what he termed the “threshold of the modern era”—significant ruptures occurred within the European epistemological system, which he referred to as episteme, drawing on the Greek term (Tabatabai 2024, 26).

eras is both inevitable and irreversible. Drawing on Hegel, Tabatabai asserts that genuine thought emerges only through rupture. In light of Iran's persistent refusal to engage in critical thinking, he proposes that solutions should be sought within conflicting theoretical frameworks (Tabatabai 2021).

Tabatabai posits that the potential for modernity is contingent upon a profound understanding of tradition. Simultaneously, he acknowledges that the excessive rigidity of tradition renders modernity impossible. In conditions where tradition exhibits excessive resistance, it becomes increasingly challenging to create a space for questioning tradition, contemplating the history of thought, and critically analyzing concepts within established intellectual frameworks. Simply put, such resistance prevents the utilization of traditional methods to reflect on contemporary Iranian issues (Fadaei Mehrabani 2022). The discourse on "conditions of possibility and impossibility" constitutes a crucial dimension of Tabatabai's thought, and it can be argued that he frequently examines various issues through this analytical lens.

THE CONCEPT OF "STATE"

Tabatabai, drawing on Reinhart Koselleck's theory of conceptual history, offers a detailed examination of the formation and evolution of the concept of the state. He underscores that the contemporary understanding of the term "state" differs significantly from its historical connotations. Tabatabai notes that the concept of the state encompasses at least four distinct meanings in Persian. The term itself, originating from the Arabic *dawlah*, was assimilated into Persian and has undergone various transformations in its usage over time.

Tabatabai highlights that the concept of the "state" was first introduced by Machiavelli. In Italian, *lo stato* initially referred to a personal condition but gradually evolved to denote an impersonal entity, signifying the state as distinct from the individual. Machiavelli's redefinition of the state introduced the potential for the concept of sovereignty into political theory, marking a pivotal transformation in the discourse. This redefinition delineates significant differences between the notions of state and government. Jean Bodin, a seminal figure in this domain, has profoundly examined the distinctions between these two concepts.

Originally, the term "state" referred to a condition or situation, a usage still present in expressions such as "state of nature." Jean Bodin employs the term *État*, which parallels Machiavelli's *lo stato*. In Machiavelli's framework, the concept of sovereignty had not yet been articulated. However, Bodin introduced the notion of the state as the embodiment of sovereignty, distinguishing it from the executive functions carried out by the government. This marked the initial separation of these two terms, with the state representing the domain of sovereignty and the government serving as its executive arm.

OLD STATE

Before exploring Tabatabai's perspective on the "old state," it is crucial to grasp his broader analysis of politics. Tabatabai characterizes political science as the study of the "relationship of forces" and the "logic of interests" within a nation. He depicts the political arena as a concrete space where the dynamics between the state and the nation are manifest, and where "political relations are shaped by the interests and objectives of political groups" (Tabatabai 2021).

The "old state" refers to the polity preceding the development of modern state components such as law, rights, and democracy. This historical state is marked by specific characteristics, which will be briefly outlined. However, it is essential first to address a significant element within Tabatabai's intellectual framework.

Tabatabai argues that the concept of the state, as it is understood today, originated in the modern era and is often considered specific to European history. He contends that the historical developments in Europe cannot be directly applied to Iranian history. Although the modern state emerged relatively late in Europe, the concept of the state in Iran has a long and complex history. Just as the notion of "nation" in Tabatabai's thought is deeply rooted in the concept of *Iranshahr*, the idea of the state in Iran predates the modern European state model.

