

An Analysis of the Role of Imami Jurisprudential Foundations in Shaping the Constitution of the Iranian Constitutional Revolution

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The Iranian Constitutional Revolution marked a fundamental transformation in the structure of political authority and public law in modern Iran. Although the resulting constitutional order incorporated modern institutions such as parliament, representative government, statutory legislation, and legal limitations on monarchical power, its formation cannot be understood independently of Imami Shi'i jurisprudence and the religious-normative context of Iranian society. This study aimed to analyze the role of Imami jurisprudential foundations in shaping the legal and institutional structure of the Constitution of the Iranian Constitutional Revolution. Using a doctrinal, historical, and analytical approach, the study examined the interaction between jurisprudential principles and emerging constitutional institutions, with particular attention to the limitation of political authority, the position of Sharia, parliamentary legislation, popular representation, and the supervisory role of jurists. The analysis demonstrates that the jurisprudential foundations of constitutionalism were primarily organized around the prohibition of oppression and despotism, justice, consultation, commanding right and forbidding wrong, preservation of social and political order, public responsibility, and juristic supervision. These principles provided a normative basis for restricting arbitrary monarchical authority and legitimizing a law-governed political order during the occultation. Their institutional expression was particularly evident in the establishment of the National Consultative Assembly, recognition of representative participation, acceptance of statutory regulation in public affairs, constitutional limitation of royal authority, and the requirement that legislation remain consistent with Sharia. Article Two of the Supplementary Constitutional Law constituted the clearest institutional manifestation of this jurisprudential framework by providing for the supervision of parliamentary enactments by qualified mujtahids. The study concludes that the Constitutional order reflected a model of supervisory jurisprudence in which jurists did not directly govern the entire political system but exercised normative authority over the Sharia compatibility of legislation. Accordingly, Imami jurisprudence contributed to Iranian constitutionalism principally by legitimizing limited government, institutional accountability, representative participation, and religious supervision within an emerging modern constitutional structure.

Keywords: *Imami jurisprudence; Iranian Constitutional Revolution; constitutional law; supervisory jurisprudence; Sharia; National Consultative Assembly; political legitimacy*

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1. Introduction

The Iranian Constitutional Revolution constituted one of the most consequential transformations in the history of Iranian public law because it altered not merely the institutional organization of the state but also the conceptual foundations through which political authority was understood, exercised, and restrained. Before the emergence of constitutional government, political authority in Iran had largely been concentrated around the monarchy, while durable mechanisms capable of legally restricting royal discretion, subjecting government to representative supervision, or defining the rights of the population remained institutionally weak. The Constitutional movement introduced a fundamentally different political vocabulary centered on law, parliament, representation, governmental responsibility, justice, and the limitation of power. Yet the resulting constitutional system cannot adequately be understood as a simple transplantation of European constitutional ideas into Iran. The movement developed within a society in which Twelver Imami Shi'ism and its jurisprudential tradition remained deeply embedded in the normative, social, and political order. As a result, constitutional concepts were received, interpreted, contested, and reformulated in continuous interaction with religious jurisprudence. Adamiyat demonstrates that the intellectual world of the Constitutional movement combined new ideas of legality, freedom, political responsibility, and representative government with indigenous debates concerning justice and legitimate authority (Adamiyat, 1977). Ajoudani similarly emphasizes that Iranian constitutionalism acquired a distinct conceptual form because modern political concepts were translated within an intellectual environment shaped by preexisting religious, linguistic, and political categories (Ajoudani, 2008). The Constitutional order was therefore neither a reproduction of traditional monarchy nor an unmodified imitation of European constitutionalism; it represented an attempt to establish a new legal structure through a complex negotiation between modern public law and the normative authority of Imami jurisprudence. The political circumstances preceding the Constitutional Revolution explain why the limitation of power became the central problem around which this jurisprudential-constitutional synthesis developed. The late Qajar

political system was marked by a high degree of personal rule, instability in the relationship between state and society, weaknesses in administrative accountability, financial disorder, and limited institutional restraints upon governmental action. Katouzian interprets the historical relationship between state and society in Iran as being repeatedly characterized by the weakness of durable legal restraints on political authority and by recurrent instability in institutional arrangements (Katouzian, 2007). In his broader analysis of Iranian political development, Katouzian also connects the Constitutional movement with an effort to replace arbitrary political relations with more predictable forms of legality and accountability (Katouzian, 2008). Abrahamian situates the Constitutional Revolution within the accumulation of political, economic, and social pressures that transformed demands for justice and administrative reform into a broader movement for representative institutions and constitutional government (Abrahamian, 2010). The demand for constitutionalism was consequently not limited to the introduction of a written legal document. It represented an effort to transform the nature of authority itself: power was to become bounded rather than unrestricted, accountable rather than purely personal, and exercised through institutions rather than solely through monarchical command.

This transformation immediately raised a jurisprudential question. If the authority of the state was to be reorganized around parliament, written law, elections, representation, and constitutional restrictions, how could these institutions be understood within Imami jurisprudence? The question was particularly significant because Shi'i political jurisprudence had developed under the theological condition of the occultation of the Twelfth Imam. Political authority during the occultation consequently involved complex questions concerning the legitimacy of non-infallible rulers, the responsibilities of jurists, the preservation of public order, the prohibition of oppression, and the extent to which Muslims could participate in political institutions that did not represent the government of the infallible Imam. Mavani's study of religious authority in Twelver Shi'ism demonstrates that Shi'i political thought has historically contained multiple understandings of the relationship between juristic authority and political power rather than one immutable model of government

(Mavani, 2013). Firahi likewise emphasizes the capacity of Shi'i political jurisprudence to generate different institutional responses to political circumstances through changing interpretations of authority, legitimacy, representation, and governmental responsibility (Firahi, 2012). Constitutionalism therefore confronted Imami jurisprudence with a problem of political adaptation: whether a non-infallible political order could acquire normative defensibility by reducing injustice, restricting arbitrary power, protecting public interests, and preserving the superior authority of Sharia.

The importance of this problem becomes clearer when constitutionalism is distinguished from the claim that political legitimacy must necessarily be derived from the unrestricted will of either the monarch or the people. The constitutional project did not simply transfer absolute sovereignty from the king to parliament. Instead, the emerging structure attempted to distribute and constrain political authority through law while retaining a normative position for Sharia. Tabatabaei interprets Iranian constitutional theory as an attempt to establish a government bounded by law and institutional responsibility rather than merely to replace one political elite with another (Tabatabaei, 2007). The parliament was to acquire genuine legislative and representative functions, but it was not conceived as possessing unlimited authority to legislate independently of the religious normative order. Hashemi's constitutional analysis demonstrates that one of the distinctive features of the Iranian constitutional experience was precisely the combination of institutionalized legislation with constitutional recognition of Islam and juristic supervision (Hashemi, 2018). The resulting constitutional structure therefore embodied two developments simultaneously: the recognition of human and institutional participation in the production of public law and the continuing recognition of Sharia as a superior normative limitation on that legislative activity. Within this setting, the role of Imami jurisprudence should not be reduced to the presence of individual clerics in the Constitutional movement or to isolated constitutional provisions concerning religion. Its influence was more structural. Jurisprudential ideas supplied a vocabulary through which the restriction of despotism could be religiously justified, through which public participation could be accommodated, through

which parliamentary legislation could be distinguished from independent religious legislation, and through which the authority of jurists could be translated into constitutional supervision. Firahi's analysis of jurisprudence and politics in contemporary Iran is particularly important in demonstrating that the Constitutional period generated a form of political jurisprudence concerned primarily with controlling and limiting power rather than directly absorbing all governmental authority into the institution of the jurist (Firahi, 2012). Mohaghegh Damad's treatment of the jurisprudential foundations of public law likewise illustrates the capacity of jurisprudential principles concerning justice, public order, public responsibility, and legitimate regulation to operate beyond the sphere of private legal relations (Mohaghegh Damad, 2008). These approaches make it possible to understand the Constitutional Revolution as a significant episode in the institutional development of Imami jurisprudence, in which traditional legal principles were reconstructed to address the problems of a modern constitutional state. The central analytical concept employed in this article is therefore that of supervisory jurisprudence. Supervisory jurisprudence refers to a model in which the jurist and the jurisprudential tradition do not necessarily assume direct responsibility for governing every component of the state but retain the authority to define the Sharia boundaries within which governmental institutions operate. Under such a model, parliament, statutory law, administration, elections, and representative government can possess practical and legal validity, but they remain normatively constrained by the requirement that they not contradict Islamic law. Firahi's analysis of the Constitutional experience supports such a distinction between direct political guardianship and jurisprudential control over political authority (Firahi, 2009). The significance of this distinction lies in the fact that the political system is not viewed as entirely external to religion, while religion is not translated into direct clerical administration of the entire governmental apparatus. Instead, the jurist occupies a supervisory position at the intersection of Sharia and constitutional law.

