



The History of the Conceptual Evolution of the Legislative Nation in the Constitutional Assembly

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Abstract

The concept of raiyat was prevalent during the Islamic period and continued to be significant throughout the centuries. The subjects of Iran were bound by religious traditions and governmental discipline. At the threshold of the new era, the concept of Iran's subjects underwent a significant break and thematic transformation. These semantic changes emerged at the intersection of tradition and modernity. The new developments that began at the start of the Qajar period, particularly with the issuance of the constitutional decree and the establishment of the National Law Council, altered the status of the serfs and redefined the concept of the nation in legal and political terms. From the period of Naser al-Din Shah, these conceptual changes accelerated rapidly. Diplomatic and political trips abroad, the sending of students to Europe, the publication of newspapers and various works, and the establishment of new schools all contributed to a movement away from tradition. Subjects who participated in protest movements under the guidance of religious scholars and social reformers transformed the concept of subjects and created conditions conducive to addressing public rights. Initially, Iranian travelers who journeyed to Farang introduced new ideas about legislation and parliament during the reign of Naser al-Din Shah.

After the issuance of the last constitutional decree, the planning by the besiegers of the British embassy and immigrant scholars, along with the efforts of Azd al-Mulk (the head of the Qajar tribe and the trustee of the constitutionalists) and Nasrallah Khan Mushir al-Doleh (the then prime minister), created the groundwork for the formation of the Supreme Council of the Court. This council was established to prepare for the elections of the National Assembly, facilitating the transition from an autocratic monarchy to a constitutional monarchy. Despite the challenges it faced, the Supreme Court Council was ultimately able to formulate the election law and steer the political system of Iran towards constitutionalism. In this manner, the National Council, operating under the royal constitutional system, generalized the concept of a law-making nation and the rule of law over the actions of government executives, affirming the necessity of their accountability. This represented a significant change brought about by the elected representatives of Iran.



With the approval of the constitutional constitution and its amendments, the limits of the powers of the government, the monarchy, and the nation were defined. The concept of the nation having the right to exercise its will and legislate through its elected representatives in parliament was established, along with the practical criteria for the conduct and actions of the royal constitutional system. According to Principles 8 to 25 of the amendments to the Constitution, the concept of the legislative nation—symbolized by the National Council—expresses the rights and duties of the Iranian nation. This is a nation whose legal framework protects its rights, with elected representatives in parliament overseeing the correctness of this process. It was through the new interpretations of the nation's rights in politics that the legislative nation, in terms of having the right to vote and the legitimacy of political decision-making through its representatives, marked a historical evolution in the concept of serfdom. In the speeches of the representatives of the first parliament and in their practical decisions—such as the establishment of laws and their supervision—a change in the sovereignty of the nation can be observed.

The themes of the nation, justice, independence, and prosperity are evident in the speeches of lawyers and the constitutional press. This represents a kind of semantic evolution that transformed obedient subjects into people with equal rights, as outlined in the 8th principle of the constitutional amendment. Essentially, it recognized the 26 governmental powers of the country as a result of the nation. Furthermore, in principle 35, the king was entrusted with the monarchy on behalf of the nation. These conceptual changes—transforming submissive subjects into the nation as the primary source of legitimacy for governance—are the focus of the present study, which seeks to express their generalization. In domestic and foreign policymaking, the interests of the Iranian nation are clearly articulated in the speeches of lawyers, particularly regarding matters such as the establishment of the National Bank, obtaining foreign loans, and standardizing foreign contracts. However, there remained political conflict and tension in regulating the relationship between the monarchy/state and the nation and defining its limits.

Keywords: Legislative nation, constituent assembly, new awareness, modernity, tradition.

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