In Tabatabai's intellectual framework, there exists a fundamental distinction between the concepts of state and sovereignty. While he posits that the state, as a concept, has a historical precedent in Iran, he characterizes sovereignty as a derivative of the formation of the modern state in Europe. Tabatabai elucidates this distinction as follows:

A form of state has persistently existed throughout history; however, it is with the genesis of the modern European state that one can discourse on sovereignty. Sovereignty, in the sense Jean Bodin intended, is a characteristic of the modern state and represents a novel concept in political thought. (Tabatabai 2021)

Tabatabai specifically attributes the existence of the state in Iran to the nationhood of Iranians. He posits that Iran inherently possessed a national reality, which subsequently led to the formation of a nation, thereby enabling this nation to establish its own state. Consequently, he argues:

The notion that the state is a novel reality in Iran is accurate in terms of nomenclature, as the term 'state' in Persian and Arabic was not employed in its contemporary connotation and bore a slightly different meaning from 'state' as understood in the sense of 'state'. We have constructed this interpretation through translation. However, given that Iran has been a nation, it has been able to establish its own state over extensive historical periods. We can assert that we have had a national state, a state that was the state of the protected realms of Iran. The phrase 'protected realms' is synonymous with the state in its modern interpretation. (Tabatabai 2016)

To substantiate his claim that the concept of the state existed in Iran before its establishment in Europe, Tabatabai goes beyond a mere assertion by specifically

emphasizing the influence of the Iranian state on the development of the modern state. He challenges Hegel's perspective to strengthen his argument. Hegel posits that world history begins with Iran, asserting that the Iranians were the creators of the first genuine state (*der Staat*). According to Hegel, China and India did not constitute states in this sense, as understood in Europe. He argues that the concept of the state, characterized by the acceptance of plurality and diversity of groups, first took root in Iran. In contrast, China and India were governed by authoritarian systems where power was concentrated in a single individual, without recognizing plurality (Tabatabai 2017).

Building on Hegel's ideas, Tabatabai explains the concept of *Shahanshahi* by contrasting it with the autocratic states of other empires. He contends that unlike despotic regimes that center power on a single person, the Iranian *Shahanshahi* (monarchical system) allowed for the acceptance of plurality while still maintaining unity. For Tabatabai, this capacity to embrace diversity within a unified political structure marks the beginning of world history, a concept that later influenced European political developments

MODERN STATE

In Tabatabai's framework, the concept of the "modern state" is essentially synonymous with the "national state," a linkage he frequently draws upon in his works. In his opinion the Safavid era is the beginning of the transition. He posits that the Safavid period marked the advent of the national state in Europe, and given the Safavid engagement with European states and the Ottoman Caliphate, they were compelled to adopt the logic of "national interests" (Tabatabai 2022). Tabatabai further contends that the primary role of the national state is to safeguard the national foundation, maintain national unity, and protect its inherent interests.

Tabatabai does not regard Iran in isolation; rather, he acknowledges the imperative of transitioning from a traditional state to a modern state within the broader context of the international environment. Drawing on prior discussions, he identifies the state as confronting multifaceted challenges rooted in colonialism, religion, and other influences. Iran can be envisioned as grappling with these profound challenges and, in line with the principles of historical determinism, approaching the threshold of modernization. It is plausible to infer that Tabatabai sought to address these issues by embracing modernity as a means to surmount these obstacles. Consequently, he inevitably engages with the concept of "transition." According to Tabatabai, the situation remains unresolved. He perceives Iran's current condition as an intermediary stage between tradition and modernity, emphasizing the onset of modernity in Iran and its impact on the country's contemporary history as a critical juncture. The transition from the current state to the desired state, he argues, depends on a comprehensive understanding of this pivotal event (Vakili 2023).

To fully comprehend the significance of the modern state, it is essential to focus on transitional periods. Simply defining the modern state within Tabatabai's framework does not suffice for a nuanced understanding of the concept. By setting aside the

indirect influence of modernity during the Safavid era and adopting a degree of tolerance, one can trace the emergence of a conflict between the old and modern elements of state during the Constitutional Revolution. This historical moment vividly depicts the confrontation between the the monarchy, embodying the old order, and the law, a fundamental pillar of the modern state.

CONSTITUTIONALISM

Before exploring the concept of constitutionalism and Tabatabai's interpretation of it, it is crucial to acknowledge that Tabatabai characterizes constitutionalism in Iran as a "movement" rather than a "revolution." He perceives the primary objective of this "movement" as the establishment of "the house of justice" or *Edalatkhane*—a term he uses to denote the creation of a system grounded in the rule of law. He does not consider constitutionalism as prescribing a specific form of government for Iran to adopt. Instead, he argues that a system can take the form of a republic, a monarchy, or another structure, provided it operates constitutionally and maintains its independence. Thus, Tabatabai regards constitutionalism as a fundamental solution to issues of governance.