This study aims to analyze how the jurisprudential foundations of Imami Shi'ism contributed to the shaping of the Constitutional Constitution and its institutional structure. More specifically, it seeks to explain how

jurisprudential concepts concerning the prohibition of oppression, justice, consultation, public responsibility, preservation of social order, and juristic authority were transformed into constitutional mechanisms designed to limit political power. The principal question addressed is how Imami jurisprudence contributed to the construction of a constitutional order that recognized parliament, representative institutions, statutory legislation, and popular participation while simultaneously preserving the normative supremacy of Sharia. The article argues that the central jurisprudential contribution to Constitutional constitutionalism was primarily supervisory and anti-absolutist rather than based upon the direct governmental sovereignty of jurists. Imami jurisprudence supplied normative resources for restricting arbitrary rule and legitimating a law-governed political structure, while the constitutional order institutionalized juristic authority principally through supervision over the Sharia compatibility of legislation.

Methodologically, the study adopts a doctrinal, historical, and analytical approach. It examines the Constitutional legal order not merely as a collection of constitutional provisions but as an institutional expression of jurisprudential arguments concerning political authority. The historical dimension is necessary because the meaning of constitutional institutions cannot be separated from the crisis of Qajar absolutism and the intellectual conflicts surrounding the Constitutional Revolution. The doctrinal dimension examines the jurisprudential concepts through which the legitimacy of political limitation was articulated, while the constitutional dimension considers their transformation into institutions such as the National Consultative Assembly, representative government, statutory legislation, and juristic supervision. The objective is not to claim that every provision of the Constitutional Constitution originated directly from classical jurisprudence. Rather, the analysis demonstrates that modern constitutional institutions acquired a specifically Iranian and Imami normative form through their interaction with jurisprudential principles. This distinction is essential because it prevents two opposite reductions: treating the Constitutional Constitution as a purely foreign legal import or treating it as a straightforward codification of premodern jurisprudence.

The argument developed in the following sections proceeds from conceptual foundations to institutional consequences. The first analytical section examines the historical and jurisprudential context in which constitutional government became a problem for Imami political thought. The next section analyzes the principal jurisprudential foundations through which the limitation of political power could be justified. The fourth section considers the constitutional translation of those principles into institutions, concentrating particularly on parliament, legislative authority, Sharia supervision, the position of the jurist, political representation, and the restriction of monarchy. Through this approach, the article seeks to demonstrate that the enduring jurisprudential significance of the Constitutional Revolution lies in its attempt to create a constitutional arrangement in which modern structures of public law could operate within, rather than wholly outside, the normative horizon of Imami jurisprudence.

2. Imami Jurisprudence and the Constitutional Question: Historical and Conceptual Context

The emergence of constitutionalism in Iran must first be situated within the political structure against which the Constitutional movement defined itself. The principal political problem was not monarchy as an abstract institution but the concentration of political authority in a system in which legal, representative, and institutional limitations upon the monarch remained insufficiently developed. The relationship between ruler and ruled was correspondingly vulnerable to arbitrariness because governmental authority could frequently operate through personal command rather than predictable rules. Katouzian's account of Qajar Iran shows how the weakness of stable institutional constraints contributed to a political order in which authority could be highly centralized while remaining administratively fragile (Katouzian, 2007). This combination produced a condition in which the state could exercise extensive coercive power without possessing the developed legal institutions characteristic of constitutional government. Abrahamian similarly describes the Constitutional Revolution as emerging from accumulated opposition to political arbitrariness, economic grievances, administrative failures, and demands for justice that progressively converged around the concepts of law and representative government (Abrahamian, 2010).

Constitutionalism thus became attractive because it promised not merely governmental modernization but a fundamental reconfiguration of the relationship between political power and normative restraint.

The movement from the demand for an *‘adālat-khāna*, or house of justice, toward a constitutional assembly and written constitutional order illustrates the centrality of justice in this transformation. Justice initially represented a demand for protection from arbitrary governmental interference, abusive officials, and uncontrolled exercises of authority. Over time, however, the pursuit of justice required institutional mechanisms capable of preventing the reproduction of those abuses. Adamiyat explains that the political language of the Constitutional movement gradually connected justice to concepts of law, representation, governmental responsibility, and institutional limitation (Adamiyat, 1977). This development was crucial because it transformed justice from a desirable quality of rulers into a structural property of government. A just political order could no longer depend exclusively upon the personal morality of a monarch. It required rules, offices, procedures, and institutions through which power would be restrained. In this sense, constitutionalism translated an ethical and jurisprudential concern with justice into a problem of institutional design.

Such institutionalization nevertheless had to confront the religious character of Iranian society and the intellectual authority of the Shi‘i scholarly tradition. The ulama occupied a significant position in social and normative life, and the legitimacy of major political transformations could not easily be separated from religious argument. Dowlatabadi’s account of the Constitutional era reflects the intense interaction among political activists, religious authorities, merchants, intellectuals, and social groups during the development of the movement (Dowlatabadi, 1983). The involvement of religious scholars did not produce a single jurisprudential position. Some jurists considered constitutional limitations upon the monarchy compatible with religious obligations and public welfare, while others feared that new concepts of legislation, equality, freedom, and popular sovereignty could weaken the authority of Sharia. Ajoudani demonstrates that many of the central controversies of the period resulted from precisely this problem of translation: European-derived political terminology entered an

intellectual environment in which seemingly equivalent Persian and Islamic concepts carried different historical and normative meanings (Ajoudani, 2008). The constitutional debate was consequently simultaneously legal, political, linguistic, and jurisprudential.

The theological context of the occultation gave these controversies an additional depth. Twelver Shi‘ism recognizes the legitimate authority of the infallible Imams, while the prolonged absence of the Twelfth Imam required jurists to address the practical governance of society without the presence of the ideal divinely guided ruler. Mavani shows that this historical condition generated a complex tradition of juristic authority encompassing religious interpretation, adjudication, representation in particular religious matters, and changing understandings of public authority (Mavani, 2013). It did not necessarily generate one uniform doctrine of political government. The Constitutional period therefore presented a distinctive question: whether a political regime not governed directly by the infallible Imam could nevertheless be defended because it restrained injustice and created mechanisms for public accountability. Firahi interprets this question as one of the central turning points in the development of modern Shi‘i political jurisprudence (Firahi, 2012). Rather than resolving the problem of legitimate authority by claiming that every existing ruler possessed full religious legitimacy, Constitutional jurisprudence could focus upon controlling the harms produced by unavoidable non-infallible government.

