



Social and Political Foundations of Constitutionalism in the Middle East: The First Constitutional Movements in Tunisia, Ottoman Turkey, Egypt, and Iran

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Abstract

Although constitutionalism movements have their roots in the efforts to limit the power of European monarchies beginning with Magna Carta, constitutionalism in the modern sense is the product of the global political and social conditions created by the French Revolution of 1789. In the 19th century, when empires struggled for power in Europe and global economic crises shook the world, constitutionalism appeared as a solution to these crises. In this context, in addition to global constitutional revolutions such as in Japan, Russia, Mexico, and China, the “Eastern” and Muslim societies of the Middle East and North Africa (MENA) also struggled for their constitutional movements. Although they could not satisfy the expectations as a result of domestic and regional circumstances, the first constitutional movements in Tunisia (1861), Ottoman Turkey (1876), Egypt (1881), and Iran (1905) provided road maps for the modern nation-states of the following years. This study examines these constitutionalism movements in order to understand their social, political, and economic dynamics and organizational mechanisms, as well as their impact on today’s Middle Eastern politics.

Keywords: Constitutionalism, Ottoman Turkey, Iran, Egypt, Tunisia

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Ortadoğu'da Anayasacılığın Toplumsal ve Siyasal Temelleri: Tunus, Osmanlı Devleti, Mısır ve İran'da İlk Anayasacılık Hareketlerinin Ortaya Çıkışı**Öz**

Monarşilerin etki alanını sınırlamak anlamında anayasacılık hareketlerinin geçmişi eskiye dayansa da, modern anlamda anayasacılık 1789 Fransız Devrimi'nin doğurduğu küresel politik ve toplumsal şartların ürünüdür. Avrupa'da imparatorlukların güç mücadelesine girdiği ve küresel ekonomik krizlerin dünyayı sarstığı 19. yüzyılda, anayasacılık eğilimleri mevcut siyasi ve ekonomik krizlere çare olarak ortaya konuldu. Bu bağlamda Japonya, Rusya, Meksika, Çin gibi küresel anayasacı devrimlerin yanında Orta Doğu ve Kuzey Afrika'nın "Doğulu" ve Müslüman toplumları da kendi anayasacılık hareketlerini ortaya çıkardı. Her ne kadar başlangıç itibariyle istenen etkiyi doğurmayıp, iç ve bölgesel şartlar tarafından başarısız kılınsa da Tunus (1861), Türkiye (1876), Mısır (1881) ve İran'daki (1905) ilk anayasacılık hareketleri, sonraki yıllarda kurulacak modern ulus-devletler için bir yol haritası ortaya koydu. Bu çalışma, sözkonusu Bu çalışma, sözkonusu anayasacılık hareketleri ve bunların sosyal, politik ve ekonomik dinamikleri ve örgütsel mekanizmalarının yanısıra, günümüz Ortadoğu siyaseti üzerindeki etkilerini incelemektedir.

Anahtar Kelimeler: Anayasacılık, Meşrutiyet, Türkiye, İran, Mısır, Tunus

Introduction

A constitution is primarily about limiting political authority. It defines the scope of rights, responsibilities, and duties of citizenship. It also exudes issues and activities related to the state's structure, providing "the quality regulations that have administrative, legal, sociological and even economic and military dimensions" (Korkut, 2016). From liberal democracies to totalitarian regimes in this modern era, every state has a constitution (written or not) as the supreme law.

Constitutionalism, on the other hand, "essentially means limited government, a system in which the state power is divided and limited by the separation of powers and other effective mechanisms of checks-and-balances, with the ultimate aim of affording strong protection for individual rights and liberties" (Özbudun, 2019). In other words, from a legal perspective, it is a vision of systematical regulation in which the political power is expected to be legitimized and limited by the law. By establishing the constitutional regimes, this approach aims to make democratic institutions and ideas such as citizenship, political representation, and the separation of powers the primary vehicle for redefining politics, not just within western political philosophy.

