Critical Study of the Epistemological Foundation of Constitutionalism in Face of Modernism

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Article Info

ABSTRACT

The encounter of Iranians with the modernism of the West happened for the first time during the constitutional period and through familiarization with the events and political technologies that happened in Russia, Japan, and Turkey. According to what Gadamer says, according to their political, social, economic, mental, and cultural structures, Iranians have received an understanding of modernism that is appropriate to their existential conditions, an understanding that stands as an application, and in response to the Iranians' question about the application of modernism to their lives. This article attempts to compare the epistemic foundations of both sides with a descriptive critical analytical method to show that the due to the structural differences that existed in the epistemic system of Iran and the West during the constitutional period is that it was very difficult to understand modernism in Iran and therefore, instead of bringing modernism into the country, Iranians have settled for some political technologies. Political technologies are considered a salve for their countless pains.

Introduction

The revolution or constitutionalism event /phenomenon is a series of events that happened in the last years of the 13th century in Iran and is considered an important basis for future actions in the history of this country. It can be said that, Constitutionalism (Mashrutiyyat) was the first practical confrontation of Iranians with the issue of modernism of course with the extended definition that will follow. Due to the many differences in understandings that have emerged from the meanings of the word "Tajaddod" (modernity), in this article the word "modernism" is used instead of the word "modernity." The definition of modernity in Iran is the actual reflection of modernism. It should be emphasized that Iranians' encounter with modernism was through familiarity with the political events and technologies that took place in Russia, Japan, and Turkey. This point will be explained further in the article. As Gadamer says: understanding and interpretation are always associated with historical and temporal conditions and prejudices play an important role in our understanding (Azadi, 2009). According to what Gadamer says, based on political, social, economic, mental, and cultural structures, Iranians had received an understanding of modernism that was appropriate to their existential conditions, an understanding that was a practical term and in response to the Iranians' question about the application of modernism to their lives. For example, of course, it should be noted that this difference in perception and understanding of modernism had another reason, and that was the effort of some intellectuals to engineer the public opinion of Iranian society to accept modernism and modernism easily. As proof of this claim, I quote a part of Haeri's writing:

> There was a concerted effort among Intellectuals to keep scholars hidden from
> the fundamental differences between the new political institutions and Islam
> (Haeri, 2020: 17).

They had access to the new political ideas of England and France, but due to expediency, they gave Islamic color to the idea of constitutionalism. They hid the meaning of constitutionalism and sometimes introduced Islam and constitutionalism as one (Kasravi, 1980: 12). I consider the reason for this difference in understanding to be in the different structures of both sides of this conflict, which will be explained in the following lines.

Constitutionalism (Mashrutiyyat)

The term "Constitutionalism" comes from the French word "La Chartre."[1] It means the basic law that was compiled in 1814 in France. The Arab writer Rafa Tahtawi introduced the word "al-Sharta" to Islamic literature. Turks used the term constitution, and Sepehsalar was the first to use it in Iranian literature.

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[1]. For more info, see. https://goo.by/S969X. 2020

Modernity and its difference from modernism

Modernity (Tajaddod) is a renewal, but modernism is not just renewal, perhaps modern (new) products that existed previously, such as secularism or social identities such as homosexuality, etc. Modernism is an intellectual atmosphere or a period under the rule of this intellectual atmosphere, which has four basic components. 1- Humanism 2- Nation-State 3. Scientific rationality 4- Capitalism.