One reason Tabatabai may not view constitutionalism as a revolutionary concept is that he perceives it as a transformation in the methods of governance rather than a radical change in its underlying principles. In this sense, the constitution signifies a shift in governance practices without a complete overhaul of its foundational structures (Tabatabai 2022, 180).

Tabatabai initially conceptualizes the Constitutional Movement as a trajectory oriented towards the acquisition of "freedom," positing that the interventions of the monarch and elements of despotism engendered a historiographical interpretation of an impending revolution. This precipitated a transformation in the movement's orientation from a "libertarian movement" to an "anti-monarchical revolution." Tabatabai specifically attributes the essence of the movement to its gradual progression. He elucidates:

The Constitutional Movement in Iran, through its subsequent evolution from the White Revolution to the Red Revolution, and then in the transition from one dynasty to another and in the fundamental alterations of the governance modalities of the two Pahlavi monarchs, successfully established its social, political, and juridical institutions. This process facilitated the emergence of a middle class and solidified the foundation for a configuration of Iranian social groups that has since been denominated as civil society. Consequently, it metamorphosed Iran into a modern society, positioning it among the constitutional polities—that is, those governed by the rule of law. (Tabatabai 2022, 184-185)

Tabatabai posits that constitutionalism is fundamentally a political and legal theory, with its legal dimension taking precedence over its political aspect. He conceptualizes the constitution as a system in which the law holds primacy over individual authority. Moreover, Tabatabai regards constitutionalism not as a modern

innovation, but as an established theory within the realm of political thought that advocates for the supremacy of the rule of law (Tabatabai 2021, 174).

He defines “constitution” primarily as a legal concept and critiques Iranian intellectuals for often approaching constitutionalism from a predominantly political perspective, rather than a legal one. For Tabatabai, “law” is an intrinsic element of the constitution, and he views constitutionalism in Iran as a movement dedicated to the establishment of legal supremacy. Consequently, he vehemently opposes the notion that constitutionalism in Iran is merely a reaction to Western dominance. Instead, Tabatabai identifies internal factors as the primary sources of Iran’s challenges and corruption, arguing that a robust theoretical framework is necessary to comprehend the country’s decline. He contends that the successful implementation of constitutionalism would pave the way for internal reform, with the rule of law being integral to this process.

Additionally, Tabatabai criticizes those who dismiss “human legislation,” asserting that such critics fundamentally misunderstand both the constitution and the concept of law. He articulates his opposition in the following terms:

The Iranian Constitutional Movement, analogous to the “Glorious Revolution,” subordinated the will of the monarchical institution—hitherto considered the sole progenitor of “law”—to the national volition. The assertion that human legislation contravenes divine law is fallacious and, in essence, represents an opposition to constitutionalism in favor of regressing to the antiquated theory of monarchy in the Islamic era, which posited the monarch’s will as the fountainhead of law. In the monarchical system of the Islamic period, notwithstanding its ostensibly justifiable appearance in the eyes of proponents of the “theory of repelling greater corruption with lesser corruption,” humans were indeed the legislators. The crucial distinction lay in the fact that this “human” was perceived as a divine entity, and it was presumed that their will and laws were tantamount to divine law (Tabatabai 2022, 205-206.)

Tabatabai regards the representatives of the first National Assembly² as the authoritative body for determining expediency and credits their collective wisdom with enabling the legislative achievements of that period. Upholding this principle, he criticizes those who replaced the “unanimity of the *Ummah*” with the “unanimity of the nation,” attributing this shift to their incomplete and superficial grasp of the core concepts of modernity. Another critique Tabatabai directs at the intellectuals and theorists of the constitutional era is that their discussions often occurred in a theoretical vacuum, disconnected from the realities on the ground. Their shallow understanding of key terms, particularly “law,” led some to mistakenly regard law as a purely modern innovation. However, Tabatabai asserts that the first parliamentarians, including the clergy among them, clearly recognized the distinction between law and

² The first National Assembly commenced operations in 1906 following the issuance of the constitutional decree. The demographic composition of this parliament was as follows: 26% of the representatives were guild leaders, 20% were clerics, and 15% were merchants.

