



## Postcolonial Reading of the Law in the Thought of Mirza Malkam Khan; Emphasizing the *Qanun* Newspaper

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### ABSTRACT

This study aims to reinterpret Mirza Malkam Khan's legal reform project as presented in the *Qanun* newspaper, addressing whether his thought embodies hybridity or essentialism. It further examines the extent to which Malkam Khan's ideas enable active resistance against colonialism. Employing an interpretive and fundamental research design with an interrogative strategy, the study applies postcolonial theory and utilizes the method of deconstruction for data analysis. Findings indicate that the binary oppositions within the text reflect an imitation of Western human experience. Malkam Khan perceives Iranian identity during his era not as pure but as hybrid; however, this hybridity is dominated by Western identity elements (11 instances) over indigenous traditions (3 instances), effectively requiring mere adaptation from the latter. Consequently, his legal reform project is grounded in a Eurocentric framework, limiting its capacity to foster active resistance against colonialism and Western cultural hegemony. An analysis of concepts such as the Adamiyat Project reveals the pervasive influence of essentialist thought in Malkam Khan's legalism. The project's fluidity proves insufficient to destabilize binary oppositions and their inherent hierarchies. Despite claims of reconciling Shari'a and progress, Malkam Khan ultimately aligns with Western stability, distancing himself from the "third space" and the creation of a novel hybrid identity.

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## 1. Introduction

Mirza Malkam Khan, known as Nazem al-Doleh, was among the most influential intellectuals of the Qajar era. In 1890, he published the newspaper *Qanun* from London to Tehran as a platform to disseminate his ideas. This publication was deeply engaged with Western political and civil ideologies and was widely embraced by the political activists and intellectuals of the time.

Given that postcolonial theory focuses on established imperialist cultures and identities, employing cultural and identity-based components to advance a post-nationalist interpretation of resistance against colonialism (Gandhi, 2012: 187), this framework serves as a valuable tool to analyze the role of colonialism in shaping Mirza Malkam Khan's thought and the ideological foundations of his legal reformism.

The present study aims to interpret and analyze the role of Mirza Malkam Khan and *Qanun* as ideological media within the modernity-seeking milieu of pre-Constitutional Iran. In the dominant narrative, Malkam and *Qanun* are portrayed as representatives of modern Western values and advocates of partisan doctrines in Iranian society.

The central objective of this study is to critically examine the ideological assumptions embedded within the legal reformist discourse propagated by *Qanun*. By employing a postcolonial analytical framework, this research interrogates how Western cultural hegemony operated in 19th-century Iranian society, particularly as reflected in the intellectual currents of progressive thinkers of the time. Through close textual analysis of *Qanun*, this study seeks to unmask colonial strategies of domination underpinning the ostensibly modernizing reforms advocated by Iranian intellectuals.

## 2. Methodology

This study employs the method of deconstruction to interpret the newspaper *Qanun*. As an analytical strategy, deconstruction systematically reveals diverse modes of interpreting a text and unearths ideological assumptions, particularly by addressing the suppressed interests of marginalized groups excluded from power (Martin, 1990: 340). Derrida asserts that deconstruction aims to destabilize the fixed meanings of a text, thereby exposing its inherent possibilities (Derrida, 1976: 233). In this research, Boje's eight-stage deconstructive critique model is applied (Boje, 2008: 83).

## 3. Findings

The reorganization of binary oppositions reveals that the dominant narrative asserting the necessity of aligning law with Sharia can be supplanted by an alternative narrative emphasizing Western governance and progressive global values. Another dimension of Malkam Khan's legal advocacy lies in its state-centric orientation.

The inversion of hierarchical binaries and the introduction of a free interplay of dualities demonstrate that the latent premise of his legalism resides within the suppressed discourse of the state and statesmen. Despite his persistent rhetoric championing legal reform, Malkam Khan appears inclined toward statism. His centering of the dialectic between Sharia and law within his narrative functions as a pragmatic concession, concealing his underlying prioritization of state authority. This strategic positioning highlights the tension between his performative adherence to Sharia-centric legalism and his tacit alignment with statist imperatives, reflecting a calculated negotiation between ideological posturing and political expediency.

## 4. Conclusion

The findings reveal that Malkam Khan's legal reform project is structured around state-centric binary oppositions and their counterpoints, which collectively seek to constrain state power while instrumentalizing

these oppositions as tools toward that objective. The Western-oriented elements dominating these binaries overwhelmingly subordinate traditionalist components, indicating that his legal project is constructed through a Eurocentric epistemic framework.

Such a framework inherently lacks the capacity for active resistance against colonialism and Western cultural hegemony. The Eurocentrism underpinning this project reduces both Malkam Khan and, by extension, the Iranian subject to a colonized Other, marginalizing indigenous paradigms.

Malkam Khan attempts to navigate a "Third Space" between Iranian tradition and Western modernity, striving to forge a hybrid identity for the Iranian subject. However, an analysis of discursive signposts—such as his "Ādamiyat Project" and "Human-Factory" conceptualization—demonstrates the hegemony of essentialist thought over his legal reformism. Within this essentialist framework, destabilizing the authority of colonial discourse remains unattainable, rendering the project incapable of fostering a platform to contest cultural imperialism.

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