This distinction between ideal legitimacy and practical political obligation opened an important space for constitutional argument. A political order might not represent the perfect realization of religious government and yet still be preferable to unrestricted despotism because it reduced oppression, distributed authority, and established legal accountability. Such reasoning corresponds to a broader jurisprudential concern with preventing harm and disorder and choosing institutional arrangements capable of protecting legitimate interests when ideal conditions are unavailable. Mohaghegh Damad’s treatment of jurisprudential rules demonstrates how Islamic legal reasoning incorporates principles concerned with harm, public interests, social order, and the consequences of legal choices (Mohaghegh Damad, 2012). In the context of constitutional politics, such reasoning made it possible

to judge political institutions comparatively rather than only by whether they reproduced an ideal form of authority. Constitutional government could thus receive jurisprudential support because limiting arbitrary power was normatively superior to leaving it unrestricted.

The political theory of constitutionalism also required reconsideration of the nature of government itself. Under an absolutist conception, governmental authority tends to be represented as belonging to the ruler, while public institutions derive their authority vertically from the monarch. Constitutionalism reverses this logic by treating public authority as functionally differentiated and legally constrained. Tabatabaei explains the theory of Constitutional government as centered upon the transition from personal political domination to an institutional order regulated through public law (Tabatabaei, 2007). This transformation was compatible with an important jurisprudential insight: political authority could be viewed as a responsibility rather than private possession. Such a conception undermined the idea that the monarch could treat governmental power as personal property. Firahi's reconstruction of Shi'i political reasoning during the Constitutional period similarly emphasizes the significance of concepts such as trust, responsibility, supervision, and accountability in redefining the ruler's relationship to society (Firahi, 2012). Constitutional restrictions could therefore be presented not as an illegitimate rebellion against all authority but as mechanisms ensuring that authority remained within legitimate bounds.

The development of parliamentary government presented an equally important conceptual challenge. Classical Imami jurisprudence did not contain a modern national parliament identical to the Majlis established during the Constitutional Revolution. The acceptance of parliament therefore required a distinction between divine legislation and human regulation of public affairs. If parliamentary lawmaking were understood as the creation of religious norms in competition with the divine legislator, it would face obvious jurisprudential objections. If, however, legislation were understood as the adoption of regulations for the administration of public affairs in fields where governmental organization required changing and context-sensitive rules, the institution could be interpreted differently. Mohaghegh Damad's analysis of public law from a jurisprudential

perspective shows the importance of distinguishing enduring religious norms from regulatory mechanisms necessary for governing collective affairs (Mohaghegh Damad, 2008). Jafari Langroudi's legal terminology likewise reflects the conceptual distinction between legislation as a modern legal process and the broader normative sources that determine the validity and interpretation of positive law (Jafari Langroudi, 2007). Within this conceptual framework, the Majlis could regulate taxation, administration, public finance, governmental organization, and other collective matters without necessarily claiming the theological power to alter Sharia.

The principle of consultation provided another bridge between inherited normative concepts and representative government. Consultation was not equivalent to modern democratic sovereignty, and anachronistically identifying the two would conceal significant differences. Nevertheless, consultation supplied a recognizable religious language through which collective participation in public decision-making could be defended. Firahi describes consultation and public deliberation as concepts capable of supporting a shift away from monopolization of political judgment by a single ruler (Firahi, 2009). Their significance for constitutional government lay not in establishing the unrestricted sovereignty of the majority but in undermining the assumption that the monarch's personal judgment constituted the exclusive source of public decision-making. The Majlis could accordingly be viewed as an institutional mechanism for organized consultation, collective assessment of public interests, and supervision of government.

The emergence of the concept of the nation similarly changed the political position of the population. In the preconstitutional political vocabulary, the category of subjects commonly indicated a vertically ordered relationship between society and the monarch. Constitutionalism increasingly represented the population as a nation capable of possessing political claims, selecting representatives, and demanding accountability. Ajoudani demonstrates that the concept of *mellat* underwent important transformations during the encounter between inherited Iranian-Islamic vocabulary and modern political ideas (Ajoudani, 2008). Adamiyat treats the political emergence of the nation as inseparable from the new understanding of public rights

and representative government that developed during the Constitutional movement ([Adamiyat, 1977](#)). Yet this new political status of the people did not necessarily imply that collective will had become normatively unlimited. The nation entered constitutional government within a structure that continued to recognize Islam and Sharia as higher normative boundaries.

This qualification became decisive in the conflict between constitutionalist and Sharia-oriented positions. Supporters of constitutionalism argued that new institutions could be accepted when they served justice, restrained oppression, and remained within religious limits. Their opponents feared that recognition of an autonomous legislative assembly might gradually transfer the authority to determine lawful and unlawful conduct from Sharia to human political institutions. Ajoudani's analysis of the religious controversy surrounding constitutionalism demonstrates that the conflict concerned not merely support or opposition to political reform but the deeper question of whether new political institutions could be conceptually domesticated without transforming the normative hierarchy of Islamic society ([Ajoudani, 2008](#)). Tabatabaei similarly presents the Constitutional debate as an intellectual struggle over the meaning of law and the possibility of creating modern political institutions while preserving a distinctive conception of legitimate order ([Tabatabaei, 2007](#)). The resulting constitutional arrangement was therefore a compromise in the substantive sense: modern political institutions were accepted, but their normative autonomy was restricted.

It is within this context that supervisory jurisprudence becomes a useful analytical category. The model neither denies the necessity of political government nor requires that jurists directly administer every governmental institution. Rather, it accepts a differentiated political structure in which ordinary governmental functions can be entrusted to representative and administrative institutions while Sharia establishes substantive limits upon their actions. Firahi's discussion of the transformation of jurisprudence under conditions of constitutionalism illustrates this movement from exclusive attention to the ruler toward concern with institutions that restrain and supervise political authority ([Firahi, 2012](#)). The jurist becomes particularly important at the boundary between positive law and

Sharia. His function is not necessarily to replace the legislator, minister, or monarch but to protect the religious validity of the political order by ensuring that its normative output does not cross certain substantive boundaries.

This arrangement also reflects a distinction between normative authority and governmental administration. Imami jurisprudence could continue to possess superior normative status even when many administrative and legislative decisions were produced through nonclerical institutions. Hashemi's analysis of Iranian constitutional law demonstrates that this coexistence of statutory law and religious normative authority became a recurring feature of Iran's constitutional development ([Hashemi, 2018](#)). In the Constitutional model, however, the balance was particularly significant because jurisprudence operated primarily as a limitation upon legislative and governmental action rather than as the institutional source of every exercise of state power. This model allowed the Constitutional order to address simultaneously two perceived dangers: royal despotism on the one hand and unrestricted secularization of public law on the other.

Accordingly, the Constitutional Revolution should be understood as an episode of jurisprudential reconstruction as much as an episode of institutional modernization. It forced Imami political thought to address the legal state, representative institutions, national legislation, elections, ministerial responsibility, and constitutional rights in forms unprecedented in earlier Iranian political organization. The solutions were incomplete and contested, but their importance lies precisely in the attempt to develop a middle institutional position between absolutism and the abandonment of religious normative authority. The constitutional question was therefore not simply whether Iran should possess a parliament. It was whether a new architecture of political power could be constructed in which law constrained government, people participated through representation, ordinary institutions regulated public affairs, and Sharia remained an enforceable normative boundary. The subsequent jurisprudential foundations of the Constitutional order must be understood against this conceptual background.

3. Jurisprudential Foundations of the Constitutional Order

The most important jurisprudential foundation of the Constitutional order was the rejection of arbitrary political power. This principle was more substantial than a general moral preference for good government because it enabled political despotism to be interpreted as a normative violation rather than merely an inefficient style of administration. Imami jurisprudence contains a strong prohibition against oppression, unjust appropriation, unlawful domination, and the violation of legitimate rights. Mohaghegh Damad's jurisprudential analysis demonstrates that the prohibition of harm and injustice functions across multiple areas of Islamic law and cannot be confined to purely private transactions (Mohaghegh Damad, 2012). When political authority becomes a source of systematic harm, the same normative logic acquires public-law consequences. Firahi argues that the Constitutional encounter allowed the jurisprudential opposition to oppression to be transformed into an argument for institutional restriction of political power (Firahi, 2012). The importance of this development was profound: if arbitrary power itself created a continuing risk of injustice, then limiting that power through constitutional institutions could become religiously defensible.

