

Qanun and the Modernisation of Political thought in Iran

Dr Hassan Bashir¹

Abstract

In the 19th century, like many other non-western countries, Iran had a chance of entering the age of modernization. Many internal and external factors had facilitated this change and development. Newspapers, especially those, which published on exile, had much effect on the changing process. The *Qanun* newspaper, in many respects, had the utmost influence on the Iranian society due to its clear and frank language and also the extensive modern ideas and thoughts that were elaborated cleverly in this newspaper. The modern and Western ideologies were handled in such a way to build up the mind of the people toward the new meanings of social and political concepts that were in most cases different to how these concepts were understood by the society. In this paper the injection of modern ideas did not follow a blind line, however, it had a systematic discipline that showed the ability of Malkum Khan, the founder of *Qanun*, to project modern ideas in traditional society such as Iran. *Qanun* has actually played a vital role in the process of modernization of social and political thoughts in the contemporary history of Iran and its impact is still felt in the current everyday life of the Iranian who has much yet to achieve in ongoing process of modernization especially in the age of globalization.

Key concepts: Iran, Qanun, Modernisation, 19th Century, Malkum Khan, Political Thought.

Typological analysis

Qanun was founded and published by Mirza Malkum Khan on 20 February 1889-1890 in London and, according to Brown, “seems to have continued publication for about three and a half years, forty-one monthly numbers having been issued in all.” (Browne,1914/1983, p.312). All issues of this paper were headed by the slogan

¹ - Assistant Professor at Imam Sadiq University, Tehran, Iran. bashir@isu.ac.ir

'*Ittefaq, Adalat, Taraqqi*' (Unity, Justice, Progress). In the beginning the annual subscription fee was one pound but this was changed to a symbolic fee in the tenth and eleventh issues becoming *Fahm-e Kafi* (sufficient understanding). The fee was then changed again a number of times: in the twentieth issue it became *Shart-e Adamiyat* (conditional to the expression of humane tendencies); in the twenty-third issue it became one of 'sufficient understanding'; in the twenty-fourth, 'conditional to the expression of humane tendencies'; in the twenty-fifth issue, one *Tuman* (Iranian currency); in the thirtieth issue, *Yek Zarreh Shuoor* (a little intelligence); and finally, from the thirty-sixth until the forty first issue, which was the last, the fee became *Zahmat-e Eblagh-e ein Noskh-e be Yk Adam-e Digar* (the efforts of passing this newspaper to another reader).

In the last few years before, and the years immediately following, the Islamic Revolution of Iran, copies of some influential newspapers, especially the ones that were published before and during the Constitutional Revolution, were reprinted. In brief, one reason for this action can be that the necessity for social and political change was keenly felt by the people throughout history regardless of those in power. These newspapers form the 'communicatory bridge' between the past and the present.

Qanun, is an example of this kind of newspaper. The available forty-one issues of the newspaper were reprinted in a one volume (size 22 cm by 34 cm). Generally speaking, this newspaper is quite different from any other professional newspaper, which exists nowadays. No sign of professional journalism can be seen in either the mode of writing or the style of presentation. There is no clear division between editorial, news section, report, or other stories. Indeed there is little evidence of a clear topic or title for any section of this newspaper. It is a kind of narrative, which has been written in one style. The writing flows through the all the issues of this newspaper. The average size of the issues is eight pages.

The style of the language used in this newspaper is also different from other newspapers published in Iran during the same period, especially those, like *Shrafat*, which were published by the government. While the governmental newspapers were full of heavy, abstruse and portentous words written in the old style, *Qanun* was written in a simple, ordinary and new way. This kind of writing, "had a distinct influence on the development of political writing and journalism" (Bahar, 1958, p.374)

in Iran. The *Sur-i Israfil* newspaper, a revolutionary and extremely famous newspaper published during the Constitutional Revolution, went further and said that:

Whoever has read *Qanun* knows well that from the beginning of the Islamic era to the present, none has put pen to paper in the Persian Language with the same fluency and eloquence. (*Sur-i Israfil*, 1907, No.5. p.8)

Before analysing the content of *Qanun*, it is important to place it in the context of the Iranian society of that period. Even though Iran started its process of reform at the beginning of the 19th century it was still only comparable to medieval Europe at this stage. This was reflected in the totalitarian role of the Shah, the strong position of the religious leaders, and the ignorance of the people. In this situation nothing was more essential than the 'Law' and its implementation in the society. For this reason the word 'Law' was selected as the name for Malkum Khan's newspaper.

However, Nasir al-Din Shah was opposed to any kind of laws except that of the Shah. The ministers were his slaves and the people his subjects. The best way to oppose this situation was to press for the implementation of a system of law. The issue of law was so important that even the pronunciation of this word became a sin. It was as a result of raising this issue that Sayyed Jamal al-Din was expelled from Iran and was consequently accused of being '*Qanuni*', meaning the one who makes claims about the law (Nava'i, N.D.). Malkum Khan himself stated, in the 7th issue of *Qanun*, the reasons for publishing this newspaper in exile and for it being banned in Iran. He said, "Why do they [we] publish the *Qanun* Newspaper outside the country?" (*Qanun*, No.7, p.1). His answer was simple "Because it is forbidden within the country to tell the truth." (Ibid).

Qanun's main concern was to establish a general understanding of the concept of 'Law' among the people and to encourage the building of a constitutional and organisational structure with which to support it. However, *Qanun* became more familiar to the people in terms of its concern with the law than any other newspapers such as *Akhtar*. That was because of the simplicity of language used in *Qanan* and because of the propaganda methods used by Malkum Khan. With regard to the implementation of the law, Malkum Khan distinguished between the Shah, the government authorities, and the rest of the people. However, this was to be one of the biggest weaknesses of the newspaper. Malkum Khan was encouraging people to think about law, to accept law, and to fight to implement law in all aspects of the society. However he did not apply this proposition to the head of the government, the Shah.

One can understand the thinking behind this separation, however. Malkum Khan was completely aware that he needed people in authority to support him in his quest to explain the importance of the law and to fight for its implementation. To achieve this goal he identified three kinds of people and focused on them: The Shah, the religious clergy and the intellectuals. Firstly, Malkum Khan tried to create a gap between the Shah and his ministers such that the Shah was not just a supporter, but also the main source of law.

If the Shah was like some other kings who are against the law, we would not bring out the name of ‘Law’, but we see that at this time, our Shah is more than any other person supporting the law and emphasising the need to implement it. (*Qanun*, No. 1. p.3)

In the meantime, Malkum Khan directed his attack on the ministers by stating, “we have to realise the fact that the support of the Shah is not enough to implement the law” (*Qanun*, No.1. p.3). He continued, “If the ministers, the thinkers and all the people do not insist on having a law, the law will be a temporary matter.” (Ibid). Elsewhere in *Qanun* he indicated the Prime Minister’s opposition and claimed “if the Prime Minister saw this newspaper he would stop it immediately from entering the country” (*Qanun*, No.3. p.6). This propaganda was effective in two ways: firstly it did not make the Shah sensitive to this issue and secondly it held other authorities responsible for obstacles to the establishment of the law.

In order to gain the support from the religious clergy, Malkum Khan showed his sympathy and support for them by stating, in the first issue of *Qanun*, “By virtue of what law did they banish such and such a *mujtahid*? According to what law were some clergy expelled?” (*Qanun*, No.1, p.1). Elsewhere in this issue he said: “the clergy and the thinkers of Iran were always aware of the existence of a good law” (Ibid., p.3), and “the clergy, the writers and the speakers must tell the people about the benefits of the law” (Ibid., p.3). In other ways he tried to imply that the clergy were not just the supporters of the law, but also the main group supporting its implementation. In addition, as previously mentioned, Malkum tried to support his claim for the necessity of law through recourse to Islamic arguments or clerics’ proclamations in almost every issue of *Qanun*.

Regarding the Iranian intellectuals, Malkum used the words ‘*Adamiyat*’ and ‘*Adam*’ (Humanity and Human) as a symbol for any person who realised the

importance of progressive principles such as ‘Law’, ‘Unity’, ‘Justice’, ‘Order’ and ‘Freedom’. At the beginning of the latest collection of *Qanun* newspapers to appear, published in Tehran in 1990, the word ‘*Adamiyat*’ appears on the first page as a main symbol for this newspaper. In almost every page of the newspaper this word was used with various interpretation or examples.

Content analysis of Qanun

Content analysis of *Qanun* will be undertaken in combination with the quantitative method in order to show the kind of tendency this newspaper had towards various social and political aspects. The quantitative method will be used in order to discern the social and political aspects, which were most important in this newspaper.

Using the list of political and ideological terms provided by Pool et al. (1952) the key words of this newspaper, such as ‘*Qanun*’ (Law), ‘*Adamiyat*’ (Humanity), ‘*Adalat*’ (Justice), ‘*Taraqqi*’ (Progress), and ‘*Ittefaq*’ (Unity), will be counted to demonstrate the tendency of this newspaper towards the use of this terminology.

These above-mentioned terms passed from *Qanun* into everyday language and became general terms used by the people (Browne, 1914). The political and social meaning of these terms was emphasised rather than the ordinary meaning found in dictionaries. Hence, it can be seen that these words played an important role in changing the style of linguistic expression, thus making Iranians more politically and socially aware.

