

Discourse Analysis of Iranian Intellectuals about Law on the Edge of Constitutional Revolution (Study of Mirza Malcom Khan and Mostashar al-Dowleh)

Aso Javaheri¹

Ph.D. Student, Department of Social Sciences, Faculty of Literature and Humanities, Science and Research Branch, Islamic Azad University, Tehran, Iran

Masoud Golchin²

Associate Professor, Department of Social Sciences, Faculty of Literature and Humanities, Kharazmi University, Tehran, Iran

Received 10 February 2019

Revised 17 June 2019

Accepted 23 December 2019

Abstract: *About 110 years ago, Iran experienced a revolution, which was known to be an attempt for development and modernization. The revolutionary roots had been established by new-coming social forces named as intellectuals. Since studying the past highlights the future, the necessity of intellectuals' discourse as well as understanding their discourse strategies on the road to development and modernity should be taken into account. Accordingly the present research employs a quantitative method using discourse analysis technique and documentary reviews to analyze epistles written by Mirza Melkom Khan Nazem Al-Doleh and Mirza Yousef Khan Mostashar Al-Doleh as two selected intellectuals about law and the Ghanoon Daily. The results indicated that Iranian intellectuals assumed political modernization as the preliminary and most prominent step for reaching development. They demanded for Constitutionalism and the rule of law, not as the main objective, but as a facilitator of development. In other words, development but not law was the major signifier of the intellectuals' discourse achieving it became possible only through political reforms. Meanwhile, religion acted as the secondary assist and a justification for execution of new law in contrast to traditional law. precedence of political parameter over economic, social and cultural reforms, applying absorption strategy via stimulation and incentive discourse pattern for integrating the opposing forces in their discuses, superficial understanding of the secular law concept in Europe and is association to religion and a dearth of awareness about cultural context were among characteristics of the intellectuals' discourse in this period.*

Keywords: *constitutional, intellectuals, discourse analysis, law, religion, backwardness, development and modernity.*

Introduction

The very first confrontation of Iranian society with Western communities came about in its roughest form, colonialism, in the Qajar Dynasty. This encounter was established initially after losing some parts of Iran's territory in a war with Russia, then through diplomatic relationships of Iran with the European governments as well as sending students to European universities. This confrontation therefore resulted in huge transformations in Iranian man idea. While in the ongoing years the traditional forces faced with challenges, the conflict between tradition and modernity reached its climax by appearance of Persian Constitutional Revolution. In this period, the West or "Other" was approached by the Iranians as a mirror reflecting their "self". Here, for the first time they realized their long time backwardness.

Expansion of colonialism and growing presence of foreigners in Iran stimulated the Iranian man to seek for remedies to his miseries. The very first attempts of this kind initiated along with importing scientific, military and technical discoveries of the West and blind imitations of the Western community. Shortly after, and thanks to failures in achieving desired changes and development, the educated Iranian man began to find some concealed obstacles ahead of development. This time appraise interpreted the development obstacles exist in traditional intellectual foundations and political state. Consequently, the Iranian man made an effort to change the political government in lieu with the modern ideas. Specifically

¹ Email: aso.javaheri2@gmail.com

² Email: golchin_masoud@yahoo.com (Corresponding Author)

in this stage, the leading intellectuals found it out that there should be other parameters affecting development and the road to modernity beyond the scientific findings. This time, the key to success was transforming government structure. Subsequently, during the political modernization, the Iranians acquainted with new concepts and ideas they did know nothing about or they sensed differently in the Iranians' collective memory. Such ideas as revolution, democracy, modernity and development, law, constitution and parliament and so forth. The Iranians who had educated and trained about Western culture and philosophy also known as "intellectual" introduced these concepts and became a source of deep and widespread transformations for years. The worth of this period apart from establishing fundamental structural changes leading to development is an epistemic break down in traditional thinking of the Iranian man.

Subsequent to the upcoming changes, such concepts as liberty, justice, equality, law, prosperity, nation and lawyer and many others had been absent beforehand entered the Iranian man's ideas and lexicon. Also, in the process of modernization, these concepts faced with major transformations. Meanwhile, intellectuals, who were acquainted with the Western philosophy and schools of thought, carried the reasonability of initiating the enlightenment process. They had observed European accomplishments and had compared the Iranian society with. Thus, the Iranian intellectuals brought into being political modernization as the remedy to the Iranian society backwardness similar to the European nations. In this regard, they demanded for replacement of totalitarian regime with rule of law and constitution. So, law in the Iranian intellectuals appeared as the most imperative request. Reviewing the history of Iranian-man idea, law was not a foreign word and not to say that the Iranian society had not understood law. Yet, the Iranian intellectuals asked for something beyond the permanent traditional law. According to traditional view, law had been defined by first the religion then by the king. Unlike the traditional definition of law, the modern law was a product of collective thinking and humans' rationality, which simultaneously was a representation of collective will. Thus, the Iranian intellectuals were stating that this material and collective law must take the place of divine law and the king's tyranny. Considering these points together, studying the Iranian intellectuals' ideas and description of law, the role of this description in development as well as realizing discourse strategies of intellectuals against the opposition inspired the authors to perform the current study.

