

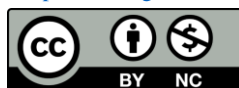
## The experiment of political law-codifying in Naseri (Qajar) Era: Discourse analysis

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Article Info	Abstract
Original Article Main Object: Politics  Scope: Iran  Received: 11 February 2023 Revised: 25 February 2023 Accepted: 04 March 2023 Published online: 11 April 2023  <b>Keywords:</b> discourse of legitimacy, Malkam, Mustashar al-Dawla, Nasserite age, political legislative drafting.	The idea of legalism was the main reform trend in the Qajar era and formed an important part of the "political modernization experience" in this period. With the expansion of the "law seeking discourse in the Nasserite era", the "legislative drafting experience" was one of the important trends in this field. In this research, while using the method and theory of "critical discourse analysis", this "experience" is discussed. For this purpose, seven selected political and governmental laws written in the Nasrid era have been considered. The purpose of this research is to analyze the issue of how the "law writings" of this period, which were popular in different types, appear in political laws. The basic question of this research is that what is the relationship between the "experience" of political legislative drafting in the Nasrid era and the discourse of legalism in this period? The findings of the research show that these laws are more than anything based on creating "order" for the government and are in accordance with the discourse of "absolute orderly rule" which was promoted by people like Mirza Malkam Khan from the middle years of Naseruddin Shah's reign and promoted in various ways. Of course, many of these laws, and in other cases as well, did not reach the stage of implementation, but an important part of the legalistic ideas in the Qajar era expanded with the spread of such laws, and at the same time, it showed the weakness of the government in the evolution of the state-building process by applying new laws, which was delayed until the following decades.

**Cite this article:** Ameri Golestani H. (2023). "The experience of political legislative drafting in the Nasserite Era: Discourse analysis". *Countries Studies*. 1(1): 7-14. doi: <https://doi.org/10.22059/jcountst.2023.91620>.



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EISSN: 2980-9193

Publisher: University of Tehran

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**Extended Abstract**

This article seeks to analyze seven selected political and government laws written in the era of Naser al-Din Shah to analyze the "law writings" of this period, which were popular in various forms, appear in political laws. This article examines the "law-writing experience" of this era with the framework of discourse analysis and considering the "discourse of legalism in the Nasserite era". More than anything else, these laws are based on creating "order" for the government and are in line with the discourse of "absolute orderly rule" that was promoted by people like Mirza Malkam Khan from the middle years of Naseruddin Shah's reign and was promoted and propagated in various ways. Of course, many of these laws, and in other cases as well, did not reach the stage of implementation, but an important part of the legalistic ideas in the Qajar era expanded with the spread of such laws. At the same time, it showed the weakness of the government in the evolution of the state-building process by applying new laws, something that was delayed until the following decades.

The discourse of seeking the law in Iran is one of the most important manifestations of seeking justice. In the Naseri era, the Iranian reformers, due to the necessity of the times, and by "observing" the chaotic state of the political system and the "experiences" they had gained in political affairs, considered the law as a cure for the country's chaotic situation, and when the Shah, from 1275 A.H. made some reforms and changes, started writing legalistic treatises with a new approach to governance. The "discourse of legalism" was formed based on the "experience" of some activists and progressives. This experience was derived from his external observations. Progressives such as Malkam and Mishtar al-Dawlah presented two types of law-seeking experiences. The first one sought to establish the theory of "organized independent kingdom"; and the second sought to establish a coherent legal system.

As mentioned in most of the political laws examined in this article, simply writing laws, of which political and governmental laws are the most important, will not lead to a place. Especially since the purpose of these laws is only "order" to things, which is necessary but not sufficient in any way. The important issue in the "experience" of political law writing in the Nasser era was that neither a center for writing laws was created nor these laws were able to achieve their main goal of creating "order" in the government. The political laws in question were mostly personal efforts that came out of the law-seeking discourse that did not follow the "rule of law" and, more importantly, did not create a coherent legal system. Although among them there were laws that had attracted the king's attention sooner or later, he considered "order" in the middle of his reign, to be necessary for the continuation of the reign, and did not fully adhere to any of its accessories. Despite his occasional political appeals, no suitable plan

was obtained to establish reforms and a new political system.

Also, the examination of these laws is one of the actions that shows the background of law-seeking before the constitutionalism and broadens the intellectual field of the closed countries around. Even though it is in the process of transformation, it faces such changes with a lot of resistance, and in the vastness of the existing situation, it has less power to draw an ideal situation. The field of politics in the Qajar era, more than anything else, includes the old government system that has lost its ability to reproduce and is afraid of accepting new things. Also, many of the laws of this period, including political laws, which were briefly discussed in this article, are actually between "old" and "new". They are not new and modern in the strict sense of the word, and are not old. Many of them are the support of the old judicial tradition system, which has penetrated to the depths of Iran's government, especially when they approach executive affairs such as tax collection, they have no new plan for affairs. However, examining the laws related to finance requires a separate discussion.

But at the same time, it should be kept in mind that these laws, sometimes neither "new" nor "old", created a favorable environment for understanding a fundamental issue in the "Iranian appeals experience", and that is, paying attention to the law as the main fundamentals for managing the affairs of the society and the country were accepted more than in the past, and the same issue during the Adalatkhana movement, which led to the issuance of the decree to establish the National Assembly and finally Iran became "among the constitutional countries".

### **Acknowledgment**

The research proposals about "law codifying in the Qajar era" were given to me for the first time by my deceased professor, Dr. Javad Tabatabai, in November 2016, and discussions about it were raised in face-to-face and virtual conversations. This article was the first attempt to carry out the detailed plan that was proposed to him. According to the final version of the article, I would like to show it to him, but unlucky fortune and sinister times did not allow me to do so. I completed and revised this article with great sadness and now, in the absence of their blessed existence, I dedicate it to the high spirit of that highness and I hope that their soul will be satisfied.

### **Ethical considerations**

The author has completely considered ethical issues, including informed consent, plagiarism, data fabrication, misconduct, and/or falsification, double publication and/or redundancy, submission, etc.

### Data availability

The dataset generated and analyzed during the current study is available from the author on reasonable request.

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