The anti-despotism argument depended upon reconceptualizing authority as a trust subject to limits rather than as the personal possession of the ruler. A monarch who understood the state as personal property could claim broad discretion over public resources, administrative appointments, punishment, taxation, and the political fate of subjects. Constitutional government challenged this relationship by legally separating the person of the monarch from the institutions and functions of the state. Tabatabaei's account of Constitutional theory emphasizes that the transition toward government by law depended on the recognition that political authority was an institutional function rather than a patrimonial entitlement (Tabatabaei, 2007). Katouzian's analysis of Iranian state-society relations similarly identifies the absence of durable legal restraint as a recurring source of political instability and arbitrary rule (Katouzian, 2008). From a jurisprudential standpoint, defining governmental power as an entrusted responsibility made political accountability more intelligible because entrusted authority cannot

legitimately exceed the purposes and limitations attached to the trust.

Justice formed the positive counterpart to the rejection of oppression. The Constitutional movement did not seek only to prohibit particular abuses; it sought to reorganize authority around institutions intended to make just government more probable. Justice in this context therefore acquired a structural meaning. Mohaghegh Damad's discussion of jurisprudential public law identifies justice as a foundational criterion for evaluating the exercise of public authority (Mohaghegh Damad, 2008). Firahi further demonstrates that modern Shi'i political jurisprudence increasingly connected justice to institutional limitations, governmental responsibility, and protection against concentration of power (Firahi, 2009). When justice is understood institutionally, the constitutional significance of parliament, written law, ministerial accountability, and judicial safeguards becomes clearer. These mechanisms are not merely modern organizational techniques; they become means through which the normative demand for justice can be translated into stable political arrangements.

The transformation of justice from personal virtue to institutional principle was particularly important in a constitutional system. A traditional ruler could theoretically be expected to act justly, but such an expectation offered inadequate protection where no enforceable institutions existed to restrain an unjust ruler. Constitutionalism responded to this deficiency by creating legal conditions within which government would be compelled to operate. Adamiyat describes the Constitutional demand for law as inseparable from the broader demand that justice cease to depend solely upon the disposition of rulers (Adamiyat, 1977). The written constitution thus represented a shift from reliance on benevolent authority toward reliance on regulated authority. This development remained compatible with jurisprudential reasoning because the purpose of the new limitations was not to reject justice as a religious value but to prevent its violation through institutional design.

Consultation provided another jurisprudential foundation for the redistribution of political decision-making. The classical concept of *shūrā* cannot simply be equated with contemporary parliamentary democracy, since consultation does not necessarily establish popular

sovereignty or majority rule as the ultimate source of normativity. Nevertheless, it limits the idea that one individual should monopolize political judgment. Firahi emphasizes that consultation within Islamic political reasoning can function as a means of discovering interests, reducing error, and involving qualified members of society in collective decision-making (Firahi, 2009). In Constitutional Iran, this logic could support the Majlis as an institution in which public affairs would be debated rather than determined exclusively by the monarch. The jurisprudential importance of consultation therefore lay in its capacity to legitimize the procedural displacement of unilateral decision-making.

The Majlis also embodied the idea that public affairs possess a collective dimension. Governmental decisions concerning taxation, finance, public administration, external relations, and regulation affect society as a whole and cannot always be treated as the private domain of a ruler. Constitutional representation transformed these matters into subjects of public deliberation. Adamiyat associates the creation of the Majlis with the emergence of a political conception of national participation that fundamentally altered the distribution of political authority (Adamiyat, 1977). Bashiriyeh likewise situates the Constitutional period within the development of modern Iranian political thought in which representation, political responsibility, and limitations upon government became increasingly central concepts (Bashiriyeh, 2001). Jurisprudential consultation thus interacted with modern representation, producing an institutional form that was not identical to classical *shūrā* but could nevertheless be defended by reference to its underlying rationale.

The principle of commanding right and forbidding wrong also possessed significant constitutional potential because it provided a religious foundation for criticizing political misconduct. In a narrow reading, the principle might be associated primarily with individual moral conduct. Yet public wrongdoing by rulers can have consequences vastly greater than private wrongdoing, which makes governmental accountability relevant to the same normative concern. Mohaghegh Damad's treatment of jurisprudential obligations affecting public life demonstrates that religious duties may acquire institutional consequences when collective interests and public harms are involved (Mohaghegh Damad, 2008). Firahi's analysis of Constitutional jurisprudence

similarly shows how opposition to political oppression could be expressed through an Islamic language of responsibility to restrain wrongful authority (Firahi, 2012). The principle therefore contributed to a political culture in which passivity toward arbitrary government could be questioned on religious as well as political grounds.

Once supervision of political power was understood as normatively legitimate, constitutional institutions could be interpreted as organized forms of that supervision. Parliament did not merely legislate; it also examined governmental conduct. Ministerial responsibility did not merely improve administration; it made executive actors answerable within a legal structure. Public discussion and political participation did not merely expand political freedom; they created mechanisms through which abuse could be exposed. Dowlatatabadi's historical account illustrates how demands for accountability and public criticism became inseparable from the development of Constitutional politics (Dowlatatabadi, 1983). These practices helped translate the ethical imperative to oppose wrongdoing into durable institutional forms.

The preservation of social and political order constituted another important jurisprudential foundation. Constitutionalists faced a difficult problem: limiting the monarchy could not be justified if the result were simply governmental collapse or permanent disorder. Political reform therefore had to demonstrate that constitutional institutions could preserve, rather than destroy, the necessary functions of government. Mohaghegh Damad explains that the preservation of social order occupies an important position in jurisprudential reasoning because collective life requires rules and institutions capable of preventing disorder and protecting essential interests (Mohaghegh Damad, 2008). The Constitutional state could be justified in part on this basis because parliament, administrative law, public finance, and governmental responsibility were mechanisms for producing a more regular and organized state.

This principle altered the meaning of *preservation of order* in an important way. It could not be reduced to the preservation of whatever political regime happened to exist, since an arbitrary and dysfunctional regime might itself damage public order. Instead, preserving order could justify institutional reform where existing arrangements produced corruption, unpredictability, or

conflict. Firahi's work on jurisprudence and politics emphasizes the capacity of political jurisprudence to distinguish the necessity of government from unconditional acceptance of a particular ruler or institutional form (Firahi, 2012). The practical necessity of government therefore did not require theological endorsement of absolutism. Constitutional government could present itself as a more effective means of maintaining political order precisely because it replaced personal discretion with rules and institutional procedures.

Jurisprudential concepts associated with public interests also assisted this transition. Government necessarily regulates matters for which detailed and permanently fixed rules cannot always be derived directly from classical legal texts. Administrative organization, public budgeting, infrastructure, modern taxation, electoral procedures, bureaucratic responsibilities, and many other matters require context-sensitive regulation. Mohaghegh Damad's analysis of jurisprudential public law illustrates how the management of collective affairs requires legal techniques capable of addressing changing social conditions while remaining subject to foundational religious principles (Mohaghegh Damad, 2008). This distinction between enduring Sharia norms and changing public regulation was fundamental to the possibility of Constitutional legislation.

The resulting concept of legislation was therefore neither fully secular nor identical to religious legislation in the classical sense. The Majlis could formulate binding general rules in areas of governmental administration, but it could not legitimately transform what Sharia definitively prohibited into what was religiously permissible, nor could it invalidate established religious obligations merely through political will. Hashemi's treatment of Iranian constitutional development emphasizes this characteristic distinction between statutory legislation and the higher normative role accorded to Islamic standards (Hashemi, 2018). Such a distinction was essential to the jurisprudential acceptance of parliamentary lawmaking. Human legislators could regulate the public sphere without claiming divine legislative authority because their competence remained bounded.