Modernism was the emergence of a new worldview that made it possible to live in a world different from the pre-modern era. (Gezelsofla, 2013: 19). Obviously, modernism manifested in the West from a specific mental, cultural, political, and economic structure and had an almost definite meaning for the Westerners themselves. But our problem starts from here because, due to the lack of those structures in the East, the concept of modernism is not understood correctly. One of the reasons for the misunderstanding of the concept of modernism is the issue of colonialism. By and large, power naturally seeks to increase its influence on the surrounding environment; therefore, considering that modernism produced power for the West, one of the manifestations of this power has emerged itself in colonialism. But we must pay attention to the fact that we should not consider modernism equivalent to exploitation or colonialism, because colonialism was a part of the transversal results of modernism and not its totality. This power and subsequent exploitation of Europe have caused the truth of modernism to remain hidden behind this, and the first encounter of the Easterners with exploitation has prevented the correct understanding of the key issue of modernism. Of course, the power of attraction of modernism was such that it even influenced the new intellectual currents that spread after the constitutional experience. As Katouzian considers the return of Iranian romantics to their roots as a result of their infatuation with Europe (Katouzian, 2014: 132). The components of modernism are:

1. **Humanism** is a philosophical and ethical worldview that emphasizes the value and agency of humans, individually or collectively, and generally prefers critical thinking and evidence (rationality and empiricism) to accepting dogma and superstitions. Humanism is the foundation. The culture and philosophy are based on the Renaissance in the West, according to which man is the measure of all values and virtues, including truth and righteousness. Humanism is a philosophical and literary movement that is the foundation of the Renaissance and forms the culture of the modern period. Locke, Kant, Hume, and many others defended the concept of society as a social contract, discrediting traditional authority (such as the divine right of rulers), and with the new emphasis on personal will and self-government, favoring (Solomon, 2013: 365). On the other hand, emphasizing subjectivity (subjectivism) denies the church's authority from God and opens the way for equal rights (Solomon, 2013: 318).

2. **Nation-state** is a special type of government in the modern world in which a political body has the right to sovereignty over a certain territorial territory and can support this right with military power. In this type of government, the entire population of the country is considered a citizen. A

nation-state, or nation-state, is a special form of state-building that gains its legitimacy from the exercise of sovereignty in the name of a nation within a sovereign territorial unit. Weber defined the modern nation-state as "a political structure with the exclusive right to exercise legitimate authority in a specific territory." The nation-state is a modern phenomenon whose rationalization of various administrative, economic, cultural, and social structures distinguishes it from previous political structures such as empires and tribal governments.

3. **Scientific rationalism** means to conform to the laws of reason, and it is also a process based on which facts and activities that were far from the individual's domain in the past are now within the domain of reason. They are in the realm of action, meaning the conscious, measured adaptation and coordination of means with the desired goals. In short, rationalism holds that since the existing world is based on rational rules, reason can discover the existing relationships and lead to our knowledge of the truth. Scientific rationalism focuses on the scientific foundations of rationalistic research. It is a mathematical bases to observe the world during the emergence and promotion of such rationality in the West. The modern period is the era of the dominance of quantitative aspects of life over its other aspects, so the importance of asking mathematical questions becomes clearer in this era. The use of mathematical models in the human sciences is an example of the dominance of a quantitative approach over other ways of confronting people with different issues (Broumand, 2013).

4. **Capitalism** is an epistemological-economic system based on private ownership of the means of economic production and where the creation of economic benefit (profit) occurs in competitive markets, also known as freedom of personal property, which includes the production and distribution of goods. According to Solomon, in the modern world, apart from science, there have been many other things that have influenced philosophy, such as money, which has caused the prosperity of cities and trade and stimulated the need to have a social philosophy (Solomon, 2013: 317).

Iran's Socio-Political Structure

1. **The political tradition** of the autocratic order for all of our history is full of military and power-oriented clashes, military conflicts, and killings to achieve power. In the autocratic tradition, the order is the product of the dialectic of the (King) Sultan's mind, with almost fixed structures. These fixed structures can experience change if it is the will of the sultan, such as in the dreams of Osman and the change of the religion of the Ottomans from Christianity to Islam, or in the dreams of Ismail Shah and the change of Iran's religion from Sunni to Shia. As Foucault emphasizes, this political tradition, as an important part of our social structure, has influenced all philosophical and especially political knowledge (Hubert, 1999: 312). Katoozian describes this historical issue well in his book, The Nation-State Conflict. The dialectic of Iran's history had another side, which was the chaos that existed in ancient Iran as the antithesis of the autocratic government of ancient Iran.