Theoretical Framework

Certainly, every social problem requires its specific theory, conceptual framework and methodology. Here, theoretical framework functions as guide for the researcher and assists him/her to achieve desired results. Accordingly, since the present research method is discourse analysis and the theory of discourse analysis shows the greatest propinquity with the current study subject, the theoretical foundation is based on the discourse theory.

Discourse

All human communications initiate by languages. Thus, languages and their functions play a considerable role in social interactions. According to linguists, language is the material form of thought and so language and thought are measured in their association together. Through language, thought is produced by utterances. Meanwhile, discourse as a manifestation of language application is defined in speech (Van Dijk, 2010). Discourses consist of specific indicators and ways of expressing thoughts. In terms of positivist and traditional linguistic school of thought, the common paradigm described language as a reflection of the world. Yet, the newer structuralism and post-structuralism linguists completely transformed this paradigm.

According to them, language is not only a representation of the world and humans, but it also constructs the world. In this view, discourse analysis paradigm appeared. In word, discourse means any lecture, pamphlet or more general a particular manner of speaking. Here, both internal elements like structure, phones and words and external elements like socio-cultural and political context are involved in formation of different categories of discourse (Azedanlou, 2012).

In this sense, the concept of discourse confirms that language and meaning are generated through social processes and different ideas come into sight from inside various discourses. Discourse takes into

account language as a social action in relation to power, ideology, history and society in the text. Actually, discourse is the end product of studying language as a social phenomenon in stating that text is a social parameter develops during social interactions not independent from these interactions. For that reason, we can discuss that in one had discourse is a linguistic study of social system and on the other hand, discourse is sociological study of language. Thus, one purpose for analyzing discourse is to discover how political, social and cultural contexts in which language is utilized besides interactions affect content and meaning of structures or text strategies. Also, how discourse influence formation of the aforementioned structure and contexts (Van Dijk, 2010).

As one of the leading figures of discourse studies and discourse analysis by applying the so-called term of discourse, Fairclough highlights the point that discourse shapes by structures but discourse plays a role in shaping and reshaping of the structures besides their reproduction and change. These structures are immediately has an ideological and discourse nature. But indirectly, they include political and economic structures, market relations, gender relations relationships within government and civil society institutions such as education. One aspect of language is enclosed in social relations is also associated with discourse is that language is a material ideological form. In fact, language is imbued with ideology (Fairclough, 2011). In emergence of discourse studies and discourse analysis, constructionist and post-constructionist schools of thought and theories of neo-literary criticism had a considerable role. Derrida's deconstruction, de Saussure's semiotics, Lacan's psychoanalytic criticism, Heidegger and Gadamer's hermeneutics, Foucault and Marx's archeology of knowledge all were the origins of discourse concepts and debates.

But the most systematic effort began by Foucault's archeology of knowledge. Archeology is method does not consider other discourses as a set of signs. But, it describes discourse as behaviors that regulates and shape issues it talks about (Dreyfus & Rabinow, 2013). Foucault's use of the concept of intellectual systems or cognition describes existence of thought in terms of discourse. He clearly refuses a pattern that considers thought as a mental phenomenon or as a higher realm and transcendent values as well as eternal forms. Relying on the discourse nature of thought for Foucault, he draws our attention to this point that thought has been always some part of historical conditions which define community. He makes a between thought and freedom an ontological link. Through this connection, he removes the gap between thought and reality which supports thought against reality. Actually, through defining a discourse essence for thought, discusses about details of critiques of reason (Azedanlou, 2012).