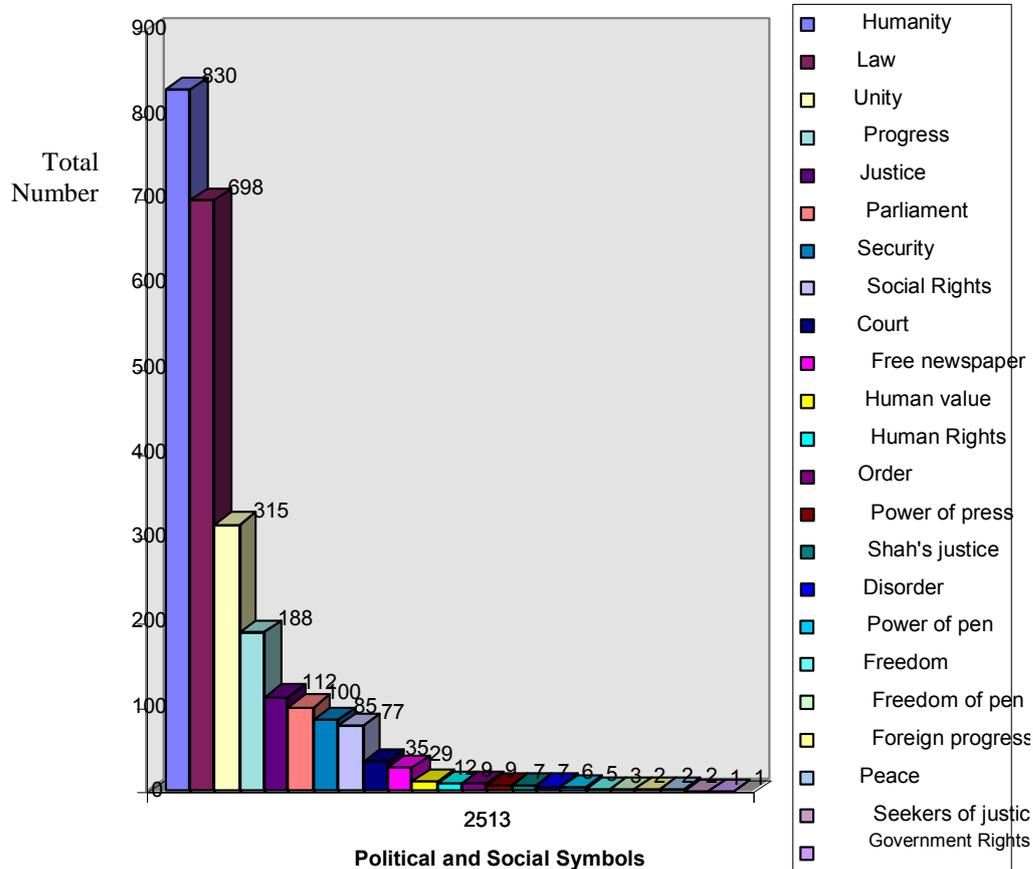
Through the use of the quantitative method of analysis, different words and symbols were recognised and counted. Therefore, twenty-three words were identified as the main basis for this analysis. They are: Law, Unity, Progress, Justice, Foreign progress, Free newspaper, Power of press, Seekers of justice, Shah’s justice, Court, Human rights, Social rights, Disorder, Humanity, Human value, Government Rights, Parliament, Freedom, Power of pen, Freedom of pen, Security, Order, and Peace. Each of these words and phrases has a specific Persian term but they were used with different Persian synonyms.

In total, *Qanun* consisted of around 73848 words divided between the 41 existing issues of this newspaper. The word *Adamiyat* (Humanity) appeared the most, occurring 830 times. The word ‘*Qanun*’ (Law) was the second most frequent,

appearing some 698 times, while the words “Seekers of justice” and “Government’s Rights” were the least mentioned, occurring only once in all the texts.

By using these symbols continuously, Malkum Khan tried to establish a strong and effective concept of these words within the society. From Figure: 1 it is possible to see certain differences between the total number of these words, which occurred in *Qanun*. Initially, these words appeared only a few times, which shows that they did not get the full attention of Malkum Khan. However, further qualitative analysis of the text reveals that the concepts of some of these symbols were presented in different ways. In my view, it is essential to look also at the mode of representation and interpretation of these symbols. This will prove useful in gaining a better understanding of this newspaper. Despite all else, it must be said that with the new style of Persian Language, the combined manner of expressing the meaning of these symbols and the contributing opinions from other writers, Malkum Khan succeeded in presenting an original and intelligent publication in the form of *Qanun*.

Figure (7-3-1): Total number of political and social symbols In Qanun Newspaper



The Critical Discourse Analysis of Qanun

A more detailed and comprehensive analysis of this newspaper requires the use of the method of discourse analysis, especially critical discourse analysis (CDA). 'CDA' is composed of three different sorts of analysis: semiotic analysis of the text, analysis of discourse practices of text production, distribution and consumption and analysis of social and political practices that frame discourse practices and texts (Fairclough, 1998).

In accordance with this, for the discourse analysis of *Qanun* I will focus on the following two main points:

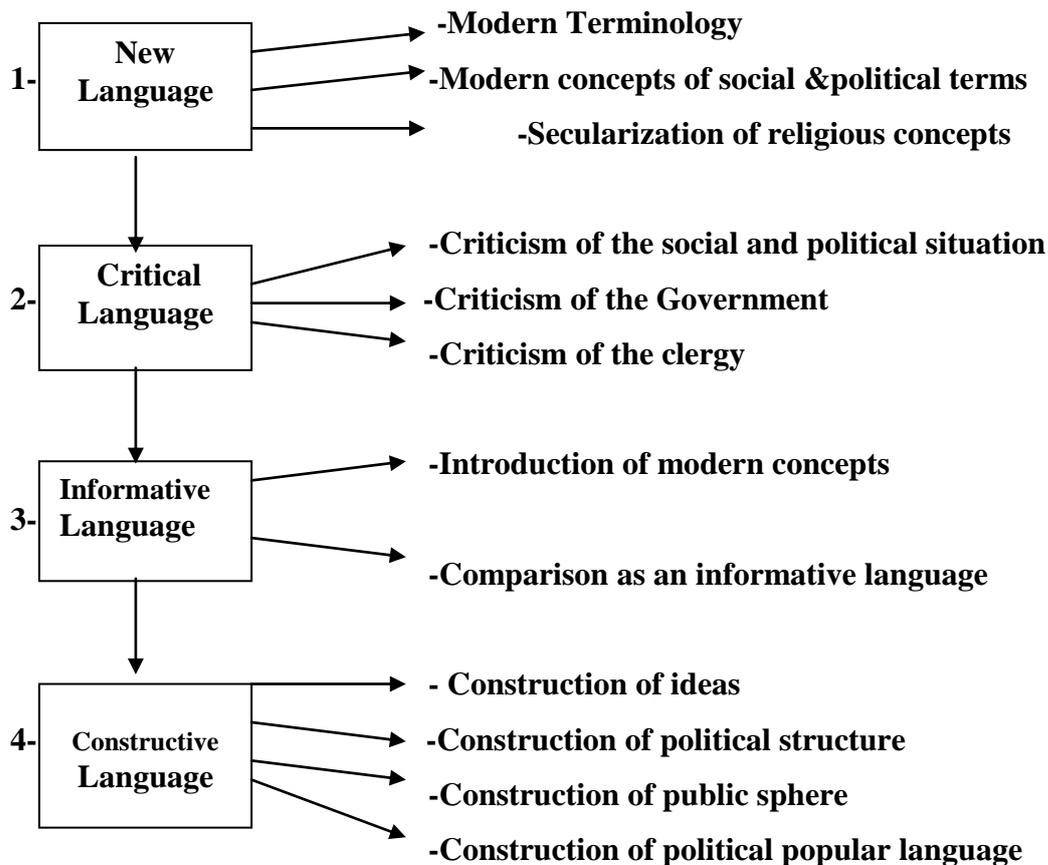
- 1-The semiotic and linguistic analysis of the text.

2-The main social and political discourses of this newspaper. In other words what was the ‘attention’ and ‘direction’ of *Qanun* in its textual discourse?

The semiotic and linguistic analysis

One of the best evaluations of the style of writing used in *Qanun* newspaper has been made by *Sur-i Israfil* newspaper. *Sur-i Israfil* stated that “Whoever had read *Qanun* knows well that, from the beginning of the Islamic era to the present, none has put pen to paper in the Persian Language with the same fluency and eloquence” (*Sur-i Israfil*, 1907, No.5, p.8). Indeed it is not possible to find any other publication of the *Qajar* period that has the simplicity and the fluency of language that the *Qanun* newspaper has. My aim here is to examine the various forms of linguistic expression used by this newspaper, and others, at that time. These forms are suggested in Figure 2.

Figure 2: various forms of linguistic expression used in *Qanun* newspaper



The above figure is the suggested model for the semiotic and linguistic analysis of *Qanun*. However, this model requires further explanation. Looking at the entire text of *Qanun* it is can be seen that the forms of language expression used by Malkum Khan could be categorised into the above four mentioned forms of expression. Each of these forms will be explained in more detail.

Before explaining each one of these forms two things should be mentioned. First, there is a strong coherence between all these forms. This makes their strict classification and division difficult, if not impossible. Secondly, as shown in Figure 2, a strong consequential relationship exists between these various different forms. In general, Malkum Khan used the introduction of modern terminology and new concepts as a means of criticising, by points of comparison, the situation of the country at the time. He then tried to provide some information about other societies regarding the same concepts. Finally he suggested some solutions to the existing situation through the implementation of constructive ideas and structures.