Shari'a (Islamic jurisprudence), which is why they prioritized Sharia over modern legal frameworks.

In analyzing the role of constitutionalism in the transition from tradition to modernity from Javad Tabatabai's perspective, it is crucial to recognize that, in his view, constitutionalism signifies Iran's pragmatic crossing of the "threshold of modernity." Although the creation of a tradition based on a new text or *nass*—which Tabatabai identifies in the praxis of the first National Assembly's representatives—did not come to fruition, and instead of developing a theoretical foundation, the movement leaned towards an ideological interpretation of Islam, even in this form, "the rule of law effectively propelled Iran across the 'threshold of modernity'" (Tabatabai 2022, 255).

Tabatabai characterizes the three decades preceding the "emergence of the Constitutional Movement" as an epoch of intellectual suspension. Concurrently, he delineates the "Iranian Constitutional Movement" as a pragmatic movement that "did not engender substantial transformation in the Iranian paradigm of thinking, whereas the consolidation of the nascent Iranian constitutionalism's foundation necessitated certain profound alterations in specific domains of Iranian thought" (Tabatabai 2021, 409).

In light of these interpretations and the significant role that "theory" occupies in Tabatabai's intellectual framework, it becomes evident that while the transition towards modernity was necessary, it was not sufficient on its own. This transition required not just practical implementation but also a deep theoretical understanding. According to Tabatabai, the constitutional movement remained confined to practice and failed to evolve beyond it. He attributes this stagnation to the absence of a "fourth text/*nass*," which he identifies as a crucial element for the advancement of thought during this period.

Tabatabai also highlights the prioritization of political ideologies over rights as a key factor in Iran's decline and the failure to fully establish constitutionalism. He sees the potential for creating a constitution that integrates elements of ancient tradition—a synthesis of the new within the old—which he considers both feasible and necessary. For Tabatabai, this blending of the old with new logic is one of the essential features of a viable constitution. He asserts that "when a significant aspect of the new is understood within the old using new logic, it cannot revert to its previous state." Consequently, while modernization can be impeded, it cannot be entirely reversed. Iran's constitutionalism, in Tabatabai's view, exemplifies this integration of traditional understanding with modern logic (Tabatabai 2023).

Tabatabai views constitutionalism as the culmination of an Iranshahri interpretation, which recognized Iran's cultural capacities and successfully reached the historical moment of establishing the "rule of law" by interpreting the "new within the old." He considers the initial performance of the first parliament to be commendable but later criticizes it as a movement that lost its way under the influence of intellectuals who misunderstood the delicate balance between modernity and tradition. For Tabatabai, the legislative process in parliament embodied the spirit of "national self-

consciousness,” as it was a forum where the “collective wisdom” of Iranians—who were striving for the rule of law—was expressed. The rationality that Tabatabai advocates is evident in the legislative decisions made by the nation’s representatives.

Tabatabai’s preference for rationality is reflected in these legislative outcomes, which he believes demonstrated Iran’s constitutionalism’s capacity to introduce innovative systems. He attributes the authorship of these laws to “people of *ijtihad*,”³ whose work represented a pioneering approach to legal formulation within an Islamic context (Rajaei 2023).

Despite his positive assessments, Tabatabai also acknowledges that, with the constitutional victory, Iran took only a step away from the “threshold” of a modern era. He considers this step towards modernity a significant event in the history of Iran, Islamic countries, and Asia (Tabatabai 2022, 275). He introduces constitutionalism as the beginning of the possibility of a new era, predicting that in the near future, constitutionalism would enable Iranians to experience a second renaissance in their history (Tabatabai 2022, 244).

LAW AS THE SPIRIT OF CONSTITUTIONALISM

In Tabatabai’s intellectual framework, the legal dimension of the constitution holds a central position. He argues that the constitution catalyzed a profound transformation in Iran’s traditional system, particularly in the realm of jurisprudence. This legal shift, essential for the reorganization of social relations in Iran, led to the creation of new legal codes and collections (Tabatabai 2021).