The roots of constitutionalism go way back to the political theories of John Locke. The concept is based on the idea that the power of the government should be legally limited through a set of rules, principles, or values (Waluchow, 2019). In a historical sense, back in 1215, a group of wealthy nobles forced King John of England to sign the *Magna Carta*, a set of specific limits on the king's power. It was the first time everyone living in a kingdom, including the king, became subject to the law. Some of the *Magna Carta*'s core principles echoed in England when King William III signed the English Bill of Rights that outlined English citizens' rights, and placed limits on the monarch and the Parliament. Like the *Magna Carta*, the English Bill of Rights was the foundation stone of constitutional and parliamentary government globally (Parliament of Australia, 2019).

Constitutions in the modern sense were put into practice in the US Constitution in 1787 and the French one in 1791. Since then, it has become one of the most widespread political trends (Fasone, 2019).

The foreign ideas associated with new forms of western influence led to constitutionalism or parliamentarism in terms of limiting the power of monarchy emerging as a political resurgence. It was an incomplete movement; it gave rise to a genuinely democratic experiment in Tunisia, Ottoman Turkey, Egypt, and Iran in the late eighteenth and early nineteenth centuries. This article aims to explain the appearance of constitutionalism in the Middle East and North African countries by discussing the differing and common local circumstances creating the first such experiments. Those countries establish a relatively more recent example of constitutionalism movements in a region generally known for monarchy and oppressive regimes than their western counterparts.

1. Tunisia

The decline of Berber dynasties in the 15th and 16th centuries created a power vacuum in the Mediterranean, attracting Spain's attention in the west and Ottoman in the east. These most powerful Mediterranean states of that time rivaled each other throughout much of the 16th century to control the valuable coastal strip of North Africa. The territories recovered from Spain in 1535 were then given a formal status as protectorates of the Ottoman Empire. A Pasha (chief) was appointed as the holder of civil and military authority; however, Tunisia was ruled by a local dynasty of "Bey" (technically subordinate to the Turkish Sultan but in practice independent). Ottomans had no direct influence in the region, which became more apparent when European powers embarked on colonial ambitions.

While Tunisian leaders struggled to placate enormous powers, they simultaneously intended to strengthen the state within. With the help of a Western adviser, Ahmad Bey, modernizing reforms were introduced; however, in the end, they created a heavy burden of debt, high taxes, and increased unrest in the countryside (Britannica Encyclopædia, 2019). In 1839, the administration in Istanbul introduced several reforms known as The *Gülhane Hatt-ı Şerif* or *Tanzimât Fermânı* (Imperial Edict of Reorganization); however, due to the autonomy of the

dynasty and the personal resistance of Ahmad Bey, these reforms were not implemented in Tunisia. Following the decline of the Ottoman rule over the territory, long-lasting corruption and civil disturbances³ during and after the reign of Ahmad Bey prompted the British and French to force the successor Mohamed Bey (1855-1859) to issue Tunisia's first constitutional charter- the Fundamental Pact (Ahd al-Amān) in 1857. Richard Wood from Britain and Leon Roches from France ensured the promulgation of reforms and rules governing (fortifying the security of both Tunisians and foreigners) relations between government and foreigners. Although Mohamed Bey was to solidify his rule and appease the intervening powers, "establishing exclusive courts for foreigners to handle matters concerning Europeans" and "granting non-Tunisians to conduct business and own property in Tunisia" resulted in limits on the powers of the Bey's office (Broadley, 1882, s. 79). As a civil rights charter modeled on the Ottoman rescript of 1839, the pact spurred Tunisian oppositions to pressure the Bey to enact structural reforms. The demand for notables for drawing up a formal constitution and the pressures of foreign consuls also continued during Muhammad al-Sadiq Bey⁴ (1859–1873). A commission was set up to materialize the draft constitution following the Fundamental Pact, and it came into effect in 1881; it was the same year Tunisia became an official French protectorate⁵ due to being incapable of paying the foreign loans. The Beys of Tunisia always hoped to obstruct intervention by extending the limits of rights of foreigners; however, the adoption of the Constitution did not disrupt the French to exert its control over North African possessions (Borowiec, 1998).