1-New Language: *Qanun*'s usage of modern terminology, with regard to such concepts as social and political terms and the secularization of religious ideas, can be regarded as a new language. In fact, this language is but a form of expression with which to present modern Western ideologies. In *Qanun*, Malkum Khan tried to introduce and combine, as much as he could, modern terminology with modern concepts and interpretations, which were different from that of their traditional and ordinary meaning. These concepts are derived from the Western context of European societies. To simplify these concepts Malkum Khan tried to use indigenous ideas and symbols, which would make them more easily understandable to the people. One of the main powerful points in this new language is what I call the 'secularization of religious concepts' or, in other words, 'the re-interpretation of religious concepts in the light of modern Western thought'. In this relation Malkum Khan explained various religious concepts, but with new and modern definitions influenced by a Western background. The Iranian intellectuals before him had never engaged in such an undertaking. With the help of a combination of religious and modern secular language, Western political structures such as 'parliament' became acceptable to the religious leaders as well as the traditional people of Iran. The triumph of the Constitutional Revolution is the clearest sign of indigenization or Islamization of secular concepts in a traditional and religious

society such as Iran during the 19th century. We shall look at some examples from *Qanun* to support this argument.

Modern terminology

The main factor in the social and political development of 19th century Iran was the introduction of modern ideologies. This was done through the introduction of different terminology to that previously used in the country or by a reinterpretation and re-examination of existing Persian terminology. *Qanun* was one of the pioneer newspapers in introducing both modern terminology and modern concepts to Iranians. There is no doubt that the people were unfamiliar or unaware with such terms and concepts as ‘parliament’ prior to the 19th century. This word, and many others, contributed to creating an understanding of what the people needed to strive for in order to change the social and political system of the country. The following statements of *Qanun* are some examples, chosen randomly, which show the newspapers use of this new terminology.

It is obvious that a country requires varying laws to organise a state. Justice and politics, farming and trading, army and tax, and every part of the land and every position needs a special law. (*Qanun*, No. 4, p.2)

This Great Court Parliament is the prelude to the Great National Parliament. You are not the members of the Ministers Cabinet. You are the advisors of the Iranian nation. You are small in number. You must be at least seventy people. Great *Mujtahids* and the scholars must be within this parliament. (*Qanun*, No.18, p.2)

Terminology such as ‘great court parliament’ and the modern concepts of ‘law’, ‘justice’, ‘majority’ and ‘votes’ are a few examples of such modern language use. Although some of these terms were no doubt used by ordinary people, it is clear that *Qanun*’s usage of the terminology was of a radically different and more precise nature.

Modern concepts of social and political terms

In *Qanun*, the use of modern terminology involved modern concepts and interpretations being used in tandem with one another. Malkum Khan tried to use both elements to educate the people and to make them aware of the new political structure which was already established in the Western countries. Let us look at some examples:

This cry of the Iranian people and this sea of miseries in which we are all sunk, has no other cause than the fact that we the Iranian people have not yet understood the meaning and the power of the law. (*Qanun*. No. 2, p.2)

The law consists in gathering the powers of the people from all walks of life with a view to protecting the general rights. (*Qanun*. No. 2, p.2)

The law should be based on the principles of justice. (*Qanun*. No. 2, p.2)

It is obvious that what Malkum Khan is trying to explain here is based on particular definitions of words. For example, he is using a definition of 'law' that is radically different from its ordinary everyday meaning. The new conceptual meaning of this term is based on its modern social, political and Western interpretation. The belief that the nation should control the affairs of the authorities by using the law was definitely a new concept to Iranian people in the 19th century. This new interpretation was used in many places throughout this newspaper in order to awaken Iranians' awareness of modern political concepts and their role in society.

The secularization of religious concepts

The secularization of religious concepts involves the interpretation of religious principles in the light of secular and earthly elements, and the support of secular elements through the use of religious concepts (the modernization of religious concepts). This new interpretation was unfamiliar to both the clergy and other people. This procedure saw secular Western definitions being used in the attempt to integrate the religious elements into the intellectuals' social and political plans for the country. They did this by explaining, for example, that Islam is not against the rights of women or the progress of the country, in order to prove that religion was not incompatible with their plans for national development. Further examples will help to clarify this matter.

From the rabble we have heard some exaggerations concerning women. What is the truth of the matter? The *Sayyed* stated: We have such a high opinion of women that what we say about them will not be taken as exaggeration. We consider women the upbringer of children, the author of family welfare and the stimulus of world progress. And we believe that the upbringing of girls is the purist and the holiest duties of civilization. Those women who are human we

deem more respectable and respectful than you can imagine. (*Qanun*. No. 19, p.3)

The steamboat, telegraph and the entire progress of the world springs from the rays of Islam. (*Qanun*. No. 21, p.4)

However, today you must have understood that the rights of the nation shall never hold any meaning unless the masters of the nation struggle for those rights are based on a national plan. It is obvious that the national plan should be based on the truths of Islam and humanity. (*Qanun*. No. 18, p.3)

The spirit of Islam and the progress of the world have rendered the emergence of a national parliament necessary. And the emergence of such a parliament will not be possible unless by the endeavour of the *Ulama* and by the power of union. And today, our first duty as the servers of the brilliant religion is this that we should awaken the people from all walks of life in any possible manner in all meetings. Afterwards, we should teach them to be their own saviours by the guidance of the brilliant because there is nothing for man save what he strives for. (*Qanun*. No. 37, p.4)

It is significant that in all the above statements a connection between religious issues and principles and modern social and political concepts is created. Malkum Khan tried numerous times to harmonise the religious concepts with the secular element, or in other words, to re-interpret religious concepts in the light of the modern world. This attempt was significant in harmonising new and modern ideas with religious principles, or at least in showing the folly of regarding them as contradictory. As a result of this interpretation of modern secular ideas concerning ‘law’, the ‘parliamentary system’, ‘elections’ and ‘the rights of women’, these, and many other concepts, were gradually accepted by the society. Without this it would not have been possible to convince the society to accept Western modernization and development.

2-Critical Language

The language of criticism is used continuously in *Qanun* newspaper and with regard to different issues. The main criticisms made by Malkum Khan in this newspaper are directed at the existing social and political situation of the country, the government body and, on some occasions, the head of state (the Shah) and the clergy. Some examples of each category are shown below.

Criticism of the social and political situation

Nobody is not allowed in the country to mention the word law. (*Qanun*. No.1, p.2)

Now we are sitting here. If our house is confiscated and if our religion and existence are trampled upon under a thousands oaths of redemption by indication of a strange man, which office or what law do we have recourse to? (*Qanun*. No. 3, p.3)

Criticism of the Government

The government that violates the rights of her subjects is worse than the thieves of time. (*Qanun*. No. 23, p.2)

Why not talk to ameliorate affairs? Because they cut off the tongue. Why do you not struggle for your rights? Because they cut open our abdomen. (*Qanun*. No. 11, p.1)

Criticism of the Clergy

That wise preacher who had written in this newspaper cried on the pulpit, "O religious *Ulama!* O sages of the land! Know that all these tyrannies and floods of tears flowing in Iran are due to your silence and cruelty. By command of God and by command of nature, you should preserve the rights of the nation. When you see them setting fire to the life of Muslims, how do you dare say, "It's none of my concern. (*Qanun*. No. 8, p.1)

3- Informative Language

In order to make people more aware of the progress in other countries and to make them familiar with modern concepts, Malkum Khan tried to use informative language based on two main elements. Firstly introducing the modern concepts to the people and secondly using comparisons between Iran and other countries regarding their social and political situation. Both of these elements are reflected in the following examples.

Introduction of Modern Concepts

In the following two examples, Malkum Khan tried to explain the modern concepts and the application of law in human life. This kind of informative language is used throughout *Qanun* in order to introduce modern concepts of modern terminology.

The law is representing, guaranteeing and protecting human rights. (*Qanun*. No. 2, p.2)

The entire destruction comes from lack of laws. (*Qanun*. No. 2, p.2)

Comparison as informative language

The following examples show that how Malkum Khan used comparison in order to inform the Iranians about the differences between their society and the modernised one.

After mentioning the low quantity of Iran's imports compared to France's exports, Malcolm Khan says, "The reason is that in other countries, there are laws. However, even the word law is not common in Iran." (*Qanun*. No. 1, p.4)

The European animals know that nobody can be cruel to them. And we who are proud of being human are in the dark concerning our right to life. (*Qanun*. No. 3, p.3)

4-Constructive Language

The main aim of Malkum Khan in publishing *Qanun* newspaper was stated explicitly in the second issue of this paper.

The missions of this newspaper are manifold:

Publishing facts

Seeking the law

Organising unity

Helping the downtrodden

We who happened to be the founders of this newspaper commit ourselves in the presence of the people of the world and the people of Iran that to risk our lives and wealth and power to accomplish this task. (*Qanun*. No. 2, p.5)

Achieving these objectives required a language, which, as explained, I have categorised under four headings: new language, critical language, informative language, and constructive language. A brief explanation and examples of the first three categories has been provided above. The fourth category, constructive language, is related to Malkum Khans plan's to 'publish facts', 'seek the law', 'organise unity', and 'help the downtrodden'. Moreover, what is meant by this form of language is the manner in which Malkum Khan tried to achieve his objectives. He used a form of constructive language through which he hoped to build up new ideas and a new

political structure for the country. He sought to create a public sphere in which this new situation could function and to construct a popular political language based on a new comprehension of the world inspired by Western modernization. Through these four linguistic means, Malkum Khan was successful in not only introducing a modern language and new concepts to the people, but also in establishing new thoughts and ideas and in helping the country to develop a popular political language. This language was not only adopted by the intellectuals but also by ordinary people. Indeed before such an environment existed, ordinary people could never have dreamt of seeking the establishment of a parliament or demanding constitutional law.

Construction of ideas

Introducing the modern ideas into the society requires usage of various ways and methods. Malkum Khan in his *Qanun* examined many ways that construct these ideas in the society.

