From Integrity to Foundational Structure: Dworkin and Rawls's Justice-Based Approaches to the Constitution in Comparative Public Law

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Abstract

This article addresses a foundational and enduring question in contemporary public and constitutional law: through what mechanisms is justice realized, and on what grounds does public authority acquire legitimacy within constitutional orders? Rather than approaching justice as a purely procedural or positivist concept, the article situates the debate within normative legal and political theory, focusing on two of the most influential frameworks of the late twentieth century: *law as integrity* in the jurisprudence of Ronald Dworkin and *justice as fairness* in the political philosophy of John Rawls. Although both theorists reject legal positivism and insist on the moral dimensions of law, they offer fundamentally different answers to where justice is institutionally and conceptually located. Dworkin places justice at the heart of interpretive legal practice, emphasizing the ethical responsibility of judges and legal officials, whereas Rawls anchors justice in the prior design of the basic structure of society, including constitutional essentials and fundamental political institutions. This divergence is not merely theoretical; it carries significant implications for constitutional interpretation, the scope of judicial authority, the relationship between law and morality, and the legitimacy of public power especially in legal systems characterized by normative pluralism, contested authority, and institutional tension, such as Iran's constitutional order.

The study adopts a qualitative analytical–comparative methodology rooted in normative legal theory and constitutional philosophy. It conducts a close textual and conceptual analysis of the core works of Dworkin and Rawls, paying particular attention to their accounts of justice, legitimacy, constitutional authority, and the role of legal institutions. The comparative analysis is structured around three interrelated dimensions. First, it examines the role of interpretation and the moral responsibilities attributed to legal actors, especially judges, in each theory. Second, it analyzes the design and justificatory logic of constitutional and institutional structures, focusing on how each theorist understands the relationship between justice, institutional architecture, and political power. Third, it explores the foundations of legitimacy in public law, including the criteria by which constitutional authority can be morally justified to citizens. In the final stage, the article applies this theoretical framework to selected issues in Iranian constitutional law, using a doctrinal yet normatively informed approach. This application is not merely illustrative; it serves to test the explanatory and critical capacity of each theory in a non-Western constitutional context, while avoiding reductionist or purely descriptive accounts.

The analysis reveals a deep structural tension between interpretive and institutional conceptions of justice. In Dworkin's framework, constitutional law is understood as a continuous moral practice rather than a closed system of rules. Judges and legal officials are obligated to interpret constitutional texts and legal precedents in a way that best fits and justifies the legal system as a whole, guided by substantive moral principles such as equality, dignity, and equal concern and respect. Justice, on this view, emerges through principled interpretation, and the legitimacy of public authority depends on the coherence, integrity, and moral persuasiveness of legal decisions. By contrast, Rawls locates justice primarily in the fairness of the basic structure of society. Constitutional essentials must be justifiable to all citizens under conditions of equality and reciprocity, as modeled by the original position and the veil of ignorance. Here, legitimacy is secured through institutional design and public reason, and interpretive discretion is normatively constrained by pre-established principles of justice. When applied to the Iranian constitutional context, these findings suggest that reliance on either model in isolation generates normative shortcomings: a purely structural Rawlsian approach risks rigidity and insufficient responsiveness to concrete injustices, while an exclusively interpretive Dworkinian model may lack robust institutional safeguards against arbitrariness and the concentration of interpretive power.

The article concludes that justice in constitutional law cannot be adequately captured by a singular emphasis on either interpretation or institutional structure. Instead, it should be understood as a multi-layered normative enterprise that operates across different levels of constitutional practice. A normatively robust constitutional order requires the integration of Rawlsian principles of institutional fairness, public reason, and structural legitimacy with Dworkinian commitments to interpretive integrity, moral reasoning, and responsibility toward individual rights. Such a synthesis provides a more compelling and resilient account of constitutional legitimacy one capable of accommodating normative diversity while preserving coherence, accountability, and respect for human dignity. In the context of Iranian constitutional law, this integrated perspective offers a theoretically grounded framework for reassessing the legitimacy of constitutional interpretation, the role of legal institutions, and the moral foundations of public authority within a pluralistic and evolving legal order.
By placing the dialogical tension between Dworkin and Rawls at the center of constitutional analysis, the article also contributes to broader debates on constitutionalism beyond the Iranian context. It demonstrates that legitimacy in contemporary constitutional orders increasingly depends on the capacity of legal systems to combine principled interpretation with institutionally embedded guarantees of fairness. This insight is particularly relevant in transitional or hybrid constitutional systems, where neither rigid institutionalism nor unconstrained interpretivism can adequately secure public trust. The proposed integrative framework thus offers not only a normative critique but also a constructive pathway for rethinking constitutional authority under conditions of social pluralism, evolving claims of justice, and heightened expectations of moral justification in public law.

Keywords: *Justice, Constitution, Moral Interpretation, Law as Integrity, Guardian Council*.

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