Continuous opposition of society or the nation to the government was normal even when there was no opportunity for rebellion. The logic of this situation was normal because the government was independent of the nation and there was no law to regulate the relationship between the two. The people (even the upper classes) saw the government as a repressive power rather than a guarantor of their rights. Therefore, there was always a constant conflict between these two, and there was no alternative but another autocratic government. Anarchy was Hobbesian's natural state of war of all against all, which was a dispersed form of autocratic government with only order and peace as its main functions. And there was a widespread belief that the polar opposite of an autocratic government is chaos (Katouzian, 2014: 133). Even in the constitutional era, we have not been spared from the effects of this historical and political tradition. Under the influence of that structure, the people of that time did not want to dismantle tyranny and only demanded the return to a just and fair authoritarian order. The masses of the people did not support the dismantling of the monarchy and were only satisfied with the establishment of the judiciary and parliament alongside the monarchy. Kasravi's constitutional history book is full of evidence that shows that many activists are thinking of limiting the ruling class and not bringing society into modernism.

   2. **Unwilling masses**. As a result of this political structure (authoritarian order), the masses of people or ordinary people have no role in the matter. They are not political, and they only play a role as an object for a subject called the ruler's mind or Sultan's mind, and political inheritance is formed through conquest and not the role-making of the people. Until the middle of the 19th century, autocratic rule was considered a natural system of governance, so Fathalishah, in a meeting with a delegation of Europeans, expressed his surprise that someone other than the king was involved in decision-making (Katouzian, 2006: 161). The political matter is equivalent to the ruling mentality, even if the society has only one subject, which is the ruling mind, and the rest of the society exists as an object for this subject. Of course, no one can deny the social and cultural developments throughout the history of a civilization or a nation, but it seems that these developments or the people themselves do not play a significant role in the process of acquiring and transferring power. Power is produced and carried out through force and military confrontations, and therefore the rest of the topics are raised secondarily and marginally. In the best case, if we talk about people, it is only a tool, because government without people is logically and practically impossible. Tabatabai writes in his book "The History of the Decay of Political Thought": The righteous king was the foundation and axis of governments in ancient civilization Iran until the Islamic period. He explains that Shah's Persian (Tabatabae, 2020: 14).

   Charisma had a deity, and his justice was considered a meaningful and legitimizing factor. Of course, he considers this issue as a basis for post-Islamic history and believes that this order has not been disturbed, that absolute monarchy has existed in the history of Iran after Islam, and that there is cultural continuity. Tabatabai accepts this opinion that until the arrival of modernism, our political tradition was still authoritarian and the people had no say in matters of governance. Of

course, other writers also try to show that Iran did not undergo intellectual degeneration after Islam and that there were examples of justice and spirituality in it. But it is fair to say that such books cannot prove that people played a significant role in the tradition of governance after Islam. However, in modernism, the order is a product of the dialectic of human will (the subject of change or meaning), the limitations of governance, and jelly structures that can be changed by people's opinions.

3. **Tiyuldari.** The social structure of the constitutionalism era was naturally affected by Tiyuldari, a completely traditional socio-economic system based on the land ownership of big owners and a traditional market that did not play much of a role in the world market. This structure, which, according to Malkam Khan, was three thousand years old (Adamiat, 2015: 84), had no clear relationship with the global capitalist system that was being born and could only be a peripheral economy according to Wallenstein's theory of the world system. Supply the raw materials needed by the population and industries of the nuclear and semi-peripheral countries of this world system. In other words, the newly found wealth in the new world fueled one of the biggest global revolutions in history (Solomon, 2011: 356).