The principle of representation also required jurisprudential accommodation. Parliamentary representatives acted on behalf of constituencies and the

political community, yet classical private-law agency did not perfectly correspond to public political representation. Nevertheless, concepts such as agency, delegation, trust, and collective consultation provided a vocabulary for making representation intelligible. Firahi describes the Constitutional transformation as involving a creative extension of established jurisprudential concepts into the emerging field of political representation (Firahi, 2012). The significance of this process should not be understated. It demonstrates that Imami jurisprudence influenced constitutional structure not only through prohibitions but also through conceptual analogies that facilitated the acceptance of unfamiliar institutions.

Representation further reinforced the conception of political authority as accountable. A representative does not own the authority entrusted to him; he exercises it for purposes associated with the interests of those represented. Although parliamentary representation cannot be reduced to private agency, the ethical structure of entrusted authority remained politically important. Ajoudani notes that the conceptual adaptation of representation was one of the places where traditional and modern vocabularies intersected most visibly during the Constitutional period (Ajoudani, 2008). This intersection enabled the new political order to articulate popular participation without necessarily embracing a theory of unlimited popular sovereignty.

The role of the people consequently became part of the jurisprudential architecture of anti-despotism. The nation was recognized as politically relevant because participation, representation, and public supervision helped prevent the concentration of authority. Katouzian interprets the Constitutional Revolution as a significant attempt to transfer political authority away from the exclusive domain of the court and toward law and social representation (Katouzian, 2007). Yet the role of the people remained normatively conditioned. Their participation was regarded as valuable in the administration and supervision of public affairs, but it did not necessarily establish collective will as superior to Sharia. This produced a distinctive constitutional conception in which public participation and religious normativity were designed to coexist.

The final jurisprudential foundation concerned the authority of the jurist. In the Constitutional model, the jurist's importance did not disappear with the

establishment of parliament. On the contrary, the creation of statutory legislative authority made the jurist's role in determining religious boundaries more constitutionally significant. Mavani's analysis of Twelver religious authority helps clarify how juristic authority historically extended from interpretation of religious law to broader questions of communal guidance and legal validity (Mavani, 2013). Yet the Constitutional arrangement did not require the jurist to become the direct executive ruler. Firahi distinguishes this supervisory orientation from more extensive theories of political guardianship in which juristic authority becomes the organizing center of state power (Firahi, 2012). The Constitutional model placed the jurist primarily at the boundary of Sharia and positive law.

This position produced what may be described as a model of negative normative control. Parliamentary legislation was presumptively capable of regulating public affairs, but it could not legitimately cross the limits established by Sharia. Juristic supervision therefore functioned principally by identifying and preventing normative contradiction rather than by requiring jurists themselves to formulate every statute. Hashemi's discussion of the Constitutional experience identifies this supervision as one of the distinctive mechanisms by which the emerging legal order attempted to reconcile statutory legislation with religious authority (Hashemi, 2018). The importance of this arrangement lies precisely in its intermediate character. Neither parliament nor jurists enjoyed completely undifferentiated authority.

Taken together, these jurisprudential foundations formed a coherent anti-absolutist logic even though they did not constitute a single classical doctrine of constitutional government. The prohibition of oppression supplied a reason to restrict arbitrary authority; justice supplied the normative goal of restriction; consultation supported collective deliberation; commanding right and forbidding wrong supported supervision; preservation of order justified the establishment of stable governing institutions; public-interest reasoning supported changing regulatory law; representation enabled popular participation; and juristic authority protected the normative superiority of Sharia. Firahi's analysis shows that the intellectual importance of the Constitutional period lies precisely in this recombination of jurisprudential concepts around the problem of the modern state (Firahi, 2012). The next

question is how this jurisprudential reasoning became embedded in the actual structure of constitutional law.

4. From Jurisprudential Principles to Constitutional Structure

The institutional significance of Imami jurisprudence becomes clearest when the Constitutional Constitution is examined as a structure rather than merely as a statement of political ideals. The initial constitutional settlement created a National Consultative Assembly and established procedures through which governmental authority would increasingly be mediated by law. The Supplementary Constitutional Law subsequently articulated broader principles concerning the monarchy, the rights of the nation, governmental responsibility, religion, and the relationship between legislation and Sharia. Hashemi's analysis emphasizes that the original Constitution and its Supplement should be understood together because the first established important institutional mechanisms while the second supplied much of the normative architecture of the emerging constitutional state (Hashemi, 2018). The jurisprudential influence on constitutional structure therefore appeared not through one isolated provision but through the relationship among parliamentary authority, religious limitation, political representation, and restricted monarchy.

The establishment of the Majlis constituted the most visible institutional break with the political logic of absolutism. Governmental affairs that had previously been dominated by royal command increasingly became subject to collective discussion, legislative procedure, and institutional oversight. Adamiyat identifies the Majlis as one of the decisive achievements of the Constitutional movement because it created a permanent political institution capable of representing social interests and confronting the monopolization of authority by the court (Adamiyat, 1977). Abrahamian likewise treats the establishment of representative government as a transformation in the political relationship between state and society (Abrahamian, 2010). The Majlis was therefore important not merely because it enacted statutes but because it altered the location and procedure of political decision-making. From a jurisprudential perspective, however, the existence of parliament immediately required clarification of the meaning of legislation. A body

composed of elected representatives appeared to exercise a power described in the language of lawmaking, while Islamic jurisprudence regarded ultimate normative authority as belonging to the divine legal order. The constitutional solution depended upon differentiating public regulation from independent religious legislation. Firahi explains that Constitutional political jurisprudence made space for representative institutions by interpreting much parliamentary activity as regulation of public affairs rather than as an attempt to replace Sharia with autonomous human normativity (Firahi, 2012). Mohaghegh Damad's jurisprudential approach to public law supports the conceptual possibility of regulations addressing administrative and collective necessities where such regulations operate within, rather than against, superior religious norms (Mohaghegh Damad, 2008). This distinction gave the Majlis a genuine sphere of governmental competence while preserving the normative hierarchy of Sharia.

The acceptance of positive law itself constituted a major jurisprudential development. Law in the constitutional sense involved written general rules adopted through political institutions and applied to governmental and social affairs. This differed from a system in which legitimate law was imagined exclusively as rules directly articulated within classical jurisprudential texts. Jafari Langroudi's analysis of modern Iranian legal concepts reflects the increasingly differentiated understanding of positive law, legislation, and legal authority that accompanied the development of the modern Iranian legal system (Jafari Langroudi, 2007). Constitutional jurisprudence did not require the denial of this positive-law sphere. Instead, it attempted to specify its normative boundaries. Statutory law became an instrument for organizing government, while Sharia remained the ultimate religious standard against which the legitimacy of legislation could be evaluated.

This relationship can be described as a two-level normative arrangement. At one level stood enduring religious norms and fundamental Sharia limitations. At another stood changing public regulations necessary for the operation of the state. Tabatabaei's analysis of Constitutional theory stresses the importance of recognizing the distinctively modern domain of public law created by the Constitutional movement (Tabatabaei, 2007). Yet Iranian constitutionalism did not declare this domain wholly self-sufficient. Ajoudani

demonstrates that constitutional concepts were repeatedly reshaped in response to the concern that modern legality might otherwise become detached from the religious normative structure of society (Ajoudani, 2008). The constitutional system therefore permitted political institutions to produce law without granting them unlimited normative sovereignty.

The most important institutional manifestation of this arrangement was Article Two of the Supplementary Constitutional Law. The provision established a mechanism under which qualified first-rank mujtahids would supervise parliamentary enactments in order to prevent the adoption of laws contrary to Islam. Hashemi treats this mechanism as a central expression of the relationship between religious normativity and legislative authority in the Constitutional system (Hashemi, 2018). Ajoudani's analysis demonstrates that the provision developed in the context of serious disputes over the religious implications of parliamentary lawmaking (Ajoudani, 2008). Its significance was therefore greater than the establishment of another committee. Article Two represented an attempt to resolve a foundational constitutional conflict: how could a modern legislature possess meaningful regulatory authority without becoming a rival source of normativity to Sharia?