"Law on the State of Tunisia" (qanun al-dawla altunisiyya) was the first promulgated Constitution in the Islamic world and assumed a limited and hereditary monarchy. It "established a responsible ministry and the separation of powers along the lines of other such charters existing in Europe at the time" (Borowiec, 1998, s. 15). The Bey served as the head of state while the prime minister headed the government in charge of the newly established secular Supreme Council. Consisting of 60 members chosen by the Bey, the Supreme Council both "empowered to review decisions of the sharia courts" and "initiated legislation, approved tax measures, supervised the military establishment, and appointed public officials" (Globalsecurity.org, 2019). Not many celebrated this transformation, and the newly emerged Constitution created widespread resentment from provincial notables and tribal chiefs who considered it an attack on local and tribal autonomy. Nation-wide rebellions by the opponents (France officially supported the Bey, while also negotiating with Ali Ben Ghedhahem, the prominent rebel leader, in case he decided to overthrow the Bey (Toussaint, 2019) and widespread resentment among the public, mainly due to the mejba (head tax) applied to the military, scholars/teachers and government officials who had been exempted) forced the suspension of the Constitution as an emergency measure in 1864.

³The underlying reason was the result of the execution of a Tunisian Jew by the order of the Bey for having blasphemed Islam (Encyclopedia, 2019).

⁴In his term of office new debts accumulated.⁴Famine and cholera epidemic in many parts of the country created high tensions. The influence of the European powers, their commercial interests and their bankers, sharply increased.

⁵French used the pretext of debts, the Berber raids from Tunisia into Algeria, French troops entered into Tunisian territory, and "Treaty of Bardo" or Kasr-es-Said was signed. Officially, Tunisia became a protectorate. (Borowiec, 1998, s. p.16).

In 1890, a small French-educated group called Young Tunisians sought to modernize Tunisia by imitating the European model. They used the French-language newspaper, *Le Tunisien*, to spread their ideas and demanded equal rights and autonomy in a country dominated by the French colonial power (Borowiec, 1998, s. p.17) in 1907. Under the protectorate of France, nationalist movements were heavily repressed until the interwar period. Nationalist activities clustered under political parties such as Destour (Constitution) Party. Although it represented the Bey and French governments, the party aimed to ensure the same rights for Tunisians as Europeans. At the end of World War I, nationalist sentiments were electrified by Woodrow Wilson's 14 points. In his book (Bernoussi, 2017) *The Destour leader (La Tunisie Martyre)*, Abdelaziz Thaalbi bluntly denounces the acts of extremism and abuses of the protectorate, which ended up in his arrest. Two years later, the Bey also called for the adoption of Destour's program; however, general Lucien Saint's troops surrounded the palace of the Bey. As a result, the nationalist movement of Tunisia was delayed for other several years.

Nationalist sentiments dressed in different clothes since the form of colonial insouciance only helped fuel the nascent Tunisian nationalism in 1934 by a young and strong lawyer, Habib Bourguiba, and his colleagues who were grouped around another French-language publication, "*L'Action Tunisienne*" (Bernoussi, 2017). The crisis of ideas resulted in the breakup of the Destour Party in the congress at Ksar Hellal in 1934, and they formed the Neo-Destour⁶ party, which replaced the existing Destour Party. This time, the repression helped escalate the anger against France, leading to civil disobedience during the clouds of war gathered over Europe. In 1938, the French general decided to arrest and deport the key leaders of the resistance movement over the alarming activities and growing strength. From that time till 1954, nationalist movement parties were officially dissolved (In Actio, 2019), but their activities for independence continued in 1946 when various factions passed a motion demanding the abolition of the protectorate, sovereignty for Tunisia (Borowiec, 1998). Thanks to his proactive and pragmatic policy during the independence struggle, Bourguiba was soon called the "Supreme Combatant," the greatest fighter in the holy war (Brown, 2002, s. 189).