One characteristic of Foucault's thinking is that he measures discourses in relation to its function. Discourses are not sheer writings, books and lectures. Rather, they are patterns of action. In other words, Foucault puts a way before us through which we move from either inside to outside or vice versa in texts. Foucault calls whatever shapes discourses in various ages "systems of thought". These systems are unconscious rules through them words, deeds and objects mingle together. One other feature of Foucault's thought is that he describes discourses in their association to power. For him, discourses are not an idealistic expression of ideas. Yet some part of power within societal structure. The significance of discourse is where they disclose a power game in specific positions. Discourses do not reveal ideological places of social classes, but discourses are power actions actively shape the public lives (Azedanlou, 2012). Foucault studies discourses not because of the implicit meanings, yet for underrating conditions in which discourses appear and changes that discourses create. In words, he analyzes discourses with respect to their external aspects. He does not rummage around structure rules of discourses. Foucault searches for conditions in which discourses exist. for understanding discourses, he overlooks understanding of scholars' ideas, rather he takes into account fields of practice discourses are epidemic there (Azedanlou, 2012).

According to Foucault's genealogical view of language, he approaches any type of discourse serving power and social structure established by power. Thus, inspired by Nietzsche, he sees power as creator of every form of knowledge. According to Foucault, language and discourse play a central role in explanation of power relations. In fact, language is a discourse or text remarkably determines the

position of actors in hierarchy of power. To clarify, Foucault believes that language is the fundamental field for emergence of power relations as well as a specifying dominant or/and subjugated actor.

Discourse and Ideology and its Role in Establishing Hegemony

Wherever discourses appear, ideology is also on the go. As Fairclough (2011) states, “discourses have some ideological function”. Ideology provides conditions that tend to dominance of discourse. In the world today, dominance has not to do with apparent and violent techniques. But, dominance is a product of subtle procedures by which subjugate actors. This therefore proceeds via naturalization, persuasion and presentation. So, ideology is in charge of this naturalization. As a matter of fact, ideology is a system of worldviews describing man’s social circumstances and his positions. Generally speaking, ideology or thoughts shaping beliefs are constructed based on material and social parameters of human beings. Accordingly, we see that different peoples with different life conditions experience life differently.

According to Fairclough (2011) social institutions comprise ideological-discursive formations are in association with a variety of different groups within the institution. Among these formations, one dominates the others. Every ideological-discursive formation is some sort of linguistic community has its own discursive norms. But, since it symbolizes within the framework of these norms, it is imbued with ideological norms among these formulations is one dominate others Generally speaking the advantage of ideology for discourse is that it makes contribution to discourse in order to impose its hegemony not through harsh strategies, rather in a voluntary manner. So, in this way it makes its concepts hegemonic. Hegemony does not refer to mere dominance. But, hegemony is a negotiation through which some consensus about meaning would be achieved. It is a negotiation which proceeds without dominance and via unity and integration to draw rivals’ attention. In order to a hegemony becomes successful, it needs for integration and informing different institutions. These uniformed relations then would be shaped by ideology (Fairclough, 2011).

Discourse through ideological persuasion has been regarded as one of the most fundamental applications of discourse. Discourses in a variety of forms; i.e. verbal, symbolic, dramatic, gesture, clothing, buildings and so forth, are serving power elites and authorities. Discourse through ideological persuasion could be employed as a tricky strategy for justification of inevitable inequalities in a society. Also, discourse through ideological persuasion is a tactic for satisfying social classes whom are subjugated. Discourse is not a monopoly of elites. When necessary, lower social classes apply this powerful instrument to undermine the legitimacy of elites and authorities power, disassemble established social norms, delegitimize official institution and break discourses are functioning to stabilize subordination of lower social classes (Azedanlou, 2012).

Method

With regard to the appropriateness and benefits of qualitative research methods in general and content analysis in particular, we used them in the present study. The advantages of content analysis method are reviewing historical documents as well as extraction of required concepts. Several different scholars believe that content analysis provides a theoretical basis and good method for describing and analyzing intellectuals and cultural systems. Because content analysis does not undermine objective aspects of social phenomena and consider them within the context of discourse, is a good method for phenomena having a n intellectuals-cultural as well as cognitive aspects (Benton, 2005).

Regarding to the above mentioned points, and the purpose of current study, a critical study of intellectual discourse, we adopted Norman Fairclough’s cortical discourse analysis. This method introduces a proper framework for analyzing discourse as a social action. It includes a variety of concepts in a three angular model consisting of description, interpretation and explanation. One advantage of this method is its agreement with total discourse theory. According to Fairclough’s theory, discourse is not a constructive, yet it is a construct of other phenomena. This process shapes through a dialectic relationship between structure and discourse event. In the 3D model of Fairclough, we work with the text through three stages of description, interpretation and explanation and in terms of three parameters of content, relations and subjects. In the first stage researcher describes formal characteristics of the text derived from its social

context. In the second stage, interpretation proceeds in two steps. First, extracting main concepts and finding the central point and second interpretation of the text context, i.e. physical position, conditions of both parties as well as the text attachment to contemporary discourses in the verbal interaction environment. Third, explaining the text in which discourse has illustrated as one social process. Explanation shows that how social processes pose some limitations over discourse. Also, it indicates that what is the effect of discourse on the structures (Kashi, 2000).