4. **The lack of knowledge**. Kant the philosopher, and the most famous figure of the Enlightenment movement, repeatedly encouraged the daring to know, while the most optimistic statistic during the constitutional period indicates the literacy of 5% of Iranian society. It is a completely rural and tribal society with a small percentage of urban dwellers, and there is no university or general education center in the country. Only people from the upper classes of society, such as princes, merchants, or religious scholars, are literate and possess modern science and knowledge, which is positivism. It was the representative of it; it has no sign or place in Iranian society. Of course, this illiteracy was not exclusive to the masses, but the nobles of that era did not have the benefit of new and even old knowledge. As an example, Mokhber al-Saltaneh Hedayat, the Minister of Science and the Prime Minister of Iran, believed that Malkam Khan's words about progress, law, etc., are in other words in our Bostan and Golestan, and we do not need this (Hedayat, 1986: 155).

Epistemological-Philosophical Foundations of Iranians in the Constitutional Period

This article is based on what Foucault says; he believes that the epistemological foundations of any period originate from the ruling power of that period (Hubert, 1999: 312). As a result, Iranian political tradition, as well as religion as the most important identity factor of Iranian society from the Safavid period to the present, are examined as important epistemic pillars of society.

1. Authoritarian Political Tradition

The political tradition of constitutionalism: As we know, in the Constitution (1285–1280) (1906-1900), a new political order was not created, and the only thing that happened politically was limiting the principle of the autocratic tradition or overthrowing the ruling class (specifically the

court and local rulers). This point is important because the Iranian understanding of modernism is in its form and not in its content. As previously stated, the content of modernism was formed in a historical context, and its fundamental component was humanism; however, in Iran, despite changes in political systems, those foundations were impossible due to differences and sometimes conflict with Iranian society's epistemological-philosophical foundations. It did not and will not be included in our political traditions. The principle of the autocratic tradition was approved by constitutional activists, and finally, this tradition established its existence in a radical form. For example, Sheikh Fazlullah Nouri, in expressing his opposition to the Western constitutionalists, says: "The Shura Council (Majlese Shora) was supposed to be for government work, and the court, which could be ruled at will, set laws that would limit the king and the royal body and block the way of trespassing and oppression." As can be seen from this quote, Sheikh Fazlullah has no problem with the issue of one person's monarchy, which is a specific type of tyranny. In fact, in modernism, the principle that sovereignty belongs to the individual human being is not accepted by him and his like-minded people, but constitutionalism as a tool to limit the Sultan is accepted by him. Such a thing can be proven from the negotiations of the first parliament, which was formed by the handwriting and command of Muzaffaruddin Shah. Malkom Khan, who built the first telegraph line and the forgotten house (Faramooshkhaneh) in Iran, clearly states in his book Daftare Tanzimat that absolute monarchy, as practiced by the Russians and Ottomans, is the best form of government for Iranians (Adamiat, 2015: 83). The historical dialectic was the ruling tradition in Iran. That is, in the confrontation of authoritarian order with disorder and anarchy, as finally seen after the constitution, the people supported Reza Khan's authoritarian order against the chaos and crises that constitutionalism promised to bring justice and prosperity. It can also be claimed that the background of constitutionalism was that the fuel of the classical logic of power was running out, the second Renaissance of Europe was forming, and subjectivism, along with three other components, created meaning in the world and shaped the global lifestyle. But Iranian society still has its heart in its political tradition, and it is not so easy to lose that. In constitutionalism, the political technologies caused by modernism have entered the country without their original essence and meaning being understood or agreed upon by the public.

2- Shiism

The general culture of Shiism has historically been based on anti-tyranny under the influence of the Ashura incident. This culture, which has a negative (Salbi) spirit, has been reproduced many times throughout history. The main reason for this is that the Shiites have always been a minority in the Islamic world and have struggled for their survival in the bipolarity and dialectic between the majority and the minority. This culture among Iranians continued with more intensity after the announcement of Shiism as the official religion of the country. It can be claimed that the only cultural trend that has continued throughout the modern history of Iran has been the spirit of anti-tyranny and seeking justice. In a way, this culture has caused a centrifugal spirit in all historical

periods, which is not powered from the margins but from the center and the capital of Iran (Katouzian, 2014: 262).

