

The Definition of Constitutional Justice in Iran

In Search of an Original Model in Iran

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According to that which has come in Iranian proverbs and expressions, history is the light that brightens the dark path of the future. In other words, it is likened to a great work encompassing all the experiences of our forefathers. In debates concerning the constitution, in so far as the organizational apparatus of the constitution is founded based on the views and experiences of the past decades, it will bring forward a challenging topic. Our understanding, explication, and explanation of the present situation according to the constitution does not seem to be similar to that which existed in the past and followed a certain historical path. In order to get to the roots, contrary to what some French authors have written, we must not attempt to turn to the construction of history. So long as constitutional justice in the historical past of modern day nations has never found a place from such a perspective from such a perspective, basing ourselves on the applicability of comparing differences and similarities will not be the right method of getting to the roots and will not allow controlling the constitutionality of the constitution.

To abstain from constructing yet another history and in order to arrive at the right method of finding the roots of constitutional justice in Iran, it will suffice to deal with the Iranian constitutional movement which cast a shadow of doubt on the legality of the monarchy, and for the first time, a new definition of legal justice was manifested. In continuation, an analysis is given of the way in which the Guardian Council and the Judiciary were formed according to the constitution, and taking into account Iran's political system, an attempt is made to set up a link between the past and the future.