We do not demand what is beyond the power of the government. We say, “Based on Islamic principles, enforce in this country the laws that exist in Ottoman cities and Indian villages and the wild American tribes. Imprison us but by virtue of the law. Grab our money but by virtue of the law. Confiscate our rights and property but by virtue of the law. Loot and plunder us but by virtue of the law. Banish us from the land but by virtue of the law. Imprison our spouses but by virtue of the law. Cut off our hands, feet and tongues but by virtue of the law. Burn us but by virtue of the law. Cut open our abdomens but by virtue of the law.” (*Qanun*. No. 11, p.1)

The basest laws are better than lawlessness. (*Qanun*. No. 1, p.4)

The state, which has no laws, has neither religion nor justice nor intellect. (*Qanun*. No. 11, p.1)

Construction of political structure

The construction of different political structure based on modern ideologies is another way of constructing ideas in the society.

Man without human rights is an animal, an animal that shall have no fate other than hardships however hard he tries. (*Qanun*. No. 27, p.1)

No better instrument can be imagined than a free newspaper for the salvation and progress of Iran. (*Qanun*. No. 1, p.1)

The *Ulama* and the scholars of Iran have always been aware of the good laws. The weakness lies in the fact that they have never known what policy they should follow for enforcing the laws. They still believe that the enforcement of laws is on the shoulders of the ministers. They say we have good laws in our bosoms but the tragedy is that the ministers do not enforce them. O esteemed scholar! The ministers, who are able and liable to enforce the laws, were not brought to understand their duty. After raising expectations, it is now considered indecent for us to limit our duties to finding good laws. After this duty of government seeking, it is our humane duty try to understand what to do to enforce good laws in Iran. (*Qanun*. No. 1, p.2)

Construction of a Public Sphere

By introducing modern ideas in the society, Malkum Khan was able to construct the kind of public sphere that could understand and respect the new and modern concepts for the development of the country.

No sweeter voice is there than that of a newspaper for the union of views and the rebirth of a nation. (*Qanun*. No. 2, p.5)

So if we want the law, we must ask our reason what we should do to enforce the law prior to doing anything else. (*Qanun*. No.1, p.20)

Construction of a popular political language

The construction of a popular political language was actually another way of constructing a public sphere, within which modern concepts could become popular. *Qanun* was one of the main papers to introduce this kind of language.

What should we do to cause people to understand the meaning of law and go after it? Firstly, understand it yourself and seek it. What can I do? Firstly, you are not alone. Secondly, if you have properly understood the situation and if you have the dignity and the language, you can unite many people to yourself. (*Qanun*. No. 5, p.1)

Social and political discourse analysis

The social and political discourse analysis of *Qanun* will focus on three main points:

1-The role of political agents

The founder of the *Qanun* newspaper, Mirza Malkum Khan Nazem al-Dauleh, was born in the Armenian settlement at Julfa, one of the suburbs of Isfahan in 1834

(*Sharaf*, 1885, No. 46.; Algar,1973). His father, Mirza Yaqub Khan, was an Armenian converted to Islam. Born in 1815, Mirza Yaqub Khan claimed descent from a French grandmother who was related to Jean-Jacques Rousseau. He received his education in India among the Armenian community living there. In his travels to different places, such as Java, he evidently acquired knowledge of French, for on his return to Iran in 1845, he became an interpreter and translator at the Russian embassy in Tehran.

Having such a position, Yaqub Khan was able to establish links with a number of Iranian officials making himself available as an informant and messenger. This enabled him to develop a close relationship with Hajji Mirza Aqasi, prime minister to Muhammad Shah (1834-1848), and the first two ministers of Nasir al-Din Shah, Mirza Taqi Khan Amir Kabir (in office from 1848 to 1851), and Mirza Agha Khan Nuri. Knowing that Mirza Aqa Khan Nuri had a deep hatred of Amir Kabir, Yaqub Khan played an instrumental role in the execution of the latter (Algar, 1973).

Using his relationship with Mirza Aqa Khan Nuri, Yaqub Khan was able to send his son Malkum, to France at the age of ten, at government expense, to study natural science and later on politics. Malkum Khan was fifteen years old during the French Revolution of 1848. Despite his young age he was to be deeply influenced by the monumental changes he witnessed in France during this time. As a consequence, on his return to Iran in 1851-1852 he had many ideas for social development and change. There is little doubt, as Algar believes, that “Malkum found his studies both congenial and absorbing: they later became the basis for most of his numerous memoranda and treatises calling for political, social and economic reform in Iran.” (Algar, 1973, p.16.).

Because of his support for European civilization, Malkum became the first coherent advocate of Westernization in Iran. Moreover, he was to become “one of the main advocates of reform in 19th century Iran.” (Avery, et al. 1991, p.184). He believed that the progress of the nation could come not only from the intelligence of its people, but also through using other nations’ experiences and knowledge. In his view, any kind of attempt to develop independent progress would be a waste of time.

If you wish to discover the path of progress by your own intelligence, then we will have to wait for three thousand years. The Europeans have discovered the path of progress and the principles of order in the course of three thousand years, just as they have discovered the telegraph, and they have reduced them to one well-defined law. Just

as we can introduce the telegraph from Europe and set it up in Tehran without any difficulty, so too we should adopt their order. (Malkum Khan, 1948, p.13)

Believing in the process of using other nations' experiences, Malkum succeeded in establishing the first functioning telegraph line in Iran. It ran from the *Dar al-Fonun* to the royal palace (Afshar, 1965, p.228). In his writing, especially in the '*Qanun*' newspaper, Malkum tried to emphasise that understanding the customs of the Europeans, *Aieneh Tamaddun* (the culture of civilization), are the conditions for any kind of material progress. In relation to this matter Malkum introduced two basic elements of progress 'order' and 'law'. These he saw as essential prerequisites if any movement towards European civilization was to be made possible. The foundation of *Qanun* was a reflection of these elements, which Malkum tried to express in different ways. In the Persian language the word '*Qanun*' means "regulation, method, principle" (Mu'in, 1953-1954). This meaning does not fully fit the concept of the European meaning of Law, which is based on the enforcement of rule of conduct or action by a government (The Chambers Dictionary, 1994). So he tried to explain it by using different practical examples to enable people to understand it more clearly.

Malkum is generally regarded as "the greatest Iranian revolutionary journalist" (Mowlana, 1963, p.258.), at least during the *Qajar* period. He was a colleague of Jamal-al-Din the great Pan-Islamist revolutionary leader and journalist who contributed to *Qanun* by writing articles anonymously. This contribution becomes important when we analyse *Qanun's* attempts to treat the religious clergy differently from other authorities or elites. Indeed *Qanun* is full of religious phrases, which at times make it seem like a religious text, advising people to follow Islam and the Muslim clerics.

2-Analysis of the socio-political situation

The socio-political situation of Iran in the second half of the 19th century was very different from that at the beginning of the century. The rise of the modern generation of Iranian intellectuals, the expansion of contact between Iran and the West, the establishment of the *Dar al-Fonun* college, the injection of modern sciences into society, the entry of European travellers into Iran in the form of teachers, professionals and diplomats, and the calls for political change (which were especially felt after the travels of Nasir al-Din Shah to the West), all contributed to make this period one of the

most important and unique in contemporary Iranian history. This period also coincided with the vast development of the West and the achievements of Western society in the areas of law and order enforcement, freedom and democracy. The big gap that existed between these societies and Iran, (which was suffering from despotism, censorship and absolutism) spurred the Iranian intellectuals into taking action in an attempt to rectify the situation. This same realisation, but with a different direction and sense of purpose, was also arrived at by the government and indeed by the Shah himself. This difference of direction and sense of purpose is perhaps best reflected in the fact that what the government tried to achieve was quite different from what the people wanted at that time. Actually, there were various governmental attempts to introduce a programme of development and modernisation for the country. These attempts, however, could satisfy neither the government nor the people and did not continue for long. Even a request from an educated youngster to establish some social and political clubs was denied, with crushing objections, by Nasir al-Din Shah himself. This situation forced the Iranian intellectuals to move outside of the country and to begin the movement in exile. From a multitude of places, such as England (Malkum Khan), Egypt (Mirza Ali Mohammad Parvaresh), Turkey (Mohammad Tahir Tabrizi) and India (Sayyed Jalal al-Din al-Husainni Mu'ayyed al-Islam), they started their fight against the *Qajar* despotism using a variety of means, including the press. The establishment of Persian newspapers in exile in that period can be seen as a result of the general situation that pervaded at the time. Newspapers such as *Akhtar* (1875-1895) in Istanbul, *Sorayya* (1898-9) and *Parvareh* (1900) in Cairo, and *Habl al-Matin* (founded 1893) in Calcutta, (Browne, 1914/1983), which strongly criticized the social and political conditions of 19th century Iran were founded by such intellectuals. *Qanun* newspaper was also founded for the same reasons. Various reasons may have motivated Malkum Khan to publish this newspaper but the main points to be noted here are that this paper was first founded and distributed outside the country and it was highly vociferous in its praise of Western modernization. Similarly, it was equally critical of the *Qajar* despotism and what it saw as the backwardness of the traditional life in Iran. It is obvious that such a publication would prove unpopular with the authorities. This proved to be the case, with the *Qajar* government banning *Qanun* from entering the country. The people then tried to obtain the paper by various methods so as make use of its advice and ideas. The Constitutional Revolution owed a lot to this newspaper. In my view, if *Qanun* had

not introduced information about the modern world to the people of Iran, using the modern concepts of law, freedom and democracy and the modern system of political government, then the triumph of the Constitutional Revolution could not have happened.

