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Legal reform in Iran

The trajectory of **legal reform in Iran** from the Qājār era (1193–1344/1779–1925), through the rule of the Pahlavīs (1344–98/1925–79), to the Islamic Republic (from 1398/1979) can be mapped through the prism of three conceptions of legality: statist, liberal, and Islamic, and the social groups and classes related to each. Justice (Pers. *‘adālat*, Ar. *‘adāla*) has long been central to Iranian political culture, from the ancient Persian theory of the “circle of justice” (*dā‘ir-i ‘adhiyya*) to demands for a “house of justice” (*‘adālatkhāna*) during the Constitutional Revolution (1906–7) and, finally, the centrality of *sharī‘a* and the rule of law to the ideology of the Islamic Republic. Thus, legal and judicial reform has been a highly charged political issue in modern Iran and central to the ongoing dialectic of secularisation and desecularisation over the past century.

Qājār Iran was characterised by a legal pluralism that meant a number of different actors were involved in the administration of justice, including clerics, state officials, local elders, landowners, and

tribal leaders. Most disputes were resolved informally and according to local custom within families, guilds, and other corporate groups, as well as village and tribal communities. The religious minorities, principally Jews, Christians, and Zoroastrians, had autonomy in resolving intra-communal disputes and in matters of personal status, and were subject to their own religious law (Floor, 117). Overarching these informal jurisdictions was the semi-formal system of *shar‘* (religious) and *‘urf* (customary law) courts. While their jurisdictions were never fully clarified, the *shar‘* courts generally dealt with matters of personal status, property, and some types of commercial contracts, while most criminal offences were dealt with by the *‘urfi* authorities.

The administration of justice in Qājār Iran was often the subject of petitions to the shah brought by ordinary people, complaining of the arbitrary and often brutal nature of rulings, especially those of the *‘urf* courts, which were mainly presided over by local governors. Land and property disputes and arbitrary seizures of property were also common themes in these complaints. These were often