2-1. Jurisprudence (Fiqh) and Government

The knowledge of jurisprudence has been the most important in the relationship of Muslims, especially Shiites, with their living environment. This traditional knowledge was born in a historical-traditional context and has taken on the mood of history and the socio-mental structure of society.

> This historical taste has given political jurisprudence special principles, rules, concepts, and geometrical characteristics that are appropriate to the Sultanate order. Political jurisprudence, whether Shia or Sunni, arose during the caliphates, which were the reproduction of Iran's pre-Islamic political structure, and this has placed political jurisprudence in a position where it is possible to refer to and cite authoritative texts of more than provide other religious evidence for this knowledge (Firahi, 2014: 12).

A formal encounter with modernism

As I explained, a formal encounter with modernism took place in a specific socio-political context in a society with a personal epistemic system and understanding this phenomenon required understanding the context of its realization. However, during the constitutional era, the philosophical intellectual system of Iranians was not developed enough to be able to understand its context and digest itself in it. Therefore, our encounter with modernism was limited to the adaptation of political technologies resulting from modernism. This, in turn, caused future misunderstandings about modernism, and in the meantime, the role of European colonialism added to our ignorance and misunderstandings about modernism. However, the essence of modernism in the intellectual and cultural society of Iran was not understood as well as it should have been. Jamshid Behnam says in the book "Month of Social Sciences" in June 2018:

> What Westerners understand from modernism is a concept that was formed in another cultural field, while Iranian researchers mean by this term Iranian cultural revival concerning Western civilization and a kind of integration of indigenous culture with new values and beliefs.

In the West, modernism and modernization emerged simultaneously. Modernism in the non-colonized third world is the desire for innovation and change. Modernism has emerged in the form of a discourse and even a movement, but without paying attention to the philosophical and sociological foundations of modernism in Russia since the time of Great Peter, in Japan since the Meiji era, in Turkey under Ataturk, and in Iran. Modernization in the political dimension was successful, and paying attention to its political dimension led to the creation of new governments, but the acceptance of modernism in the mentality of people was more difficult than its

implementation in the objectivity of society (in the form of modernization). It was the law and constitutionalism. In the second stage, the establishment of the
Nation-states and the expansion of industries, the acceptance of European customs, and authoritarian modernization by the government took the form of growth and development in the third stage.

Constitutional Actors: Clerics

a. **Authoritarian clerics or traditionalists & conservatives**, such as Muhammad Hossein Tabrizi, prefer depravity to disbelief in his treatise Al-Istbadad, which compares the state of depravity to disbelief and likens the despotic system to deprave but the constitutional system to disbelief. Like Sheikh Fazlullah, he believes that law writing is heresy, and this heresy is forbidden and against Islam.

b. **Absolute anti-tyranny or liberal**. Their only problem is the amount of tyranny, not the tyranny itself. Because they still accept the royal system and are only good under the king and not the democratic system.

Constitutional Actors: Intellectuals

a. **Anti-religionist** like Akhundzadeh, who considers religion as the cause of backwardness and considers archaism as a substitute for religion

b. **Protestant** who is a supporter of Islamic Protestantism and wants to adapt the rules of religion to modernism

c. **Reformer or moderate** Malkam Khan, the founder of the forgotten house (Faramooshkhane), seeks to reconcile religion and constitutionalism and is pragmatic to attack the situation of Iranian society and extract its meaning from this confrontation. As can be seen from the books and writings of the press of the constitutional period, the greatest effort of intellectuals is to compare the situation of Iranian society with that of Europe, and the high volume of this comparison includes praising the realization of political technologies in that geographical area and regretting their absence in Iran.