Tunisian nationalist cadre maintained armed resistance during Cold War years. In 1954, French Premier Pierre Mendes-France declared that Algeria, rather than Tunisia, with over a million French settlers and newly discovered oilfields at Hassi Messaoud, was the most important place in North Africa. After a long struggle for independence, Tunisia was granted its internal autonomy in 1954, and it gained independence, followed by the promulgation of a new constitution on June 1, 1959. The Constitutional Assembly drafters changed the Constitution of the Fourth French Republic, which at the time was in force in Tunisia (Constitutionnet, 2019),

⁶ According to Law professor Ebrahim Afsah, the Arabic term *destour*, Pride in Tunisia's constitutional heritage, remained the main guideline and slogan in most political movements struggling for Tunisia's independence. Some examples include the Destourian Movement, the New Destour Party, the defunct Destour, Neo Destour, Socialist Destourian parties, and Tajammu' Destouri Dimuqrati, the party of former dictator Zine El Abidine Ben Ali (Bernoussi, 2017).

and reinforced the rule of Habib Bourguiba, the nationalist leader who led Tunisia to independence.

With unprecedented nationwide violent protests in 2010, the twenty-year-old regime of President Ben Ali collapsed. Having a traditional constitutional relationship, Tunisia has been the only Middle Eastern country having a successful democratic transition. In the first free elections in Tunisia in 2011, Ennahda won most of the seats. A year later, General elections were held in Tunisia, and a “Constituent Assembly” wrote the new Constitution (a process which took three years because the Secular and Islamist wings had fought on what the place of Islam⁷ would be in the Constitution), and elected Moncef Mazourki as the Interim President. After months of protests and deadlock, the draft was finally agreed upon on June 1, 2013. Tunisia’s new Constitution was adopted on January 26, 2014, and a neo-neo-Destourian party, Nida, led the new government.

The long transformation of the Tunisian constitutional system demonstrates that institutions and reconciliatory practices are essential for facilitating democratic transitions (Bernoussi, 2017). Although Tunisia’s transition process was less turbulent than Egypt’s, which will be explained in the following pages, the role of Islam in the Constitution or agreeing on the type of the political regime was still a contentious issue. For the latter case, the Ennahda Movement pushed for a parliamentary system based on the German or British model, and on the other, political parties pushed for a French-style semi-presidential system (Constitutionnet, 2019). The resulting Constitution produces a semi-presidential system similar to the French model, while Islam is the country’s religion. This system also recognizes freedom of conscience and belief, as well as gender equality (Constitutionnet, 2019).

2. Ottoman Turkey

The eighteenth-century marked a period of a declining central authority for the Ottoman Empire, while Europe’s influence on her was increasing, especially on economic issues and minority rights. The territorial losses, economic difficulties⁸, and malfunctioning administrative systems obliged the rulers to adhere to reforms towards the end of the eighteenth century. However, due to conservative instincts, useless superficial and cosmetic alterations were put into governors to make radical changes, primarily upon the disseminated and devastating effects of

⁷Although the 1959 constitution was clearly declared, the religion of Tunisia is Islam according to the first article and according to the article 38, the President of the Republic is the Head of State. His religion shall be Islam (Constitution of Tunisia, 2019).