3-Discourse analysis of the text

The discourse analysis of this *Qanun* starts with the following question:

What were the mediated socio-political discourse elements in this independent newspaper? This question provides the main focus of analysis in this part of the study. By analysing the socio-political discourse elements the ‘attention’ and ‘the direction’ of this paper will be discerned. These findings will help us to judge more accurately the exact contribution made by this newspaper to the social and political development of the country.

To find out the most suitable units for analyzing the content of this newspaper, it is important to look at and examine similar research that has been carried out over the past years. ‘RADIRR’ is a project which analyzed 9 ‘prestige papers’ from 5 developed countries over a sixty-year time span (Pool et al., 1952). For such a large project Pool (1952) suggested a list of different symbols and terms that could be used to characterize different ideological, security, doctrinal aspects, etc in these papers. Pool had counted seventy-two ideological terms, which reflected the main political, social, and cultural symbols he encountered during the course of his research. The significance of this study is that most of the important ideological symbols were identified, categorized, and counted as indicators for political modernity. Terminology such as: ‘democracy’, ‘freedom’, ‘equality’, ‘free speech’, ‘reform’, ‘free press’, ‘censorship’, ‘progress’, etc. are the most useful terms for this study which seeks to analyse the most frequent social and political symbols to occur in *Qanun*.

Through a detailed examination of the list of ideological terminology developed by Pool (1952) I have developed relevant social and political symbols for modernization in this study, which will be regarded as specific categories for analysis. Each one of these categories will have its sub-category as shown in the following Figure: 3

One or two subcategories from each categories developed in Figure 3 will be chosen in order to examine this terminology. These subcategories are the most frequent ones that appeared in *Qanun* and indicate its involvement in the introduction of modern political

issues into Iranian society, as shown in Figure: 4. Actually a number of other categories and sub-categories may also be identified, but our focus will concentrate on the most significant modern concepts in terms of their contribution to the process of development and modernization in Iran. Figure: 4 indicates those concepts, which will be analysed in an effort to assess the extent of their contribution to the process of change. The new meaning of these concepts will also be explained. To put it another way, the analysis focuses on how Malkum Khan utilised various forms of language to construct and establish the meaning of modern political ideologies in Iranian society so as to achieve development, progress and modernization. All those sentences in *Qanun* that are related to one 'topic' (category and sub-category) and one 'theme' are highlighted and analysed. From these, certain examples are chosen to show the newspaper's process of producing meaning. It is important to note that there are no translated texts of the *Qanun* newspaper in English. I have carefully translated those sentences, which are chosen from this paper for study.

In the following section those sub-categories that are chosen for study will be analysed. It is important here to note that the concepts of these sub-categories are connected to the categories chosen in Figure: 3 (for more detail regarding some of these concepts see Pool, et al.1952). For instance, concepts such as 'freedom of expression' and 'the rights of the people' derive from 'Liberalism'; 'parliament' from the 'parliamentary system'; and 'law', 'Justice' and 'order' from 'law and order'. It is also necessary here to explain that the term *Adamiyat* (humanity) society is used by Malkum Khan to indicate the sort of grouping that he tried to establish to propagate his political agenda. This concept is analysed as an example for 'groups and parties' as indicated in Figure: 4.

Figure: 3 : Ideological terminology developed as an indicator for political modernity in the analysis of Iranian newspapers during the *Qajar* period.

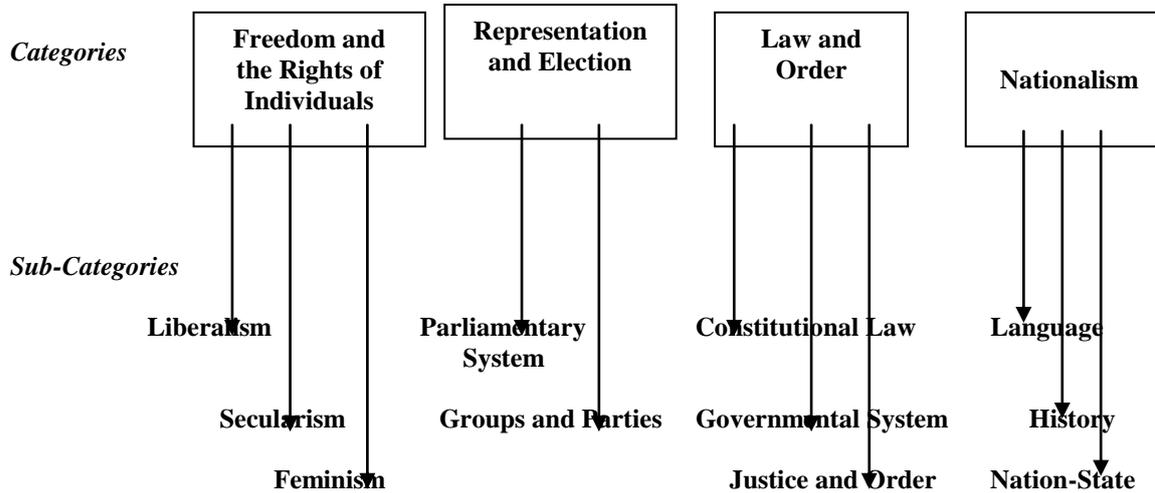
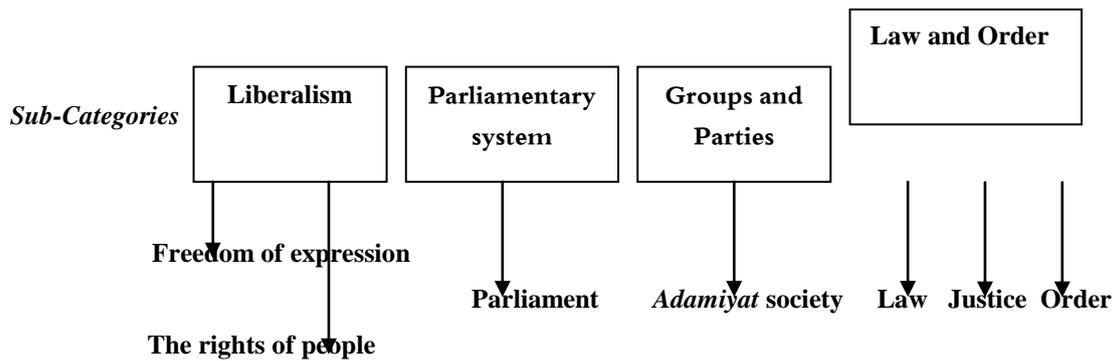


Figure: 4 : Sub-Categories used in the analysis of *Qanun* newspaper



Freedom of expression

According to Adamiyat (1961), “generally speaking, Malkum Khan in all of his writing was concerned with the following issues: ‘freedom’, ‘law an order’, ‘reform of the political system’, ‘pursuing Western modernization’, ‘social justice’ ‘the rights of individuals’, ‘development of the judicial and management system’, ‘economic

development', 'fighting against superstitions', and 'reform in Persian calligraphy and the style of writing' (Adamiyat, 1961, p.100). In all its various forms 'freedom' was and still is the main social and political issue in Iranian society. One of the first topics to be discussed by Malkum Khan in the pages of *Qanun* was the notion of 'freedom', especially 'freedom of expression'. Indeed, from the very first time that the term 'freedom', according to its Western concept, was introduced into Iran (by Mirza Saleh Shirazi in his 'travel-book' dated 1815, when he talked about England as 'the country of freedom' as cited by Shahidi, (1983)), until the triumph of the Constitutional Revolution in 1906, ninety years was to pass in which Iranians were constantly struggling to achieve such freedom.

The idea of liberalism necessitated the existence of freedom in society. 'Freedom of expression' and 'freedom of writing' were so crucial to Malkum Khan that he emphasised them from the very first issue of *Qanun*. According to *Qanun* the 'power of expression', 'the ability to express good thoughts' and 'all progress and advancement of the world' come from 'freedom' (*Qanun*. No. 2, p.5).

The Iranian people have not yet understood the meaning of the power of pen for the power of pen depends on the degree of the freedom of the pen.

All the notable members of the ministry are people who have revealed their art and dignity with the power of pen.

All progress and advancement in the world and all the boons of independence and dignity of nations emanate from the power of the pen. But which pen?

The pen that speaks by virtue of the law. (*Qanun*. No. 2, p.5)

The rights of the people

Another principle crucial to the idea of liberalism is the preservation of 'the rights of the people' and 'the rights of individuals' in society. This idea was also emphasised by Malkum Khan in his *Qanun* newspaper. An examination of the statements which he made concerning the issue of 'human rights' shows that he was able to elaborate on this idea and, by providing examples, to show its importance with a view to introducing and institutionalising it in the society. Careful examinations of the sections that are selected from *Qanun* concerning the issue of 'rights of the people'

show that Malkum Khan dealt with this topic somewhat surreptitiously in conjunction with, and under the guise of, other topics. The following is a list of concepts drawn from sentences in *Qanun* that talk about the ‘rights of people’:

-The rights of people do not belong to certain people they should be organised on a national level so that all the people may benefit.

-The responsible body for protecting the ‘rights of the people’ is the government. Therefore, the government must act to guard the rights of the people.

-The law of the violators of human rights is neither a ‘human law’ nor an ‘acceptable law’. It should be changed to an acceptable law by the people.

-The ‘humanity’ of human beings is guaranteed by ‘human rights’. Otherwise, Man without human rights is no more than animal.

-The ‘union’ of the people is the fundamental basis for protecting ‘human rights’.

-The religious *Ulama* should stand for the protection of the ‘rights of the people’.

-The importance of having ‘law’ is to protect the ‘rights of the people’.

-There is a relationship between the idea of paying ‘tax’ and the responsibility of the government to protect the ‘rights of the people’.

The following are some examples from *Qanun* related to the above discussion.