> Although Mirza Saleh Shirazi is not able to understand the relationship between philosophical sciences and the ideas that generate them and the progress and new achievements of English society and European societies in general, he is the first person to give information about the population of philosophers in London (Zaviyar, 2007: 55).

He was unable to understand the root of the developments in the West. He saw the manifestations of the West, but he could not establish a relationship between the emerging phenomena and conditions formed in the West and the conditions governing Iranian society, so he could not provide a perspective on the future and solve the challenges (Zaviyar, 2007: 55-72). This effort results in a reflection on the impact of modernism on Iranian society. On the other hand, due

to the difference in the epistemological foundations of the two sides, the basis of Iranian society's encounter with modernism is limited to understanding it according to the conditions of Iranian society, that is, the translation of modernism and not modernization.

Conclusion

During the constitutionalism period, Iranian society formally accepted modernism, despite the many misunderstandings that existed, and part of it was, as Kasravi said, a fictitious deduction and a kind of refinement, but not in an intrinsic way. That is, Iranians did not modernize in terms of content, but they accepted some forms of modernist governance. The reasons for this are:

1. Structural changes (particularly in our political tradition, i.e., autocratic order) with modernism's fundamental epistemological-philosophical components. 2. Modernism was a historical and cultural based on which European society was modernized, and modernization had existential and temporal harmony with modernism. 3. Religious beliefs were a serious obstacle to the acceptance of elements such as humanism in Iranian society. 4. The old political tradition and the global power structure prevented the formation of a new national identity as well as the spread of capitalism, which has been established in modern governments and is the driving force of modernism. It moves society forward. It is because of these differences that even intellectuals facing constitutionalism such as Malkom Khan, in his letter from Rome, Italy, to Mushir al-Dowleh in 1903, consider Iran's progress not in the introduction of new epistemological foundations but in the introduction of the ritual of consultation, which is a form of political technology (Hagdar, 2017: 56).

This simplicity can be seen later in his works, for example, where he writes: "Just as the telegraph can be easily brought from Farang and installed in Tehran, the principles of his discipline can also be obtained and established in Iran without any effort." He repeats, "If we want to invent the principles of our order, it is like trying to find the graph in front of us" (Tanzimat booklet: 13). On the other hand, the basis of our political tradition is violence, conquest, and the sword, along with protest culture, but the basis of modernism is the will of the people, albeit relatively.

In tradition, meaning is produced from the heart of rigidity and obstinacy of human beings; in modernism, it is produced from the dynamics and vertical movements of a man in society. In the era of modernism, as it came, capitalism played the highest role in creating identity and meaning for modern people, but according to the traditional economic structure of Iran, the possibility of this component has never existed, and therefore, it does not play a significant role in constitutionalism. It has not fulfilled its general meaning. Due to the different structures of Europe and the East, the historical experience of the establishment of Western modernism did not exist in the East. Modernism had emerged, and its influence had spread throughout society. Due to the weakness (or, in other words, the insoluble contradictions) of the epistemological foundations of Iranian society to understand the course and existential philosophy of modernism, its essence and basis were not properly understood, and only its manifestations were understood and transmitted.

Iranian society looks at western modernism through its own glasses, while the epistemological foundations of both are different, and therefore, the difference in foundations leads to the difference in perceptions. These intellectuals' words reveal a misunderstanding of the trends that occurred in the West. Mirza Hasan Rushdiyeh believed that if only the school were built, everything would be fine; Mostashar al-Dowleh believed that if only the railway entered Iran, it would be the Golestan (Adamiat, 2015: 84). Malkam Khan believed that only by bringing the law would everything be right; and so on. Later, during the constitutional victory itself, Seyyed Tabatabaee, Behbahani and other intellectuals only demanded Daralshura, Majlis, and Adalatkhane. While we will see later how, in the vacuum of modernism's infrastructure, the parliament itself becomes a tool in the service of tyranny.

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