⁸ The financial crisis of the Empire started in 16th century and reached its ultimate point in 19th century (Cem, 2007; Pamuk, 1990; İnalçık, 2005) due to ‘trade route changed as a result of geographical discoveries’, ‘the trivialized spice and silk trade’, ‘ceasing of conquests’, ‘discoveries of America which caused flow of gold and silver flow free in the Empire’, ‘longer wars and lost territories’, ‘steam engine production in Europe’, ‘colonialism and mercantilist mentality of European merchants’, ‘wrong money policies, unsuccessful borrowing policies, lack of defined tax policies’, ‘collapse of *timar* system and tax farming’ and ‘inflation which the governors was lack of information about.’

the French revolution. European provinces of the Empire with Christian majorities were exposed to the romanticized charms of nationalism (Hanioglu, 2008, s. p.42) which was supplemented and amplified by new aspirations for equality and self-rule, at the end turned into local uprisings. The European powers regarded these uprisings worthy of support, which soon began to intervene in the internal politics of the Empire and lasted until the dissolution of the Empire. The revolts supported by the external powers - using the slogan of protecting the rights of minorities- developed the notorious term “Eastern Question.” It was indeed a power competition between Russia and Britain. Each feared the other would take advantage of the revolts to acquire much more Ottoman territories (Cleveland & Bunton., 2009, s. 76).

Over the European advancement in military technology, which obsoleted the traditional Ottoman military understanding, and the trivialization of the *timar* system, the local military rulers (*ayan*) formed *de facto* local dynasties when the authority of the Sultan had become almost non-existent. Ayans’ resistance to the *nizam-ı jedid* reforms turned into a massive revolt, including those of *janissaries* and those against any reform movement. Latter’s revolt and its effects further paralyzed the authority of Ayans. One of them, Kabakçı Alemdar tried to end the ongoing chaos in Istanbul. Upon Selim III, the founder of *nizam-ı jedid* movement, had been killed by Sultan Mustafa IV, Kabakçı Alemdar enthroned Mahmut II, younger brother of Selim III, and agreed on a document between central administrators and provincial notables setting the limits on the power of the Sultan in exchange for recognizing his authority on September 29, 1808 (Kaynar, 2016), which is known as “Charter of Alliance” or *Sened’i İttifak*.

Sened’i İttifak is considered the first constitutional text in Turkish history since the Sultan “recognized the senate as a stakeholder and accepted to share the power even if this sharing was limited and the senate made the Sultan recognize their independence (Boztaş, 2013, s. 46).” On the other side, the formation of an advisory assembly [during the reign of Selim III, it was called the *Shura* and *Mashwara* or consultative councils⁹] where the Sultan sought the opinion of the community of faithful before making decisions, was also seen as a significant step towards a constitutional government system.

To overcome further European penetration, at the high time of nationalist agitation in the European provinces, the central state had initiated a process of transformation that started in the 1820s and was expanded in the following years. The purpose of the reform movements was not limited to the military developments and creation of bureaucratic administrative practices but also related to education. A new and direct relationship was established between the state and its subjects. Rulers of the Empire expected the reforms would prevail over independence movements in the remaining Christian provinces. As pragmatic considerations, Sultan became committed to the reforms that have become the pillars of constitutionalism, but in return, European economic and military pressure increased upon the lack of progress in these reforms.

⁹ *Meşveret* had never included the possibility of consulting the people, referring only to high-ranking dignitaries (Kaynar, 2016).

Bureaucracy, led by Sadik Rifat Pasha and Mustafa Reşit Pasha, was already experiencing a paradigm shift in their vision of the ideal political order. Diplomatically, for these Pashas, a reformed and civilized¹⁰ state might receive the support of England against challenges exemplified by Russian involvement. So, declaring a long-term commitment to self-civilizing reforms would mean a basis for peaceful relations with the European powers and make the Empire a member of the new European diplomatic order.

On November 3, 1839, the Gülhane Imperial Edict, “modified and developed by his own experience and observations in consideration of the empire’s current needs (Stanford & Ezel, 1977, s. 59-60)” promised administrative fairness in the name of the Sultan (Abdülmeccid) by changing and reshaping the relationship with his subjects. It indicated a change¹¹ in the official ideology of the state and a shift in the internal balance of power within the Empire, leading to a clean break with the Ottoman tradition, intended to gradually reduce the arbitrary powers of the Sultan and assure full rights and equality regardless of religious affiliation under an established single legal system for all subjects. In other words, as a foundational text, it outlawed execution without trial, property confiscation, and a tax farming system. It established the right to property for all Ottomans (Cleveland & Bunton., 2009, s. 83).