However, today you must have understood that the rights of the nation shall never hold any meaning unless the masters of the nation struggle for those rights based on a national plan. It is obvious that the national plan should be based on the truths, of Islam, and humanity. (*Qanun*. No. 18, p.3)

The government that violates the rights of her subjects is worse than the thieves of time. (*Qanun*. No. 23, p.2)

Man without human rights is an animal, an animal that shall have no fate other than hardships however hard he tries. (*Qanun*. No. 27, p.1)
That wise preacher who had written in this newspaper cried on the pulpit, “O religious *Ulama*! O sages of the land! Know that all these tyrannies and floods of tears flowing in Iran are due to your silence and cruelty. By the command of God and by the command of nature, you should preserve the rights of the nation. When you see them setting fire to the life of Muslims, how do you dare say, It’s none of my concern?” (*Qanun*. No. 8, p.1)

We do not demand what is beyond the power of the government. We say, “Based on Islamic principles, enforce in this country the laws that exist in Ottoman cities and Indian villages and the wild American tribes. Imprison us but by virtue of the law. Grab our money but by virtue of law. Confiscate our rights and property but by virtue of the law. Loot and plunder us but by virtue of the law. Banish us from the land but by virtue of the law. Imprison our spouses but by virtue of the law. Cut off our hands, feet and tongues but by virtue of the law. Burn us but by virtue of the law. Cut open our abdomens but by virtue of the law. (*Qanun*. No. 11, p.1)

Parliament

The idea of the implementation of the law required a body that could establish comprehensive laws as well as a system of government with which to protect these laws. In this respect the idea of establishing a legislative body is crucial. The concept of ‘parliament’, as the best system, was introduced to Iranians as the Western method of comprehensive law, which sought to satisfy and protect the majority of people in society. In truth, most Iranian travellers to the West who had written memos about European countries, stated the importance of parliament in these countries and expressed the hope that Iran could establish the same type of system in order to protect the rights of their people, and to prevent government tyranny and despotism (see for example Hairi, 1993). Malkum Khan also tried to explain the importance of having a ‘parliament’ in the country for the establishment of law. He saw that the remedy for the misery of Iran lay in the hands of the *Ulama* and the Persian scholars with the establishment of a parliament.

What is the remedy for Iran’s misery? The remedy lies in the hands of the *Mujtahids* and depends on the efficiency of the Persian scholars. The *Mujtahids* and the great ones of the tribes should gather round the king and eradicate these floods of misery in the Great National Parliament by polity and legal codes in Iran. (*Qanun*. No. 18, p.2)

He emphasised that the independence of the great *Ulama* and the notable scholars is an important element in making laws in the parliament, which aim to protect both the state and the nation. These laws should be made in accordance with Islamic principles. Without the parliament, Malkum Khan stated that “the best laws of the world will be invalid and meaningless” (*Qanun*. No. 6, p.2). In this regard he spoke

generally and argued that there is no difference whether we are speaking about the implementation of Islamic or secular law.

We want to organise a Great National Parliament in which the great *Ulama* and the notable scholars may independently fix and constantly protect the rights of the state and the nation according to the *Shari'ah* of God. (*Qanun*. No. 22, P.1)

The position of the law is briefly treated in issue two of this newspaper. At least 100 Mujtahid and notable scholars and outstanding sages of Iran should be gathered in the capital in a National Parliament and given authority to fix and formally announce the laws necessary for the organisation of Iran, and protect themselves and the law according to a general agreement. Without the last condition, namely without the existence of a national parliament constantly protecting the enforcement of the law, the best laws of the world will be invalid and meaningless. (*Qanun*. No. 6, p.2)

How should these laws be fixed? What are the procedures for the establishment of a parliament? What is the duty of the members of this parliament? How many people should be in this parliament? And what is the responsibility of these members towards the government and the people? These questions and many others were raised and answered by Malkum Khan and for two important reasons. In the first instance he attempted to introduce the idea of parliament and its duty and function in society, and from that, to show the government, as well as the people, the method of establishing such a parliament. Malkum Khan also emphasised the importance of the unity of the people. He saw this as a prerequisite for the establishment of the Great Parliament in the country. Without the unity of the people and the power of union this aim could not be achieved.

Where should the law be fixed and by whom should it be fixed? The organisation of the laws in Iran should be the special task of the National Parliament. (There are long subjects on this score. (*Qanun*. No. 2, p.3)

This Great Court Parliament is the prelude to the Great National Parliament. You are not the members of the Ministers Cabinet. You are the councillors of the Iranian nation. You are small in number. You must be at least seventy people. Great Mujtahids and the scholars must be within this parliament. (*Qanun*. No. 18, p.2)

All the ministers must be responsible to your parliament. In other words, your parliament should have the right to put to trial any minister who has acted against the laws, and have him punished according to the law after he has been proved guilty. (*Qanun*. No. 18, pp.2-3)

The head of the parliament should be appointed by the Great Court as confirmed by the king. There will be no limit to the sayings and acts of the parliament members unless by command of the parliament. The decree of the parliament will be based on the majority of the votes. The councillors and the place and the time of the parliament should be in control of the parliament as confirmed by the king. (*Qanun*. No. 35, p.3)

The spirit of Islam and the progress of the world have rendered the emergence of a national parliament necessary. And the emergence of such a parliament will not be possible unless by the endeavours of the *Ulama* and by the power of union. And today, our first duty as the servers of the brilliant religion is this that we should awaken the people from all walks of life in any possible manner in all meetings. Afterwards, we should teach them to be their own saviours by the guidance of the brilliant because there is nothing for man save what he strives for. (*Qanun*. No. 37, p.4)

If our king seeks order in Iran as you keep saying, why does he not organise a national parliament sooner? The reason is the one uttered by His Highness. For the organisation of a state, the will of the king is not sufficient. The people themselves should have enough intellect to rise and ask for the law. (*Qanun*. No. 6, p.2)

In union, we cry in the *Qanun* Newspaper that the law shall not appear unless by virtue of the decree of the Great Parliament and this Great Parliament will not come into existence unless in the union of the people of Iran. And the union of the people will be possible unless by power of humanity. Until here, the point is clear. However, the important matter remaining is how to organise this humanity, by what means to achieve this goal. (*Qanun*. No. 7, p.1)

***Adamiyat* (Humanity) society**

Malkum Khan did not use *Adamiyat* (Humanity) as a simple or ordinary word. It seems that the whole of his political struggle centred on this symbol which is chosen for a society that Malkum Khan tried to establish in order to propagate his political views. This word occurred in almost every page of this newspaper. Across the entire text, it occupies 33% of the total percentage of the other symbols (23 symbols), that are classified as ideological and political.

When he was in France, Malkum Khan became acquainted with the Freemasons. After his return to Iran in 1859 he established a semi-secret organisation similar to the freemasons called *Faramushkhaneh* (House of Oblivion), “to make people familiar with modern ideas and development.” (Martin, 1989, p.66). *Faramushkhaneh* attracted many highly qualified reformers as well as students from *Dar al-Fonun*. Among them were Amin al-Daulah, minister to Muzaffar al-Din Shah, who initiated a series of reforms and Sayyed Muhammad Tabatab’i, who became a prominent Freemason and a leading constitutionalist figure (Algar, 1970; Afary, 1996).

In contrast to *Faramushkhaneh*, *Adamiyat* offered a wider forum in attracting people to participate openly. Hence, *Adamiyat* became an unofficial grouping, which required people to believe in certain ideas and practices and certain ethical and moral principles. Through such a concept, Malkum Khan was able to succeed in presenting a unique ideological and political complex through which people could become aware of new opinions and ideas. Thus *Adamiyat* was itself an agenda consisting of different roles and principles to be followed in order to achieve progress and development. The following are examples taken from *Qanun* to illustrate this point.

Do not think that the principles of ‘*Adamiyat*’ (Humanity) come from outside the country. They are all from the fountain of one truth, which is Islam. (*Qanun*. No. 16. P.3)

The spirit of our thoughts and our acts is found in two words. First, the establishment of ‘*Adamiyat*’ principles. Second, the implementation of Islamic principles. (*Qanun*. No. 17. P.1)

Our principles all come from ‘Humanity’. Our guidance is ‘Knowledge’. Our name is ‘Human being’. Our purpose is the ‘Salvation of Iran’. Our hope is the ‘prosperity of the whole world.’ (*Qanun*. No. 17. P.1)

To propagate ‘*Adamiyat*’ there are two ways: one way is dark and without end, and the other is clear and easy. The dark way is that you wait until all the people enter the league of ‘Humanity’ then you accept it. The clear way is that you, without waiting for the other people to join us, become ‘Human’ and enter this league. (*Qanun*. No. 21. P.2)