In qualitative studies, sampling procedure proceeds differently. In these studies, we neither have a broad population nor must we conduct a precise and systemic sampling. Thanks to the nature of the present research, a descriptive- in depth study, it is a case study investigation. Therefore, we selected texts which showed the most proximity with the research topic.

Discussion

Because of a huge volume of content to be analyzed, we overlooked to mention the entire texts. Thus, only some units of analysis were more important are presented in this section rally speaking, according to the intellectuals' views law is a set of principles are critical for regulating the governmental affairs. However, the law may be derived from western law but not contradict Islamic rules as it restates Islamic law. They believe that law is means for moving Iranian society towards modernity. So, law facilitates this phenomenon.

Discourse Presuppositions

Of the most fundamental presuppositions we observed in both texts, is precedence of political interests over other affairs. Considering the problems in Iran and clarification of backwardness, the intellectuals pertained to a dearth of law and order. Actually, social-economic and cultural structures are a function of political structure. Thus, all existing problems had been suppressed. Regarding to this, the necessity of reformations and political performance is a controversial issue. The two intellectuals in the current study believed that for every form of development, law must dominate entire executive and official affairs and the state of law has to be established. Backwardness as a result of lack of law and the effect of a law state to get developed is such a critical and essential matter for Melkom Khan that he reports in the Law Daily, the worst type of law is better than lack of law.

Melkom Khan further asserts that getting free from this miserable conditions takes place only through establishment of law. Law is your protector against your human rights. Without law no community would find its way to perfection. All the prophets had emphasized law. Every ignorance and violence result because of lack of law. So, law is executed through a parliament, Melkom Khan calls it "the parliament of regulations". This parliament is a more completed form of assembly of governmental council. Therefore, the Iranians demand for wise and intellectual spirituals in order to take the charge of the assembly. In One Word Thesis, Mostashar al-Doleh puts stress on political reforms prior to any other step. Mostashar al-Doleh believes that European countries developed due to justice. This justice is thus established because of law. So, likewise we need such a justice. That is, we need to replace legal and legitimate government with dictatorship. He also adds that Islam is a series of orders about justice. Every just deed is highlighted by Islam. But, why we do not have this justice tangible? He answers the question with one word. That word is certainly "law".

"In long time I visited France, and Britain and saw their organized army, developed societies, prosperity, artistic flourishing, welfare, freedom and knowledge. What I saw in these countries was generalized to all Europe. I realized the reason for this freedom and development "justice" something which was a lost ring in Iran "

To make the issue more highlighted, he writes the King, Mozafar al-Din Mirza, and emphasizes on hopeful consequences of execution of law. He writes to resolve problems in Iran; we need for two words only. We must all forget about the past and desire to establish new law (Kermani, 1978). So, Mostashar al-Dowleh asks the King to do attempt for establishment of a state of law.

Other presupposition about the time intellectuals is their extreme optimism accompanied with slight awareness about reformation and time for development they discussed that if we want to change we can easily make change. They saw social and political transformations difficult only in the first steps. According to Melkom Khan, reformation in Iran is a gigantic and stiff job. But, this is not more difficult than new changes in the country. When we take the first step firmly, entire possible problems and obstacles would disappear in less than one week. Then, we saw that how trouble-free and lucid that job was (Asil, 2002).

“Doubtless, the intelligent Iranians will get aware of their miseries much sooner than any nation. Within one year, you will see that Iranians have stood up. This is because of the mother nature”.

The Iranian intellectuals believed that Iran has started modernization. The specified law fit Iran. All nations have benefitted from law. The only thing to do is provide a context in which the state of law and assembly will be created. Melkom Khan invites scholars not to impede these processes. “The West has found the way to development within the recent 2000 years. They have moved based on definite rules. As we can use the telegraph tool from the West, we can copy their rules and discipline in Iran. But as I mentioned earlier, whenever you want to have your own rules of order, this means that you want to invent telegram by yourself (Asil, 2005)”.