Tabatabai identifies Iran’s primary crisis as a “crisis of law,” aligning himself with thinkers such as Mirza Malkam Khan and Mirza Yusef Khan Mostashar al-Dowleh. He contends that the fundamental issue facing Iran is the ambiguity of its legal system. He characterizes pre-constitutional Iran as a nation governed by Sharia law yet simultaneously accepting the arbitrary orders of the king, assumed to be of divine origin, without the foundation of a proper justice institution (Tabatabai 2021). Unlike religious authorities who may conflate the two, Tabatabai clearly distinguishes between divine commands and the decrees of the king, placing them in entirely separate categories.

He offers a classification of the various opinions in Iran during the constitutional period:

Islamists, given that Islam is a religion of Sharia and the Quran, possess Sharia rules, and understanding this sacred text must be “legal,” and “since Sharia rules fall within the domain of divine legal statutes, their interpretation can only be undertaken within the framework of a legal theory.” Islamist perspectives were diverse and can be categorized into several key viewpoints. For instance, Sheikh Fazlullah Nouri, a prominent figure, maintained that Sharia law is complete in itself and thus does not

³ *Ijtihad*: In the term of Islamic jurisprudence, it means deriving religious issues from the Qur'an or the sayings of the Prophet. (Amid, 2016)

require further legislation. He advocated for the creation of a comprehensive legal code, a task he believed could only be undertaken by someone of exceptional expertise. Nouri argued that if such a code could be compiled by an ordinary individual, it would undermine the necessity of an *imam* and challenge the finality of the Prophet. Prior to fully opposing the constitution, Sheikh Fazlullah Nouri proposed adding the term “Mashru’a” (in accordance with Islamic jurisprudence) to the Constituent Assembly’s discussions. Tabatabai attributes this proposal to Nouri’s limited knowledge of Iranian and European history, noting that the term “preservation of Sharia” was ambiguous and could not be effectively addressed within the parliamentary deliberations.

In Tabatabai’s view, Sheikh Fazlullah Nouri’s opposition to constitutionalism stems from a desire to defend the autocratic monarchy, which he views as a means to protect the Shi’a community, perceived as a minority. With the backing of Muhammad Ali Shah, a staunch advocate of the Shi’a faith, Sheikh Nouri sought to safeguard Shi’a interests through this alignment. Sheikh deems constitutionalism in Iran impracticable for three primary reasons: “the presence of diverse religious sects, the limited number of armed forces personnel, and the existence of nomadic tribes” (Tabatabai 2021). Tabatabai attributes Sheikh Nouri’s conclusions to his limited understanding of history and disregard for the “national matter” in Iran.

The second group, represented by figures such as Mirza-ye Na’ini, counters the first group’s reasoning as “fallacious” and argues that legislation in the “zone of Sharia silence”—areas where Islamic law is silent—can be validly enacted. Intellectuals, whom Tabatabai categorizes under the “theory of religious reform,” with Mostashar al-Dowleh as their representative, argue that given that Islamic rulings encompass three dimensions—legal, moral, and ritual—it is necessary to separate the legal aspect and codify it, while also establishing the relevant institutions. A crucial aspect of this view is that the interpretation and codification of law based on Sharia must align with the “exigencies of time and place.” Tabatabai appears more aligned with this perspective, as he favors a confrontation between the old and the new that allows “the old law to be understood through a new methodology”, thereby resolving potential conflicts that may arise.

Another reason for Tabatabai’s affinity with this group is that this approach could fill the “textual void” of this period, thus preventing some of the crises originating from a “textless system.” However, this affinity does not imply that Tabatabai identifies himself with the proponents of religious reform; it certainly does not seem to be the case. The intention behind identifying lines of reasoning for this affinity is to examine Tabatabai’s stance within the historical context of the time. Tabatabai argues that the notion of religious reform in Islam, ... does not stem from Islamic Protestantism but rather from constitutionalism (Farahnakian, 2023). He rejects the notion that it is possible to draft a flawless and complete law from the outset, instead asserting that the evolution of law is a gradual process. This is why he does not accept the criticisms of those who critique the constitutional law.