The institutional answer was juristic supervision. The Majlis remained a legislature, and representatives were not replaced by jurists. Jurists were instead given a specific constitutional function concerning the religious validity of legislative outcomes. This arrangement is precisely why the Constitutional model is best described as supervisory rather than clerically governmental. Firahi's distinction between jurisprudential supervision and direct governmental guardianship clarifies the structural implications of this model (Firahi, 2012). The jurist occupied a position of normative review rather than comprehensive political administration. The constitutional state could therefore develop ministries, parliamentary procedures, administrative organizations, elections, and ordinary legislation without transferring their day-to-day operation to the religious scholarly establishment.

The negative form of Sharia review is particularly important. The essential constitutional question was whether legislation contradicted Sharia, not whether every provision had first been positively derived from a

classical jurisprudential text. Hashemi's analysis of the constitutional system illustrates the importance of this distinction between requiring Islamic compatibility and requiring direct juristic derivation of every statutory rule (Hashemi, 2018). In effect, the Constitution recognized a sphere of political and administrative regulation whose legal products remained valid provided that they did not cross established religious boundaries. This model dramatically expanded the practical possibilities of legislation while simultaneously constitutionalizing a mechanism of religious restraint.

Article Two also institutionalized jurisprudential expertise. Determining whether a statute contradicted Sharia required specialized knowledge that ordinary political representatives could not necessarily claim to possess. The constitutional structure therefore recognized a functional distinction between political representation and jurisprudential qualification. Mavani's account of Twelver religious authority emphasizes the central role of learned jurists in interpreting and applying religious norms (Mavani, 2013). Constitutionalism adapted that authority to a new institutional environment. Jurists did not lose interpretive authority simply because a parliament existed; their authority was reorganized around the supervision of the legislature.

This division of institutional roles is essential to understanding the constitutional architecture. Parliament possessed political and regulatory competence because it represented the nation and addressed changing public affairs. Jurists possessed specialized normative competence because they assessed the Sharia boundaries of legislation. The executive branch retained responsibility for administration, while the monarchy remained constitutionally present but constrained. Firahi characterizes this arrangement as a differentiated distribution of authority in which jurisprudence controls rather than wholly absorbs the political sphere (Firahi, 2009). The novelty of the model lay in accepting institutional differentiation without embracing the complete separation of religion from public law.

The position of the jurist consequently differed from that of a political sovereign. Jurists were constitutionally important because they could affect the validity and direction of legislation, but they did not become the general heads of the executive apparatus. This

distinction should not be mistaken for marginalization. Normative supervision of legislation can profoundly shape the legal order because statutes define administrative competencies, regulate rights, allocate public resources, and establish governmental procedures. Firahi therefore treats the supervisory jurist as occupying a strategically significant position between religious normativity and positive law (Firahi, 2012). His authority was limited in institutional scope but substantial in normative effect.

The constitutional limitation of the monarchy represented another direct institutionalization of the jurisprudential opposition to arbitrary power. Constitutionalism did not immediately abolish the monarchy; it transformed its legal character. Royal authority became embedded within a constitutional structure containing parliament, ministers, laws, defined responsibilities, and institutional procedures. Katouzian interprets this transformation as part of the broader effort to replace arbitrary government with rule-bound authority (Katouzian, 2007). Tabatabaei similarly regards the legal restriction of monarchy as central to the theoretical meaning of Iranian constitutionalism (Tabatabaei, 2007). From the jurisprudential perspective developed here, this restriction can be understood as an institutional response to the normative rejection of political oppression.

The significance of this transformation becomes clearer when power is understood as public responsibility. Once state authority is no longer treated as the personal possession of the monarch, its exercise must be justified through institutions and rules. The requirement of ministerial responsibility, the legislative role of parliament, and the emergence of public law each diminished the monarch's ability to act independently of the legal order. Adamiyat connects the political achievement of constitutionalism with precisely this movement from personal rule toward institutional responsibility (Adamiyat, 1977). The jurisprudential concern with justice thus entered constitutional architecture through mechanisms that made governmental power more impersonal and accountable. The constitutional recognition of rights similarly contributed to the restriction of arbitrary authority. Protections concerning security, property, personal inviolability, and lawful procedure transformed certain interests of the population into matters that government

was required to respect. These guarantees were not equivalent in scope or philosophical foundation to contemporary liberal constitutional rights, and they remained affected by legal and religious qualifications. Nevertheless, their institutional significance was considerable because they established domains within which governmental interference required legal justification. Hashemi's historical treatment of constitutional rights identifies the Supplementary Constitutional Law as an important stage in the emergence of rights-based limitations upon Iranian public authority (Hashemi, 2018). The jurisprudential demand for justice thereby acquired concrete implications for relations between government and individuals.

The movement from subjects to a politically recognized nation was equally significant. The Majlis depended upon the idea that society possessed a legitimate role in public decision-making. Adamiyat emphasizes that Constitutionalism changed the political status of the population by connecting the concept of the nation to representation and political rights (Adamiyat, 1977). Ajoudani, however, demonstrates that the meaning of *mellat* remained intertwined with the religious and historical vocabulary of Iranian society (Ajoudani, 2008). This dual character allowed popular representation to develop without necessarily establishing the nation as a source of normativity completely independent of Sharia. Elections institutionalized this new political role. Even though early electoral arrangements were limited and did not embody contemporary standards of universal political equality, the principle that representatives should enter the Majlis through a socially grounded process marked a major change in the structure of authority. Abrahamian describes the emergence of elections, political associations, and representative competition as part of the broader social transformation produced by the Constitutional Revolution (Abrahamian, 2010). The importance of elections for jurisprudential analysis lies less in their specific technical rules than in the principle of delegated political participation. Society acquired a recognized mechanism for selecting persons who would participate in collective public decision-making.

The concepts of agency and trust helped make such representation intelligible within a jurisprudential vocabulary. A representative could be understood as

exercising entrusted authority on behalf of others, although parliamentary representation clearly extended beyond the classical private-law institution of agency. Firahi notes that the Constitutional period required the adaptation of familiar jurisprudential categories to political relationships that had no exact institutional precedent in classical law (Firahi, 2012). This conceptual adaptation was crucial because it enabled religious constitutionalists to defend representative government without claiming that every feature of parliament had existed historically in Islamic political organization.

Popular participation was also connected to supervision. Elections were not simply methods for producing legislators; they gave the public a structured role in restraining government. Katouzian views the Constitutional Revolution as a significant, though incomplete, movement of political authority from court-centered rule toward a relationship mediated by law and social institutions (Katouzian, 2008). Public representation enabled the Majlis to function as an institutional counterweight to royal authority. From a jurisprudential standpoint, such counterweights could be defended when they reduced opportunities for oppression and increased governmental accountability. Nevertheless, popular will remained constitutionally limited. The people could participate in government, select representatives, and affect public regulation, but the Constitutional structure did not treat majority preference as sufficient to transform a religiously prohibited rule into a valid one. Hashemi emphasizes that the legislative authority of the Constitutional Majlis operated within constitutional and religious boundaries (Hashemi, 2018). This feature distinguished participation from unlimited popular sovereignty. The institutional logic was one of simultaneous empowerment and limitation: society gained political agency, while the normative supremacy of Sharia was preserved.

The relationship between Sharia and statutory law should therefore be viewed as one of the most sophisticated features of the Constitutional arrangement. A simplistic dichotomy between religious law and modern law obscures the actual structure. The Constitutional state needed positive law because modern administration could not function exclusively through uncoded jurisprudential doctrines. At the same time, Sharia retained authority because public

legislation could not acquire full legitimacy through parliamentary procedure alone. Mohaghegh Damad's jurisprudential analysis of public law demonstrates the conceptual possibility of governmental regulation operating within broader religious norms (Mohaghegh Damad, 2008). The Constitutional order gave this distinction an institutional form.