Here, we can observe the evolution theory and the linear development proposed by the Iranian scholars. this simple idea and putting emphasis on borrowing and copying the European rules was to the extent that Melkom-Khan is more known as a figure of “ complete Europeanism assumption “. The next presupposition the Iranian intellectuals discussed about was the role of religion and Islamic rules as well as compatibility between religion and European rules and regulations. As an example, according to the Ghanoun paper (6), Melkom-Khan states that law is what a wise Muslim confirms it immediately. Similarly, he asserts that law is based on justice and justice is defined by God and the prophets. So, for establishing justice law is necessary. Likewise, Mostashar-al Doleh highlights the similarity of law and religion. He continues that religion and European law do not oppose each other, rather they are the same. However, with an instinctive intelligence he clearly distinguishes between European law and Islamic religion and prioritizes the European law. He sees religion a weaker part of and complains about undistinguished aspects of carnal and heaven life in Islam. He repeatedly emphasizes the superiority of laws over Islam. Mostashar had a secularist idea. He was the first one who believed in separation of religion from politics. But, his hand-writings are very vague and general. He believes that the European law describes Islamic rules or the principles in these rules have no opposition with Islam. But, he constantly emphasizes on secularism and demands for separation of religion from politics.

The Copulative Pattern of Discourse in Texts

The copulative pattern pertains to copulative values among participants of a discourse. Thus, the relationship between text and reader and audiences, as well as their single status and how these audiences are represented in the text are subjects of this issue. A precise study of text reveals that what discourse action of a text means. What could be the status of writer against audiences? And what are verbal patterns of the text? Mostashar-al Doleh does not clarify the status of king, spirituals and the cabinet the same as Melkom-Khan. But, according to his writings, we can discover their different views. Considering Mostashar’s definition of law, king and the ordinary peoples are in the same place and so they have the similar legal rights. Nobody is more beneficial because of his status. God determines rules and rulers are executing them. But, all humans are equal in terms of law.

The King

The copulative pattern in the Melkom’s texts has another aspect against audiences of the king. That is spirituals and the cabinet. He makes a distinction between king and the cabinet through using different verbal patterns indicating the significance of their status in his view. In most cases, the writer considers his texts as an instructor must remind and teach the principles of development to the politicians.

In all of his commentaries, Melkom-Khan assiduously works to distinguish king from the rest in all critics he mentions about the country. Acceding to him, king has superiority over the cabinets and so he calls him “fair” and prevents him from every deficiency in the political system.

Further, Melkom- Khan puts an emphasis on reformations and calls the king just and kind. In another situation, Melkom-khan states that it is not the king whom fails to move the country towards development; it is the locals whom are lethargic. He adds, for a establishing of a good government, it is not the king’s interests should be taken into account, rather the peoples must be wise enough.

The Cabinet

On the other hand, Melkom Khan attacks the cabinet directly. He attributes to them negative characteristics and believes that the cabinet does nothing for national development. He considers the cabinet’s achievements worthless and requires them to gain more knowledge.

Spirituals

Melkom khan knows well about the social and religious backgrounds of the Iranians. Accordingly, he realized that how much spirituals are welcomed by the public. So, he included spirituals in his disgraces as a strategy against the opponents. By describing spirituals as representatives of God and making a distinction between spirituals and intellectuals do its attempts to attract the spirituals’ attention. For example, Melkom-khan describes himself as a representative of the country and immediately refers to Islam as a common feature of “us “premise.

Discourse Strategies

In his paper, Ghanoun, Melkom-khan states:

“Iran knows no order. No it is wrong. God does not like disorder. a disciplined Iran is easy to achieve. Tools for Iranian progress are available these days had not been accessible within the previous period. Governmental order has had some difficulties most of the times. Sometime, ignorance opposed the king’s logic and in other times, the king hinders the nation from progress. The Iranian state is the very first government has accepted order without any limitation. domestic and international security, the honored status of king, king’s competency, encouraging and respecting for nation, silence of the evil states all have provided context for Iranian progress. Doubtless, Iran has experienced no king better than the present monarch. But, I wonder why Iran is engaged with various difficulties” (Asil, 2002).

The writer organizes an imaginary dialogue and does attempt to answer the points in the dialogue. By thinking about possible readers’ reactions, Melkom-khan tries to nullify any opposition and obstacles. Using some negative phrases like “disordered Iran”, or “no, it is not the case”, he endeavors to challenge the readers’ presuppositions. To do this, the author must hold a mutual intellectual background with the reader in order to be able to express important points appropriately, which embraces the reader effectively.