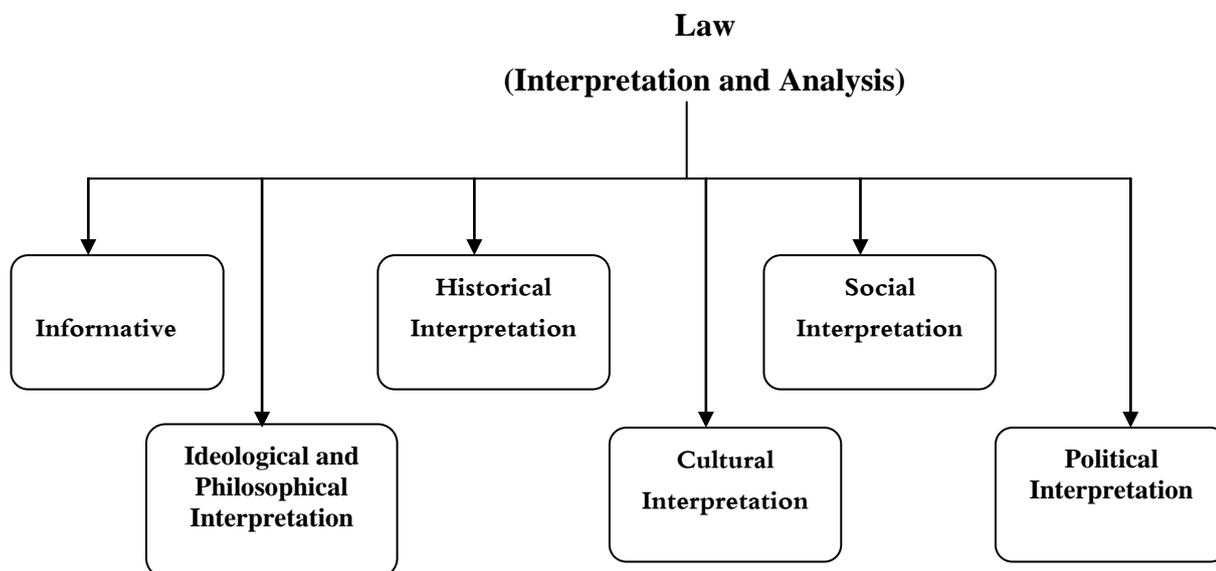
Law

‘*Qanun*’ (Law) is the central issue of *Qanun* newspaper. Indeed it was because of the importance of ‘law’ that this paper was called ‘*Qanun*’. From the moment

Iranians became aware of 'modern law and order' in European countries they have struggled to implement this system in Iran. This struggle is a continuous one in the social and political discourses of Iranian intellectuals. They see the problem as being one of 'understanding' and 'enforcing' the law, a problem which as yet remains unresolved. Because of the importance of law in society, the analysis of this concept requires some more attention. Malkum Khan had talked in various forms about law and its significance in society. To establish a clear idea about the concept of modern law he used different forms of interpretation and analysis. I have classified almost all of what Malkum Khan has said about 'law' in *Qanun* newspaper and have categorised it under various headings. All the selected sentences do not necessarily fit just the one subject to which they are allocated. Rather, many sentences can be seen and evaluated in different ways and thus put under different subject headings. My main aim here is to show how Malkum Khan used a different language and different interpretations in order to convince the people of the importance of the law for development and progress. Therefore, what I suggest to be a kind of interpretation is no more than a model for explaining what Malkum Khan tried to say about this important matter in society.

The selected sentences from *Qanun*, which talk about 'law' were classified under six titles which are shown in Figure: 5. This serves to explain how Malkum Khan interpreted this concept and elaborated an idea of 'law' in the hearts and minds of the people, and consequently succeeded in establishing it as a popular discourse in Iranian society during the late 19th century.

Figure: 5: Classification of various sentences dealing with the concept of modern law in *Qanun* newspaper having different forms of interpretation



1-Informative

The term ‘informative’ refers to the use of various ways to explain an idea. The information that is put forward in order to explain an idea can be put in a number of different ways. The definition of the idea, any information regarding the idea and the introduction made to explain the importance of the idea, can all be placed under the title of ‘informative interpretation’. Let us look at the ways that Malkum Kahn tried to explain the concept of ‘law’ and its importance.

We are greatly thankful to the ambassadors of the countries for advancing the advantages of laws in our country. (*Qanun*. No. 1, p.4)

Those ambassadors who are human and true seekers of happiness for Iran, shall point out to our government that after this, the survival of the government will not be possible unless on the basis of just laws. (*Qanun*. No. 1, p.4)

The law consists in gathering the powers of the people from all walks of life with a view to protecting the general rights. (*Qanun*. No. 2, p.2)

Of the laws in England and other countries, we do not talk because it is as clear as the sun that all those glittering places and that general welfare and all those endless capturing and all those seas of wealth which we see in foreign lands, all come from the establishment of the law. (*Qanun*. No. 3, p.3)

Iran teems with divine blessings. What has rendered all these blessings unused is the lack of law. In Iran, nobody is the owner of anything because there is no law. You choose a caliph without law. You exempt a general without law. You sell the rights of the government without law. You imprison the servants of God without law. You give from the common purse without law. You cut open the abdomens without law. (*Qanun*. No. 1, P. 1)

2-Ideological and philosophical interpretation

In this mode of interpretation Malkum Khan tried to build up an ideological and philosophical basis for the idea of ‘law’ in society. By looking at the selected sentences below, it becomes clear how Malkum Khan tried to establish a new ideological construct for law through the use of different concepts. He stresses that without law there can be no religion, no justice and no intellect in society. Let us look at how Malkum Khan elaborated on this matter.

By virtue of what law did they banish such and such a mujtahid? By virtue of what law did they cut off the salary of such and such a general? By virtue of what law was such and such a minister expelled? By virtue of what law was such and such an ambassador appointed as ambassador? (*Qanun*. No. 1, p.1)

The basest laws are better than lawlessness. (*Qanun*. No. 1, p.4)

The law is representing, guaranteeing and protecting human rights. (*Qanun*. No. 2, p.2)

The state, which has no laws, has neither religion nor justice nor intellect. (*Qanun*. No. 11, p.1)

What we want is law determined by the Almighty, His messenger and the authorities for the welfare of the people in the world. (*Qanun*. No. 15, p.2)

The state that has no law is the most depraved state on earth. (*Qanun*. No. 23, p.2)

3-Historical Interpretation

To support his view of the importance of 'law' in society for development and progress, Malkum Khan used examples from history to support his argument. He believed that people would be encouraged to support the idea of the enforcement of law if they knew that the ancient civilizations would not have been possible without recourse to a comprehensive system of law.

The history of the world records that during the last forty-year reign, there is not yet a word of law in Iran. (*Qanun*. No.1 p.2)

And we, who have been a great state for three thousand years, have no other laws than the madness of the madmen. (*Qanun*. No. 16, p.2)

4-Cultural interpretation

According to Malkum Khan, the cultural problem was, above all else, the main obstacle standing in the way of enforcing the law in the country. This problem is related to the lack of understanding and intellect, which prevented people from pursuing the implementation of law. Malkum Khan clearly stated that the problem of the country is not merely the lack of law but, moreover, those factors that prevented it from coming into being. He identified two main obstacles in this respect. Firstly, that people were not aware of the meaning of law and secondly, that they did not know which policy to pursue in enforcing the law in the country. These two problems are mainly related to cultural issues, which Malkum Khan tried to explain in different places of *Qanun*.

The *Ulama* and the scholars of Iran have always been aware of the good laws. The weakness lies in the fact that they have never known what policy they should follow for enforcing the laws. They still believe that the enforcement of the laws is on the shoulders of the ministers. They say we have good laws in our bosoms but the tragedy is that the ministers do not enforce them. O esteemed scholar! The ministers, who are able and liable to enforce the laws, were not brought up in such a quagmire. After raising expectations, it is now considered indecent for us to limit our duties to finding good laws. After this duty of government seeking, it is our humane duty try to understand what to do to enforce good laws in Iran. (*Qanun*.No. 1, p.2)

This cry of the Iranian people and this sea of miseries in which we are all sunk, has no other cause than the fact that we the Iranian

people have not yet understood the meaning and the power of the law. (*Qanun.No. 2, p.2*)

What should we do to cause people to understand the meaning of law and go after it? Firstly, understand it yourself and seek after it. What can I do? Firstly, you are not alone. Secondly, if you have properly understood the situation and if you have the dignity and the language, you can unite many people to yourself. (*Qanun.No. 5, p.1*)

The pain of our land is not in that we do not have laws. What laws are better than those of the Almighty God, which have been proclaimed in the world for 1300 years? The main pain, the national calamity is that we the people of Iran have constantly been unaware of the conditions of the enforcement of the laws. Instead of enforcing the law, the utmost polity which has come to the minds of the scholars is that they hold the law in their hands and plead with the tyrants of the time and since this law is according to justice, and since you are the source of justice, we plead with you to enforce this law for the people. (*Qanun.No. 24, pp.1-2*)

5-Social interpretation

Law, as a social phenomenon, has its benefits and advantages in society. In the following statements Malkum Khan explained these advantages. In his explanation, which I have called 'social interpretation', he tried to show some of the phenomena that could occur through the proper implementation of law. Increment of intellect, dignity, humanity, joy and happiness are all benefits mentioned as arising from the enforcement of law in society.