This arrangement inevitably generated uncertainty concerning the boundary between Sharia and ordinary regulation. It could be relatively straightforward to identify a statute directly contradicting an established religious prohibition, but many questions of economic regulation, administration, civil organization, and governmental policy would not admit such easy classification. Firahi notes that the relationship between jurisprudential rules and modern political regulation became one of the continuing intellectual difficulties generated by Iran's encounter with constitutional government (Firahi, 2012). Supervisory jurisprudence depended upon maintaining a meaningful sphere for statutory regulation while simultaneously preserving effective religious control. If the first sphere became too narrow, parliament would lose practical significance; if religious supervision became purely symbolic, the constitutional protection of Sharia would lose substantive effect.

The Constitutional order was therefore necessarily characterized by institutional tension. This tension was not merely evidence of theoretical failure; it reflected the attempt to reconcile normative systems founded upon different historical logics. Modern constitutionalism required legislation, representation, differentiated state institutions, and public accountability. Imami jurisprudence required preservation of religious normative authority and rejection of rules inconsistent with Sharia. Ajoudani's study demonstrates how many ambiguities of Iranian constitutional thought emerged precisely from this difficult process of conceptual combination (Ajoudani, 2008). Tabatabaei similarly emphasizes that Iranian constitutionalism must be studied as a distinct theoretical problem rather than as an incomplete copy of European constitutional models (Tabatabaei, 2007).

The resulting system was also shaped by the conflict between constitutionalist and Sharia-oriented interpretations of political reform. The final constitutional structure did not completely implement

either an unrestricted parliamentary model or a system in which jurists directly controlled all governmental institutions. Instead, parliament survived as a powerful symbol and institution of representative government while juristic supervision was incorporated into the constitutional framework. Ajoudani regards this combination as evidence of the complex negotiations through which constitutionalism was domesticated within Iranian religious-political discourse (Ajoudani, 2008). The Constitutional Constitution should consequently be understood as a negotiated jurisprudential-legal settlement.

The strengths of this arrangement were considerable. It supplied religious arguments against absolutism, made parliament compatible with the normative framework of a Shi'i society, provided legal recognition for public participation, and preserved the authority of Sharia without requiring direct clerical administration of the entire government. Firahi identifies this capacity to reconcile political limitation with jurisprudential authority as one of the major intellectual achievements of Constitutional political jurisprudence (Firahi, 2012). The model also helped establish the idea that political modernization and religious normativity were not necessarily mutually exclusive.

At the same time, the arrangement possessed structural limitations. The precise source of political legitimacy remained theoretically complex because monarchy, national representation, constitutional law, and Sharia each contributed to the organization of authority. The jurisdiction of juristic supervision was potentially ambiguous because the boundary between purely administrative regulation and religiously significant legislation could shift. The practical effectiveness of supervisory institutions could also depend upon political conditions beyond the constitutional text. Katouzian's broader interpretation of Iranian constitutional history emphasizes the difficulty of transforming formal constitutional institutions into permanently stable restraints upon political power (Katouzian, 2007). The Constitutional achievement was therefore significant but incomplete.

A further limitation concerned the relationship between normative supervision and institutional implementation. Constitutional provisions can formally establish legal restrictions, but their effectiveness depends upon political actors, institutional continuity, administrative

capacity, and social acceptance. Abrahamian's historical analysis demonstrates that the Constitutional period remained marked by intense political conflict, foreign intervention, social fragmentation, and struggles over the actual distribution of authority (Abrahamian, 2010). The jurisprudential legitimacy of supervision did not automatically guarantee its consistent operation. This distinction between constitutional design and political practice is essential when assessing the historical effectiveness of the model.

Despite these limitations, the jurisprudential shaping of the Constitutional Constitution should not be treated as superficial. The recognition of Sharia as a normative limit, the institutionalization of juristic review, the jurisprudential accommodation of parliamentary law, and the connection between justice and limitation of authority affected the conceptual identity of the constitutional state. Firahi's analysis supports the conclusion that Constitutionalism marked a fundamental stage in the transformation of Shi'i jurisprudence from a tradition largely operating alongside political government into one directly engaged with the institutional architecture of public law (Firahi, 2012). Jurisprudence became a constitutional force.

The Constitutional experience can therefore be described as a model of bounded institutional pluralism. The monarchy remained but was restricted. Parliament acquired legislative authority but was normatively constrained. The people acquired political representation but not unlimited sovereignty. Jurists acquired constitutional supervisory authority but did not become the direct managers of the entire state. Statutory law expanded but remained subordinate to Sharia limitations. This distribution of authority explains why supervisory jurisprudence provides a useful characterization of the constitutional arrangement. Its defining feature was not the absence of jurisprudence from government, but its placement within the political structure primarily as a source of limitation, validation, and normative review.

The broader significance of this model lies in its transformation of the relationship between jurisprudence and public law. Imami jurisprudence was no longer relevant only through the personal opinions of jurists or through traditional adjudicative institutions. It entered the constitutional architecture itself. Hashemi's account of Iranian constitutional development

demonstrates the long-term importance of the Constitutional Revolution in establishing a formal relationship between religious norms and the institutional state (Hashemi, 2018). The Constitutional Constitution thus represented one of the earliest systematic attempts in modern Iran to translate jurisprudential authority into a constitutional mechanism capable of operating alongside representative government.

Ultimately, the institutional structure produced by the Constitutional Revolution should be understood as a jurisprudentially conditioned form of limited government. Its central innovation was not simply the introduction of the Majlis, nor simply the constitutional recognition of religion, but the creation of a relationship among law, parliament, people, monarchy, Sharia, and juristic authority. Each institution limited another. The monarch was restrained by constitutional law and representative structures; parliament was restrained by constitutional and Sharia boundaries; jurists possessed normative authority but did not directly monopolize governmental administration; and popular participation became politically effective without being transformed into unrestricted legislative sovereignty. Through this architecture, Imami jurisprudential principles became part of the constitutional construction of political power.

5. Conclusion

The Constitutional Revolution represented a decisive transformation in the legal and political history of Iran because it attempted to replace a political order dominated by personal and insufficiently restrained monarchical authority with a structure based upon law, institutional responsibility, representation, and limitations upon governmental power. Yet the constitutional order that emerged from this transformation cannot be adequately understood through the conceptual framework of imported constitutionalism alone. It developed within a society whose normative order remained deeply influenced by Twelver Imami jurisprudence, and the durability and legitimacy of constitutional institutions consequently depended in significant measure upon their ability to establish an intelligible relationship with Sharia. The Constitutional Constitution was therefore simultaneously an exercise in political modernization and an exercise in jurisprudential reconstruction.

The analysis presented in this article demonstrates that the influence of Imami jurisprudence upon constitutional structure operated primarily through a supervisory and anti-absolutist logic. The jurisprudential tradition supplied concepts through which arbitrary authority could be criticized and limited without requiring the abandonment of religious normativity. The prohibition of oppression transformed despotism into a jurisprudential problem; justice supplied a normative criterion for evaluating political institutions; consultation provided conceptual support for collective participation; commanding right and forbidding wrong strengthened the legitimacy of political supervision; preservation of social order justified the creation of stable governmental structures; and concepts of entrusted authority, representation, and public responsibility helped make new constitutional institutions intelligible within an Islamic normative framework.

The distinctive character of the Constitutional jurisprudential model becomes especially clear in its treatment of political authority during the occultation. Constitutional government was not constructed on the assumption that a non-infallible constitutional regime represented the perfect realization of legitimate government. Rather, its jurisprudential defensibility derived in substantial part from the comparative superiority of limited government over unrestricted despotism. Political institutions could be assessed according to their ability to reduce injustice, restrain arbitrary power, secure public interests, and preserve order. This reasoning created a significant conceptual space between the unattainable ideal of infallible government and unconditional submission to whatever political authority happened to exercise power.