The victory of constitutionalism in Iran marked a significant reform in internal affairs, with the rule of law recognized as the most crucial instrument for achieving this transformation. Tabatabai perceived the constitution as pivotal in transitioning jurisprudence from the Sharia-based system to a new legal framework, aiming to reconcile the “old religious understanding” with emerging ideas (Tabatabai 2022). While he critiques the lack of sustained intellectual engagement with the constitutional issue and the absence of political theorists committed to the constitutionalism of the Iranian people, he nonetheless considers it an insufficient yet invaluable experience. This experience not only fostered a legal interpretation of constitutionalism but also illuminated the nature of the first constitution within an Islamic country, potentially serving as a precursor to a reformist theory in Islam (Tabatabai 2022, 5).

Tabatabai appears to regard the constitution as the vehicle for establishing the rule of law. In essence, according to Tabatabai, tradition’s progression is achievable through the constitutional experience. He asserts that the constitutional movement, by instituting the rule of law, ushered Iran into a new era, modernizing its antiquated structures. This transformation, however, did not involve creating something entirely new; rather, it reconfigured existing elements of renewal embedded within Iran’s cultural history, giving them a contemporary form (Tabatabai 2022).

Yet, the constitution represents only a portion of the broader scope of “possibility”. It seems that Tabatabai delineates this realm of tradition, which enables the transition from the old state to the modern state, within the larger framework of his project, “*Iranshahr*,” where the understanding of new concepts is intertwined with the grand legacy of the past.

In essence, *Iranshahr* represents the continuity of Iranian identity. The concept of *Iranshahr* has its roots in an Avestan myth, which holds that Ahuramazda created seven climates and placed Iran at the center (Naghibzadeh 2023). However, Tabatabai has reinterpreted the notion of *Iranshahr* for the modern era, drawing from contemporary ideas while remaining anchored in its historical origins. He refers to ancient Iran as the “*Empire of the Mind*,” substituting the word Iran with the archaic term *Iranshahr*.

In Tabatabai’s framework, *Iranshahr* embodies an identity that unites Iranians under a single banner, transcending ethnic, linguistic, and religious differences (Misakian, 2023). This unifying identity enables Iranians to coexist peacefully and supports the advancement of science, the preservation of territorial integrity, the maintenance of public security, and the promotion of collective welfare. Essentially, *Iranshahr* is envisioned as the spiritual essence of Iran. For this theorist of *Iranshahr*, the ultimate objective is to revive the traditional concepts of the *Iranshahr* state in a contemporary context, including foundational principles such as the rule of law, national identity, and legal frameworks.

CONCLUSION

In Tabatabai’s view, the “rule of law” entails operating within the framework of “national consciousness” and “rational reason,” grounded in logical principles. In

constructing the “new state,” Tabatabai seeks to engage in a dialogue with modernity while simultaneously honoring the concept of “the new within the old,” thereby respecting longstanding traditions. Two significant issues arise from Tabatabai’s interpretation of the “modern state.” First, his stance on “democracy” appears contradictory. While he equates the rule of law with democracy, he rejects the notion of “mob rule,” arguing that the involvement of the populace as law enforcers undermines the rule of law. Influenced by Alexis de Tocqueville, Tabatabai refers to direct democracy as “the tyranny of the majority,” indicating his belief that the enforcement of law by individuals threatens the rule of law.

This nuanced distinction between “democracy” and “mob rule” suggests a complex and somewhat contradictory position, with Tabatabai struggling to reconcile his ideas about the role of democracy within the “modern state.” His nuanced language, often precise, seems here to be more a matter of wordplay, leaving his stance on democracy ambiguous, despite its centrality to the “modern state.”

Moreover, Fadaei Mehrabani (2022) claims that “Tabatabai explicitly identified the end of the hero of Iranshahri political thought as ‘absolute monarchy,’ and this is precisely the point where his ideas face a significant challenge”. Tabatabai views the constitution as a constraint on governance but fails to clearly define the role of governance within his preferred system. His favorable view of the royal government system as the “Empire of the Mind” further fuels accusations of his support for monarchical rule.