Then, Melkom-khan talks about all positive circumstance such as “domestic security” and “international safety” he overlooks all available weaknesses and gives a clear horizon of the future. This certainly motivates the reader. Following to this, he draws an image of king-nation friendship in form of “nation who respects for king”, and “king’s competency and qualifications” to show the nation and the king in the same party. Furthermore, using dreams and dreams interpretations as well as speaking on the behalf of a third party and imaginary dialogues are of characteristics Mostashar-al Doleh and Melkom-khan’s writings. Referring to daydreaming that has a special place in Muslims’ religious traditions, besides the first political authority whose status is covered with respect and honor, the author gives us an image of establishing rule in the country. This pattern stimulates readers and attracts their attention in order to participate in modernization process. Such justification has no acceptable reason or aims to make a change in fundamental principles; rather it proceeds in an ideological manner. Ideological justification is one of the most frequent usages of discourse because ideology is a means for making a concept hegemonic. application of terms of value besides highlighting critical and excitable criteria of the audience and stimulating religious emotions or in some cases giving a good/evil, positive/negative distinction or an insider “ us” versus an outsider” others” force the audience to accept their discourse.

As an example, in Ghanoun , issue 7, before speaking about humanity and humanity principles, the author distinguishes between “ a human” and “ non-human” . So, he stimulates the reader to agree upon content of the upcoming sections. The author says that any person who is not a human is not allowed to read the Ghanoun. Clearly, here the author by referring to “non-humans” means opponents and those who are may show oppositions. Similarly, in issue 6, the author differentiates between “agreed and knowledgeable us” and “opponent and ignorant other” and forces readers to show their agreement. Likewise, words expressed by Mostashar are full of incentive aspects. a motivating speech is necessary for stimulating audiences. Using such phrases like “you courageous and careful followers of Islam” gives such an ideological meaning to the content. As a matter of fact, these phrases consist of a specific distinction between audiences. This becomes more highlighted when in one hand we see some positive values like bring knowledgeable, careful, and bring fair which demonstrate Muslims’ characteristics. On the other hand, we are exposed to a few negative phrases.

Apparently, the reader prefers to move in line of positive features and so be considered as one of good followers of Islam. In these conditions, the audience is recommended that thanks to his humanity aspect, he is the supreme creature and as a result he must do his human tasks, which separate him from other creatures. By this technique, the author gives a religious responsibility to the audience and changes him to a religious and responsible person.

Law and Religion

In terms of modernity and thinking principles had been arisen from Renaissance in Europe, humanism would create a distance between God and man and consequently gave a central role to humans. For that reason, religious thoughts became much narrower down and were limited to private aspects of man’s life. In this regard, subsequent to greater attention to human’s logic, new rules were developed in the same way. As an intelligent creature with thinking power, man was in position he could suppress religious boundaries and establish a new community in terms of a new agreement between man and social life. On the other hand, humans created new forms of interactions following with a new political system. So, he forced government to accept such demands as civil right, the right to freedom of expression, the right to competition and participation in political life are of the modern consequences of such a new view towards life.

In the same time, a traditional political thought dominated Iran. In this period, the king’s power was sacred and it was based on the relationship between “gods-creature” or “shepherd-sheep” (Ghazimoradi, 2006). In these circumstances that king holds the supreme power and position; he possessed a wide range of authorities. In this view, law reflected the king’s will and dictatorship. Contrarily, religion was a source of law. The spiritual principles which are spread in all aspects of life, besides the king’s power and will were regarded as two sources of traditional legislation and execution.

now that Iranian have travel extensively to Europe, and gain modern and Western ideas about their development , then comparing them with their own conditions, their desire for more progress and compensating backwardness stimulated the Iranian intellectuals. Meanwhile, Iranian intellectuals suggested establishment of a legal government as well as a parliament for regulating affairs. Accordingly, seeking for law and establishment of a parliament were their priorities. The central point Iranian intellectuals referred to about law is order and discipline. As Melkom khan published his first paper, Resaleh about necessity of foundation of a parliament and execution of law. He calls the paper “a Resaleh for orders” and he frequently talks about order is established in Europe because of law. Since execution of European law could stimulate spirituals’ disagreement, they tried to approach European law closer to Islamic law; they attempted to attract spirituals’ attention. It seems that intellectuals did not know that constitutional and the system would follow, become the basis for religion-politics distinction. In this regard, Iranian intellectuals initiated modernity and constitution from the point in which they linked religion with carnal and human principles. they overlooked the essential difference between these two forms of governance and assumed that only by a change in human law and converting into an Islamic entity, they can achieve their desire as making constitution Islamic. Holding trivial ideas originated from their ignorance towards European schools of thought as well as the home country,