The edict was directed to both “inward” and “outward” counterparts. The document referenced cosmetic Islamic concepts to avoid the ulema¹² not to shield the government and reassure the Great Powers’ concerns.¹³ Hence, Sultan’s authority became limited with ‘the rights of the subjects living in the Empire.’ The concrete steps for the reformation came not from the sultans but from the Ottoman ambassadors to Paris and London. Following the Crimean War, Hattı Hümayan or the “Imperial Reform Firman,” primarily known as Tanzimat Firman,¹⁴ was promulgated by Ali and Fuad Pashas’s initiatives as part of the constitutional reform process. These efforts aimed to enable the integration of the Empire into the Concert of Europe and were a concession to the great powers who had supported the Ottoman Empire during the Crimean War against Russia (Kaynar, 2016).

The effects of the two decrees were felt among the population, which sought to break down the autonomy of the ‘millet system’ structured on religious identity (all-male Ottomans were declared equal before the law) and cultural norms in order to create a new identity of “Ottomanism” which was cemented with the promulgation of Nationality Law in 1869. The second decree transformed the taxation system, launched public schooling, and renovated the military service and judicial system; however, these changes did not affect the democratic

¹⁰ the one that reflects the needs of the time

¹¹ Because the Sultan had authority to abrogate the decree of Gülhane.

¹² Until the draft of the Mecelle code, the early reforms did not threaten the role and authority of the ulama. As the reforms directly infringed on the judicial authority, the implementation of the Mecelle project was halted temporarily by ulama opposition (Enayat, 2013).

¹³ In other words, the edict was prepared because of external pressures in the final years of Crimean War.

¹⁴ The reforms carried out in the Ottoman Empire between 1839 and 1876, known as the Tanzimat. The reforms began with the military but soon spread to the administrative and legal system (Enayat, 2013).

practices and institutions. Undoubtedly, Tanzimat edicts gave rise to a new political mentality¹⁵ aspiring for equality and civic rights that emanated from the French Declaration of the Rights of Man and the Citizen of 1789.

Young Ottomans, a group of intellectuals of the late Tanzimat period, and familiar with the Western representative institutions believed that ‘bureaucratic tyranny’ resulted from the Tanzimat. They were driven to opposition by Ali and Fuat Pashas. Young Ottomans either wanted to limit the power of the bureaucracy through a constitution or create a representative, popularly elected Parliament to make sure that all the administrators functioned adequately within the limits of the law since there was nothing to restrain the Sultan from undermining the Tanzimat reform program (Stanford & Ezel, 1977, s. p.132). By participating in a parliamentary system of government, non-Muslim and Muslim subjects would have a sense of belonging to the same fatherland, which would in return benefit the Empire.

The intellectualizing came to life with the introduction of the 1876 Constitution, which also started the period known as the First Meshrutiyet or First Constitutional Period (Gözler, Ottoman Constitutional Developments, 2019). However, declaring the First Constitutional Period and deposing Sultan Abdulaziz was painful. His nephew Murad V was enthroned, but he was not in favor of a constitutional monarchy. Thus, ‘Young Turks,’ inspired by ‘Young Ottomans,’ dethroned him. Abdulhamid II ascended the throne after promising a parliament and a constitution during a severe crisis in the Balkans due to the rising remands of local communities and an internationalized conflict.

Abdulhamid II established a special committee, headed by Mithad Pasha, with 28 persons called Cemiyet-i Mahsusa to draft the first Constitution, known as Kanun-i Esasi or Basic Law, promulgated on December 23, 1876. According to the Kanun-i Esasi, the first Ottoman Parliament (Meclis-i Umumi) was bicameral. Meclis-i Mebusan -whose members were elected by the general Ottoman populace- was the lower chamber, while Meclis-i Ayan whose 26 members were appointed by the Sultan and served for life, was the upper chamber.