Tabatabai characterizes Iranian civilization as complex, attributing this complexity to the diversity of texts within the civilization that have created an intricate tradition. He categorizes these texts into three primary traditions: Ancient Iranian, Islamic, and Greek. He defines Iranian tradition as an inseparable collection of these texts, stating: “The tradition of the ancient period of Iran is intricately woven together with the legacy of Greek philosophy and influences from the Islamic religion. It is impossible to separate the elements of these three strands of tradition from each other” (Tabatabai 2007a).

However, within his theory of Iranshahri, Tabatabai places disproportionate emphasis on the ancient aspect of tradition compared to other elements. His ideal state, the “Empire of the Mind,” is drawn primarily from this period. This asymmetric focus reveals a hierarchy within his view of Iranian tradition, privileging ancient texts over Islamic ones, despite his claims to the contrary. This does not imply that Tabatabai dismisses or invalidates Islamic texts, but it does suggest that in constructing his image of Iranian tradition, he does not accord equal weight to all its components.

Ultimately, Tabatabai sees the transition from the old state to the modern one as possible through an area of tradition. Through his theory of “Iranshahri,” he proposes that the key to a successful transition lies in recognizing Iranshahr as the foundation, emphasizing the integration of “the old within the new.” In essence, the foundation of the modern state, according to Tabatabai, rests on reclaiming core principles such as nationality, national sovereignty, and the rule of law.

DISCLOSURE STATEMENT

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REFERENCES

- Amid, Hasan .2010. *Amid persian dictionary*. First edition, Tehran: Frhangnama.
- Fadaei Mehrabani, Mahdi .2022. “*The similarity of criticism in the quarrel between constitutionalism and Iranshahri theory (Critical study of the intellectual conflict between Davood Farihi and Seyed Javad Tabatabai*”. Scientific Quarterly Journal of Social Theories of Muslim Thinkers. 12(2), 115-142.
- Fadaei Mehrabani, Mahdi .2016. *Wisdom, knowledge and politics in Iran*. Second edition, Tehran: Ney publication.
- Farahnakian, Farshid. 2023. “Constitutional legal commentator”. *Siyasatnama* 7(26), 66-67. <https://ensani.ir/fa/article/44673>
- Khaleghi Damghani, Ahmad and Mohammad Ali Hoshin. 2013. “A research on the concept of "tradition" in the thought of Javad Tabatabai”. *Politics Quarterly* 4(47), 891-907.
- Mikasiyan, Garik. 2023. “The author of national matter”. *Siyasatnama*. 7(26), 47-49.
- Naghizadeh, Ahmad.2023. “Continuity of Iranian thought”. *Siyasatnama*.. 7(26), 101-107.
- Rajaei, Farhang. 2023. “Iran’s policy matter”. *Siyasatnama* . 7(26), 143-156.
- Strauss, Leo. 1989. *The Rebirth of Classical Political Rationalism*. Chicago: University of Chicago.
- Struss, Leo. 2016. *An Introduction to Political Philosophy*. Oxford University Press.
- Tabatabai, Seyed Javad. 2007a. The Constitution” *Shahrvand*
- Tabatabai, Seyed Javad .2007b. *Tabriz school and the basis of modernity*, Tehran: Sotudeh.
- Tabatabai, Seyed Javad. 2021. *The Conflict between the Old and the New in Theology and Politics*. Tehran: Minoye kherad.
- Tabatabai, Seyed Javad. 2022. *Nation, state and the Rule of Law*. Tehran: Minoye kherad.
- Tabatabai, Seyed Javad. 2024. “*Ibn Khaldun and social sciences*”, New York: Polity.
- Tabatabai, Seyed Javad. 2017. "What is the state in Iran?", *Etemad newspaper*. <https://www.etemadnewspaper.ir/fa/main/detail/69949>
- Tabatabai, Seyed Javad. 2017. “Iran as Iranshahr”. *Islamic encyclopedia*. <https://www.cgie.org.ir/fa/news/180189>
- Vakili, Shervin. 2023. “Iranshahr or Iranshahrs”. *Siyasatnama* 7(26), 120-128.
- Zare, Hamed. 2017. *Political philosopher*. 2 volumes. Tehran: Falat.