Iranian intellectuals tried to mix these two forms and minimizing one to the other. Similarly they were seeking for assimilation of two central concepts had fundamental differences. According to Ajoudani (2008), these mal understanding and minimization were two causes of the Constitution movement failure. Consequently, disputes among the constitution and religion were intensified and every person did attempt to make them indigenious. As an example, “freedom and liberty” were two central principles of the Constitution, which became legalized under the support of law. So, these were one source of disagreement, the Constitutionlists apparently expressed. Ajoudani states that section (Amendment to the Constitution) is that Iranians are the same against law. But, according to Islamic principles peoples are greatly discriminated with respect to bossiness, politics, mature from non-mature, logic and insane, healthy and sick, slaved and free, father and son, husband and wife, rich and poor, Muslim and atheist and so forth. In such view, how we can say Islamic rules are faire? On the other hand, constitutionalists responded so that by equality, it does not mean equality in rights, rather equality in execution of law. Also, they asserted that liberty does not imply that Jewish, Christian and Muslim are the same (Ajoudani, 2008).

Central Signifier: Law or Modernity and Development?

As we mentioned earlier, Iranian intellectuals who were concerned about Iranian society backwardness and as a result achieving development, initiated some reformation processes. Borrowing military technologies from Europe and modernization of the army, establishment of papers, sending college student to Europe, establishment of non-governmental papers, modern schools, appearance of translation movements beside foundation of translation centers and printing offices, extended business relations with Europe all were steps for making the constitution movement ready. The 19th century, 1870-1880, was also called the Reform period in which for the first time religion-state separation and necessity of “change” was proposed (Behnam, 2012).

Following the necessity of development for Iranian society had become a priority, the Iranian intellectuals called the dictatorship government as the most vital obstacle before modernization. Thus, change in governmental structures inspired by the Western patterns was their top demand. Although, the role of law had been highlighted in their list of demands, we see that law was not a purpose; it was an instrument for achieving development. As a matter of fact, Iranian intellectuals designed the process of modernity based upon its Western style. Accordingly, we see that the purpose of discourse by intellectuals was establishment of order through execution of law. In this regard, religion was an assist for the new law and an instrument by which the law could be executed and the final modernity would be obtained.

Conclusion

Taking the above point together, we conclude that dominance of stimulating and incentive aspects is achievable trough making the content of discourse more ideological. As a matter of fact, text writers are seeing for justifying audiences rather than awakening audiences and change in their values. So, by intensifying religious and social sensitivity or praise, they endeavored to attract audiences’ attention towards their discourse. The important point is that regardless of incentive and motivating aspect the intellectuals had followed, the significance change was their belief in peoples’ power and will for change. The king and the intellectuals realized that if they want to make fundamental transformations, they need the entire support of society and social classes. Chaining the government or some part of it would not lead to change. According to Mostashar, law is agreement of all nations’ power for protecting the public rights. Similarly, Melkom khan states that for amendments in the government, the king’s wish is insufficient and the nation also must become aware enough to look for law. Further he repeatedly asks people to demand for a rule of law. The main drawback of law discourse and its outcome, the Constitutional Revolution was weak theoretical foundation. Minimalism which was observed in regard to the concepts, which were borrowed from the West besides accumulating paradoxical concepts in a unit framework, with no compatibility. Therefore, the constitutional and legitimate movements as well as fight between traditional and intellectual powers led to crisis in the parliament I and consequently the parliament shut down. Regardless to conceptual disagreements among the constitutional state and the role of religion in government which the constitutionalist were demanding for, besides no right to finite

the king's power had ended to reproduction of a discourse of tyranny. So that Mozafar-al Din Shah called the nation "peasant" following to signing the Constitution, repeatedly.

On the other hand, despite the reforms and necessity of change in governmental structures for fundamental transformation of Mostashar-al Doleh and Melkom-khan had been shaped in response to reforms failure and overlooking appropriate and strong intellectual basis, they also suffered from the same drawback and dearth of a fundamental intellectual basis. Understanding intellectuals neither was enough through temporary intellectual bases nor was familiar enough with European intellectual foundations. One necessary condition for modernity and consequently development is individual and collective rationalization. Because logic seeks for the reason of events and their quality and it is that rhetorical characteristic of wisdom. But, the Iranian intellectual opposes this fact and show less care about preparing good logical context and change in foundations of knowledge in Iran. But, the Iranian intellectual had attempted to imitate the European foundations of knowledge and as a result becomes a critique of his own.

According to Ghaninejad (2007), the Iranian intellectuals had not posed this question that who is the modern and civilized European man actually and he has passed over what stages. As a matter of fact, Iranian intellectuals had considered the outcomes of modernity (the rule of law and advanced technology) not the roots of modernity. Accordingly, they remain in trifling levels of observations. The Iranian intellectuals construed appearance of absolute monarchy as a result of a dearth of governmental regulations. Thus they had overlooked this fact that autocracy originates from value and intellectual foundations. Iranian modernists had always suggested for establishment of a government based on law besides separation of forces and to this end they had employed some Islamic and traditional discourses. Yet, that never ever could clarify conflict between modern ideas through intellectual and value system.

