



The Relationship Between the Ethical Foundations of the Constitution of I.R. Iran and Modern Public Law

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Abstract

The interrelation between ethics and law has long been a central concern in the domain of legal philosophy. While the general discourse on this subject spans broad ontological and normative territories, this article narrows the focus to the specific interplay between the ethical foundations embedded in the Constitution of the Islamic Republic of Iran and those underlying modern public law. Through descriptive, analytical, and comparative methodologies, the study investigates the extent to which these foundational ethical principles converge or diverge and explores their implications for contemporary legal governance.

Modern public law—largely influenced by utilitarianism, Kantian deontology, social contract theory, and humanistic existentialism—has developed an ethical framework emphasizing rationality, autonomy, individual rights, secularism, and political representation. In contrast, the Iranian constitutional framework is shaped by Islamic jurisprudence and a theologically grounded anthropology, yet it simultaneously incorporates modern ethical precepts such as human dignity, non-domination, and participatory governance.

This research proposes two main conclusions. First, the Iranian Constitution possesses the capacity to mediate constructively between concepts central to modern public law—namely "human dignity," "the inalienable right of people to determine their social destiny," and the "rejection of instrumentalization of human beings"—and the ethical underpinnings of the social contract. Second, where tensions arise, the Constitution of Iran prioritizes ethical and metaphysical imperatives over the contractual logic of individual autonomy and popular sovereignty. This hierarchy is articulated via two mechanisms: the mutual ethical obligations binding both rulers and citizens, and the moral norm of rejecting all forms of personal or collective domination, tyranny, and exclusivity in the political sphere.

The article begins with a detailed analysis of three primary ethical paradigms: consequentialism (teleology), deontology (duty-based ethics), and virtue ethics. These paradigms serve as the theoretical lenses through which the ethical commitments of modern public law are interpreted. The study then shifts to explore the ethical structure



of public law through the prisms of legal positivism and natural law, evaluating their respective accounts of how law and morality intersect.

Particular emphasis is placed on the foundations of the social contract and the right to self-determination as conceived in Western legal thought. This includes a critical examination of influential theorists such as John Rawls, Thomas Hobbes, Immanuel Kant, Ronald Dworkin, and contemporary thinkers like James Rachels and Herbert Hart. The investigation reveals a pluralistic yet often contested field where some approaches (like Dworkin's interpretivism) advocate for a moral reading of law, while others (like Hart's positivism) insist on the separation between law and morality.

In the Iranian context, the Constitution's moral architecture is built upon an affirmative view of human nature, rooted in the Islamic conception of the human being as a dignified and responsible agent endowed with inherent value by God. Rather than perceiving the state as a coercive Leviathan to be restrained by contract, the Constitution envisions a cooperative moral relationship between the state and its citizens—one that is mediated by shared spiritual and ethical obligations. Articles within the Constitution—such as those affirming the principles of human dignity, the prohibition of coercion, and the rejection of domination—embody these values and contribute to the construction of an ethical legal order.

Furthermore, the study contextualizes the Iranian approach within broader theoretical developments by comparing it with models such as the Basic Law of Germany, which combines Kantian dignity and moral responsibility with constitutional democracy. Such comparative analysis reveals a potential convergence in moral aspirations across divergent legal traditions, albeit through distinct foundational worldviews.

This paper also critiques existing Iranian scholarship for insufficiently addressing the compatibility and tension between Islamic constitutional ethics and the principles of modern public law. Previous works have discussed the moral dimensions of the Iranian Constitution in isolation, often within the framework of Islamic political theory or moral theology, without engaging in a structured comparative analysis with modern public legal thought.

Thus, the novelty of this research lies in its integrative perspective: it frames the Iranian constitutional experience as a normative system with its own moral logic while seriously engaging with modern public law's ethical undercurrents. The analysis ultimately suggests that the Iranian Constitution is not merely an expression of religious or ideological norms but also a potential site for ethical convergence with global legal principles—particularly in affirming dignity, moral governance, and participatory legitimacy.

In conclusion, this article demonstrates that the ethical foundations of the Iranian Constitution can not only coexist with but also critically enrich the ethical discourse of modern public law. Rather than viewing the relationship as a binary opposition between theocratic ethics and secular legality, the study proposes a dynamic interaction in which moral normativity serves as both a constraint upon and a justification for legal authority. As such, the Iranian constitutional model may offer an alternative vision of ethical



public law—one grounded in spiritual anthropology yet responsive to universal concerns about justice, autonomy, and collective well-being.

Keywords: Modern Public Law, Ethical Foundations, Constitution of the Islamic Republic of Iran, Right to Self-Determination, Social Contract Theory.



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