The establishment of the National Consultative Assembly was central to this transformation. The Majlis transferred a substantial part of political deliberation and regulatory activity from the personal domain of the monarch to a representative institution. Its significance extended beyond legislation. Parliament embodied consultation, representation, governmental supervision, and the idea that public affairs concerned the political community rather than exclusively the ruler. Through parliament, the population began to move from the position of subjects governed from above toward the

constitutional position of a nation possessing an organized role in public affairs.

The jurisprudential accommodation of parliament required a critical distinction between Sharia and statutory regulation. Parliamentary legislation could not legitimately constitute an independent religious law superior or equivalent to divine norms. It could, however, regulate the changing administrative, financial, political, and social requirements of public life within the normative boundaries of Sharia. This distinction made the development of a modern legislative state possible without requiring the complete secularization of legal authority. Statutory law and jurisprudential normativity were therefore organized into a hierarchical relationship rather than treated as mutually exclusive systems.

The constitutional position of Sharia confirms the depth of this arrangement. Sharia was not confined to a symbolic reference to the religious identity of society. It functioned as a superior normative criterion capable of limiting the authority of political institutions. The requirement that legislation remain consistent with Islamic norms meant that parliamentary procedure alone could not exhaust the conditions of legal validity. Law was both politically enacted and normatively constrained. The Constitutional order thus recognized the necessity of modern legislation while refusing to regard positive law as entirely self-validating.

Article Two of the Supplementary Constitutional Law represented the clearest institutional translation of this jurisprudential logic. By assigning qualified mujtahids a supervisory role over parliamentary enactments, the constitutional system created an institutional bridge between representative legislation and religious normativity. The provision did not abolish parliament, nor did it transform jurists into ordinary legislators. Instead, it differentiated functions: representatives participated in the formulation of public law, while jurists assessed the religious limits of that legislative authority. This mechanism embodied the defining logic of supervisory jurisprudence.

The position of the jurist was consequently neither politically marginal nor institutionally sovereign. Juristic authority mattered because it operated at the point where statutory law encountered the normative boundaries of Sharia. At the same time, the jurist was not constitutionally designated as the direct administrator of the whole political order. Executive administration,

ministerial activity, parliamentary deliberation, and many ordinary governmental functions remained institutionally differentiated from jurisprudential supervision. The jurist's authority was therefore limited in organizational scope but potentially profound in normative effect.

This feature distinguishes the Constitutional model from forms of political jurisprudence in which juristic authority becomes the constitutive center of governmental power. In the Constitutional arrangement, jurisprudence primarily constrained and validated political institutions rather than directly generating and administering every component of the state. This distinction is indispensable for understanding the historical specificity of Iranian constitutionalism. The political order was neither secular in the sense of institutional indifference to religious law nor clerical in the sense of placing all governmental authority directly in the hands of jurists.

The limitation of the monarchy was another manifestation of the same jurisprudential structure. Constitutional government changed the meaning of kingship without initially eliminating the institution itself. The monarch could no longer plausibly be conceived as the unlimited proprietor of public authority. Governmental power became increasingly associated with legally defined competences, parliamentary participation, ministerial responsibility, and constitutional procedure. The anti-despotism principles found within the jurisprudential discourse of the period thereby acquired concrete institutional consequences.

The recognition of the people likewise transformed the structure of authority. Constitutionalism brought the nation into the formal political system through representation and elections, however limited the initial forms of participation remained. Popular participation performed both a constructive and a restrictive function. It contributed to the formation of public institutions while simultaneously creating a mechanism through which political authority could be monitored and restrained. The people were therefore not merely beneficiaries of constitutional reform; they became participants in the maintenance of limited government. Nevertheless, the Constitutional order did not transform public will into an unlimited source of law. Popular participation operated within constitutional and

religious boundaries. This arrangement reflected an attempt to prevent two forms of absolutism at once: the absolutism of the monarch and the possible absolutism of unrestricted political will. The people received a legitimate and significant role in government, but that role was integrated into a normative system in which Sharia remained superior to purely political preference. The Constitutional Constitution can therefore be understood as creating a layered structure of authority. Political power was distributed among institutions rather than concentrated exclusively in one center. Parliament represented and regulated; government administered; monarchy persisted under constitutional restriction; society participated through emerging representative mechanisms; jurists protected religious normative boundaries; and Sharia remained the superior standard against which certain forms of positive law could be evaluated. The system's significance lay precisely in this distribution of functions.

This structure was neither theoretically complete nor institutionally free of tension. Difficult questions remained concerning the ultimate source of political legitimacy, the boundary between statutory regulation and religious legislation, the exact scope of juristic supervision, and the relationship between popular representation and superior religious norms. Institutional implementation also proved considerably more difficult than constitutional design. The political conflicts surrounding the Constitutional period demonstrated that written norms alone could not guarantee durable constitutional government.

These limitations, however, do not diminish the intellectual and jurisprudential importance of the Constitutional experience. On the contrary, they illustrate the magnitude of the problem that Iranian constitutionalists and jurists were attempting to resolve. They were confronted with the task of creating institutions for a modern state while operating within a normative environment that could not simply be discarded. Their constitutional solutions therefore necessarily involved reinterpretation, compromise, adaptation, and institutional experimentation.

The principal finding of this article is that Imami jurisprudence participated in the shaping of the Constitutional Constitution chiefly by providing normative foundations and supervisory mechanisms for limited government. Its contribution should not be

understood merely as resistance to modern institutions, nor should it be represented as the direct source of every constitutional mechanism. The interaction was more complex. Modern institutions such as parliament, elections, positive legislation, ministerial responsibility, and constitutional rights were accepted and transformed within a jurisprudential framework concerned with justice, the prohibition of oppression, religious legitimacy, and the preservation of public order.

This process amounted to an important constitutional translation of jurisprudence. Concepts that had previously existed primarily within theological, ethical, or jurisprudential discourse acquired institutional expressions in public law. Justice became connected to limitations upon government. Opposition to oppression became connected to constitutional restraint. Consultation became associated with parliamentary deliberation. Public responsibility became connected to governmental accountability. Religious authority became institutionalized as legislative supervision. The Constitution thereby transformed jurisprudential principles into components of political architecture.

The resulting model may appropriately be described as supervisory jurisprudence because jurisprudence operated predominantly as a framework of control, limitation, and normative validation. Its objective was not to eliminate the political state in favor of direct juristic administration but to prevent the emerging constitutional state from becoming detached from Sharia. This model permitted a differentiated governmental system while maintaining an enforceable relationship between political law and religious normativity.

Accordingly, the role of Imami jurisprudence in shaping Iran's Constitutional Constitution was both foundational and bounded. It was foundational because the legitimacy of limited government, the normative status of Sharia, and the constitutional position of juristic supervision cannot be fully explained without reference to jurisprudential reasoning. It was bounded because the constitutional order simultaneously recognized institutions and procedures that were not directly derived from classical jurisprudential structures and allowed them substantial autonomy in the administration of public affairs.

The historical importance of the Constitutional Constitution ultimately lies in this attempt to establish a

law-governed political order in which religious normativity and modern constitutional institutions could coexist without either being completely absorbed by the other. The settlement remained contested and imperfect, but it constituted a major development in Imami political jurisprudence and Iranian constitutional law. It demonstrated that jurisprudence could participate in the construction of limited government not only by prescribing substantive religious rules but also by legitimating mechanisms designed to constrain power, institutionalize accountability, recognize representation, and maintain the supremacy of normative limits over political will. In this sense, the Iranian Constitutional Revolution should be understood as one of the earliest and most significant attempts to transform Imami jurisprudential foundations into the institutional grammar of a modern constitutional order.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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