References

1. Abbasi, M. (2007). The effect of Akhtar paper on law-seeking event in the Constitution era, *Journal of Yad*, 85, 102-122.
2. Abrahamian, I. (2012). *Iran between two revolutions (from Constitution to Islamic Revolution)*, translated by Firouzmand, Shamsavarai and Modirshanechi, Tehran: Markaz publication center.
3. Adamia, F. (2008). *Ideology of constitution movement*, Tehran: Gostardeh publication center.
4. Adamiat, F. (1951). *An idea of freedom as the prologue to the Constitution movement*, Sokhan publication, Tehran.
5. Admiat, F. (2006). *The idea of development and rule of law: the age of Sepahsalar*, Kharazmi press, Tehran.
6. Admiat, F. (2008). *Ideology of constitution movement, the first parliament and crisis of freedom*, Roshangari publication, Tehran.
7. Aghagolzadeh, F. (2012). *Analysis of critical discourse, scientific and cultural publication*, Tehran.
8. Ajoudani, L. (2008). *Iranian intellectuals at the age of constitution*, Tehran: Akhtaran publication center.
9. Ajoudani, M. (2008). *Iranian Constitution*, Tehran: Akhtaran publication center.
10. Asil, H. (2002). *Mirza Melkom khan's monographs*, Ney publication, Tehran.
11. Azadarmaki, T. (2001). *Iranian modernity, intellectuals and intellectual paradigm of backwardness in Iran*, the center for social studies and publication, Tehran.
12. Azedanlu, H. (2012). *Discourse and society*, Ney publication, Tehran.
13. Banton, T., Crybe, Y. (2012). *Philosophy of social sciences (philosophical foundations of social thinking)*, translated by Masamiparast, Agah publication, Tehran.
14. Bashiriyeh, H. (1999). *The history of political thoughts at the 20th century*, Ney publication, Tehran.
15. Behnam, J. (2012). *Iranians and modernity idea*, Forouzan Rouz publication
16. Blake, R. and Harolds, E. (2008). *Classification of concepts in communications*, translated by Ohadi, Soroush publication, Tehran.
17. Brown, E. (1958). *History of press and literature in the Constitution period*, translated by Abbasi, Kanou Marefat publication center.

18. Derifus, H., Rabino, P. (2013). Beyond structuralism and hermeneutics, Ney publication, Tehran.
19. Dolatshahi, A. (2013). Yek Kalameh, Mirza yousef khan Mostashar al-Doleh, Bal publication, Tehran.
20. Elgar, H. (1990). Mirza Melkom khan: his life and works, Modares publication, Tehran.
21. Faircalugh, N. (2011). Critical discourse analysis, Center for media research and studies, Tehran.
22. Flick, O. (2012). An introduction to qualitative research, translated by Hadi Jalili, Nashr Daneshgahi center, Tehran.
23. Ghaninejad, M. (2007). Modernity and development in Iran, Markaz publication, Iran.
24. GHazimoradi, H. (2006). Authority in Iran, Akhtaran publication center, Tehran.
25. Ghazimoradi, H. (2008). Melkom khan (political modernization theorists in the constitution era), Akhtaran publication, Tehran.
26. Jorgensen, M. and Fillips, L. (2010), theory and method in discourse analysis, Ney publication, Tehran.
27. Kashi, Gh. (2000). The magic of discourse, Ayandeh Pouyan institution, Tehran.
28. Kashi, Gh. (2006). Order and the process of democracy discourse development in Iran, Gam –e No publication, Tehran.
29. Kashi, Gh. (2008). Discourse analysis workshop, Mashhad.
30. Kashi, Gh. (2008). Discourse analysis: out of theories, Journal of Resaneh, 73.
31. Katouzian, H. (2001). Nation-state conflict, the theory of history and politics in Iran, Ney publication, Tehran.
32. Kermani, N. (1978). History of Iranian enlightening, Bonyad Farhang, Tehran.
33. Sedighi, B., Tolouee, V. (2013). Intellectuals and the nation in discourse disputes of the Constitution Revolution, Journal of Iranian Sociological Association, 14(1), 39-67.
34. Tabatabee, J. (2007), Tabriz school of thought and basics of modernity, Sotoudeh publication, Tehran.
35. Vandijek, T. (2010). Studies in discourse analysis (from agenda to content analysis), center for media research and study, Tehran.