According to the news in Tehran, there has been recently nothing except the praising of law and insistence on the necessity of law. (*Qanun.No. 1, p.3*)

Now we are sitting here. If our house is confiscated and if our religion and existence are trampled upon under a thousand oaths of redemption by indication of a strange man, which office or what law do we have recourse to? (*Qanun.No. 3, p.3*)

In a land where there is law, the intellect, dignity and humanity will increase moment by moment and the people excited by individual interests and by force of the interest of the general welfare, will day by day increase the discipline and glory of their state. Famine and cruelty shall be eradicated. The blessings of life will be abundant, the treasures of people will be secure, the schools will be filled with knowledge, the officials will be sages, the farmers will be able, the soldiers will be orderly, the rights of man will be protected, the legal

pleasures will be for everyone, everyone will be joyful and happy, everyone will be protected by the law. (*Qanun*.No. 11, p.3)

We do not demand new laws. What we want is what God, His messenger and the Muslim authorities have determined for the welfare of the world. (*Qanun*.No. 12, p.3)

6-Political interpretation

One of the main aims of the *Qanun* newspaper was to explain the importance of law in the political life of society. How can a country such as Iran build up a political system according to modern laws? In some parts of *Qanun*, Malkum Khan tried to show the problems that arise from the absence of laws in society, e.g. censorship, destruction and despotism. On the other hand, the enforcement of laws will organise the political system of the country and preserve security. It will also control the authorities of the nation and prevent the government from practising censorship and despotism. He emphasised that the lawless state is the enemy of human rights. Moreover, in his world-wide view of the importance of law for society he explained that “a lawless state is the destructor of the world” (*Qanun*. No. 12, p.3). Not only did Malkum Khan try to highlight the benefits of the enforcement of law and the disadvantages arising from its absence in society, he also tried to explain what laws should be enforced and the different political implications they possessed. For instance, in a very general and comprehensive statement on this issue he stated that:

The first law, which is the pillar of the people’s life, must be based on the security of life, property and the family of people. No laws should be able to imprison or torture anyone unless by decree of the laws. (*Qanun*. No.35, p.1)

Malkum Khan realised that without a political system based on modern law it is not only the relationship between the state and society which is based on the arbitrary nature of power, but also that between individuals in society itself. This issue is explained well by Lambton (1987). She stated that:

The arbitrary nature of power, extending from the level of the ruler throughout society, had important consequences for moral personality and for society at large. The individual was not an equal, free, moral agent. However much Islam may have conceded the point in theory, the conception of liberty as the essential condition which an individual personality must possess under God in order that it may translate itself what it is to what it has the capacity to become was

virtually non-existent in *Qajar* Persia. Liberty meant different things to different people. For the ruler it meant perhaps little more than (the) freedom to impose his will on his subjects. (Lambton, 1987, pp.xiv-xv.)

With this in mind, let us we look at the following sentences from *Qanun* newspaper.

So if we want the law, we must ask our reason what we should do to enforce the law prior to doing anything else. (*Qanun*. No.1, p.20)

The law should be based on the principles of justice. (*Qanun*. No. 2, p.2)

The entire destruction comes from lack of laws. (*Qanun*. No. 2, p.2)

It is obvious that a country requires various laws to organise a state. Justice and politics, farming and trading, army and tax, and every part of the land and every position needs a special law. (*Qanun*. No. 4, p.2)

In a land where there is law, the control of the affairs of the authorities shall be in the hands of the sages of the nation. (*Qanun*. No. 11, p.30)

Give laws so that we may pay taxes. Give security so that we give life. (*Qanun*. No. 12, p.2)

A lawless state is the destructor of the world. A lawless state is the enemy of the rights of the people. A curse be upon the lawless states! Curse be upon that stupid people who pay taxes to the lawless state. (*Qanun*. No. 12, p.3)

After fifty years of reign, and after turning Iran into a cemetery, they now want to fix laws in Tehran. The intention is quite clear. The same deception of people and the same victory of the tyrant that has become the habit of the authorities of this reign during this long period. From a system whose foundation is laid on tyranny and usurpation, what can we expect from the law? (*Qanun*. No. 24, p.1)

Justice and order

As was mentioned in Figure: 3 ‘justice’ and ‘order’ are some of the main outcomes of the implementation of law in society. These two concepts were crucial to Malkum Kahn and he tried, on many occasions, to emphasise their significance and importance to the people. In his view there is no ‘order’ and ‘justice’ in society without

the rule of 'law'. The issue of 'justice' was the most important demand made by Iranians in the 19th century. This situation arose because of the absolute despotism of the monarchy. Thus Malkum Khan's linking of the concept of 'justice' to the enforcement of law was a brilliant manoeuvre that encouraged people to struggle for the establishment of the 'Fundamental Law' in the Constitutional Revolution. The statements from *Qanun* newspaper in the following section are relevant to this matter.

Justice

In *Qanun*, Malkum Khan tried to establish a link between 'law' and 'justice' in society. He emphasised, on one hand, that without law, justice can not be established, and on the other, that law must be based on justice.

The cry of protest of the Iranian people is that justice should be based on law and we do not have any laws in Iran yet. (*Qanun*. No. 1, p.2)

The law must be based on the principles of justice. The principles of justice have been fixed and clarified by God, the scholars and the wise in the course of time. (*Qanun*. No. 2, P.2)

Order

'Order' is another concept, which had a crucial significance for Malkum Khan in his desire for the establishment of modern society. In different places in *Qanun*, he tried to convey the importance of this concept.

Iran is our home and as long as there is no order in this home, it is obvious that the comfort of the dwellers shall not be provided. (*Qanun*. No. 2, p.1)

The greatest hopes of the Iranian people depend on the order and presence of schools. It is a pity that the spirit of disorderliness in Iran does not allow these sources of advancement to have order. (*Qanun*. No. 2, p.6)

We shall be heart and soul in service of those ministers and officials who are after advancement and order. (*Qanun*. No. 2, p. 6)

Conclusion

The above analysis and interpretation of *Qanun* shows clearly how this newspaper involved in the construction of political thought and modernization of Iranian society during the 19th century. If other newspapers published for instance during the Nasir al-Din Shah such as *Roznameh Vaqay' Ittefaqeyyeh* did not involve itself in social and political discourse, merely reporting on state activities, *Qanun* by contrast not only tried to bring these kind of debates to the surface, but actively encouraged people to become critically involved in discussion and argument. *Qanun* also used a different language, not only in the style of writing, which was more Persian than Arabic, and was simple, fluent and easy to understand, but also in terms of a new language of interpretation based on a combination of religious phrases with secular elements. This newspaper is indeed the pioneer paper in introducing the modern and Western thoughts and ideologies to Iranian society. The method of introducing the modern concept of 'law', for instance, shows clearly Malkum Khan's ability to use various forms of interpretation in order to make a complex idea understandable and acceptable to the majority within society. This method of interpretation is in itself a pioneering step and forms a part of the wider contribution of press to the process of modernization and political development in Iran.

By introducing a new system of government based on 'elections', 'parliament', 'rights of the people', 'law and order', 'equality' and 'justice', Malkum Khan went far beyond any other Persian newspaper published during the *Qajar* period. One reason for this was his intellectual ability and thorough understanding of the modern social and political system. Indeed most of what Malkum Khan suggested in the pages of *Qanun* was later to become the manifesto for the Constitutional Revolution. There are of course many others issues that could be extracted and analysed from this outstanding paper, but within the limitations of this study, the central issues have been identified and discussed.

References

- Adamiyat, F. (1961). *Fkr-e Azadi* (The Idea of Freedom), *Sokhan Publications*.
- Afary, J. (1996). *The Iranian Constitutional Revolution, 1906-1911: Grassroots Democracy, Social Democracy, and the Origins of Feminism*, Columbia University Press.
- Afshar, I. (1965). *Tiligraf dar Iran, Savad va Bayad* (Telegraph in Iran: Black and White), Tehran. In H. Algar, 1973.
- Algar, H. (1970). "An Introduction to the History of Freemasonry in Iran", *Middle Eastern Studies*, (1970), 6(3): 276-298.
- Algar, H. (1973). *Mirza Malkum Khan: A Study in the History of Iranian Modernism*, University of California Press.
- Avery, P., Hambly, G. and Melville, C. (eds.) (1991). *The Cambridge History of Iran Volume 7: From Nadir Shah to the Islamic Republic*, Cambridge University Press.
- Bahar, *Malk al-Shu'ra'* (1958). *Sabkshinasi*, 3 vols. Tehran. In H. Algar, 1973.
- Browne, E. G. (1914/1983). *The Press and Poetry of Modern Persia Partly based on the Manuscript Work of Mirza Muhammad Ali Khan "Tarbiyat" of Tabriz*, *Kalimat Press*.
- The Chambers Dictionary (1994). Larousse Plc, Chambers.
- Fairclough, N. (1998). "Political Discourse in the Media: An Analytical Framework". In A. Bell & P. Garrett (eds.) *Approaches to Media Discourse*, Blackwell.
- Hairi, A. H. (1993). *Nakhostin Royaru'ihay-e Andishegaran-e Iran ba Du Raveyyeh Tamadon-e Borrvjazi-e Gharb* (The Early Encounters of the Iranian Thinkers with the Two-Sided Civilisation of Western Bourgeoisie), Tehran, Amir Kabir Publishing Corp.
- Lambton, A. K. S. (1987). *Qajar Persia: Eleven Studies*, I. B. Tauris & Co Ltd.
- Malkum Khan, Mirza. (1973). *Majmu'h Asar*, Edited with introduction by Muhit Tabatab'i, Tehran, 1327 solar/1948. In Algar, 1973.
- Martin, V., (1989). *Islam and Modernism: The Iranian Revolution of 1906*, I. B. Tauris & Co Ltd.
- Mowlana, H. (1963). *Journalism in Iran: A history and Interpretation*, Northwestern University.

Mu‘in, M. (1953-1954). *Farhang-e Mu‘in* (Mu‘in Dictionary) , Tehran.

Nava’i, A. H. (N.D.). “*Yk Qsmat az Sharh-e Hal-e Malkum*” (Part of Malkum’s Biography), *Yadegar Magazine*. In G. Kohan, 1981.

***Qanun* (Law), (1890, Re-published in 1990). Kavir Publications, Tehran, Iran.**

Pool, I. de Sola, et. al. (1952) *The Prestige Press: A Comparative Study of Political Symbols*, The M.I.T. Press.

Shahidi, H. (1983). ‘*Safarnameh Mirza Saleh*’ Tehran, Sepehr Publication

***Sharaf* .(1885). (Re-published in 1993) (Persian Newspaper) *Mohammad Hassankhan I‘temad Al-Saltaneh*, *Yasavoly* Publication .**

***Sur-i Israfi*, (Trumpet call of Israfil) (1907). (Iranian newspaper), Founded by Mirza Jahangir Khan Shirazi.**