The new Parliament was composed of 115 members, 69 of whom were Muslim and 46 who were non-Moslem. Parliament did not have any legislative authority; according to the Basic Law, it was necessary to obtain prior permission from Sultan (who also had executive authority and could appoint and dismiss ministers) to propose a bill (GNAT, 2019). Ottoman rulers proposed and implemented numerous political, economic, and institutional reforms, but most were outdated. The military reforms did not produce desired results due to socio-political and economic decline. In order to curb military, administrative, economic, and institutional problems of the state, some approaches like Ottomanism were put into effect. However, Abdulhamid II adopted a policy of pan-Islamism to oppose Western intervention in Ottoman affairs. He

¹⁵This mentality was the product of new Ottoman intelligentsia who substituted and displaced the ulema in their traditional role of cultural leadership in the Muslim community (Stanford & Ezel, 1977, s. p.128).

conceived the state primarily as a Muslims State, which ossified and radicalized other communities. In other words, religion was transformed into a quasi-national identity.

In the year Abdulhamid II enthroned, a general uprising emerged among the Sultan's Christian subjects that later generated sympathy for the struggles of Slavs, especially during the signature of the London protocol 1877. They demanded Sultan to draft a program of reforms embracing the disaffected areas of Bosnia, Herzegovina, and Bulgaria. Because of the unwillingness of the Porte, Russia identified with Orthodoxy, and Slavdom declared war against Ottoman (Globalsecurity, 2019). Sultan Abdulhamid dispersed the Assembly of Deputies on June 28, 1877, upon the criticisms of the deputies and their strong attacks on the government (Gözler, 2019). The second Parliament was elected on December 13, 1877. However, due to the emergency related to the ongoing war with Russia, Abdulhamid II again dissolved the Parliament and governed the country from 1878 to 1908 without convening the Assembly.

During the thirty years of absolute rule, most 'Young Turks' lived as exiles and set up secret organizations and journals that became the main forum for constitutional ideas. They reunited under the Committee of Union and Progress -İttihat ve Terakki Cemiyeti (CUP)- the most prominent Young Turk organization. Reinstating the Ottoman Constitution emerged as the driving force and provided an effective means for mobilizing political support. The officers and the troops under the CUP command began a revolt in Selanik in July 1908, which sent a shockwave across the Balkans and the Middle East. It ignited a rebellion in Macedonia¹⁶ against the government which was triggered by a newspaper claiming the negotiation between Great Britain and Russia on intervention in the Ottoman Balkans and establishing an autonomous regime under a Christian governor. They saw the solution in restoring constitutional and parliamentary government (Zürcher, 2019). The palace and the government in Istanbul had no chance but to surrender the rebels' demands and decided to reconvene Parliament, and the Second Constitutional Monarchy period began.

The democratic parliamentary system brought constitutional changes such as the right of the Sultan to exile was abrogated, freedom of the press was expanded, the ban on censorship was removed, and liberties to hold meetings and form organizations were recognized. Moreover, citizens became able to establish political parties. Furthermore, the government was held responsible to the Assembly. The provision of the Assembly being dispersed whenever the Sultan wanted it became bound by tight restrictions. The institution of interpellation was established. Definite limits were brought to the Sultan's legislative authority (Gözler, 2019)." Not all these changes meant that political and social upheaval ended. National Assembly opted to depose Abdulhamid II from the throne on April 27, 1909, after the suppression of the massive protest triggered by clerics and accompanies. The army stepped in to re-establish constitutional order disrupted by resurfaced chaos.

¹⁶ Now known as the Republic of North Macedonia.

Following the destruction of the Ottoman Empire, the founders of the new Republic were profoundly inspired by the initial constitutionalist movements, and most of them had been involved in the critical political and social developments of the 1908-09 period. During the post-war period, Turkey was the only independent State of the former Ottoman Empire and went through a single-party rule until 1950. From 1950 onwards, the army represented itself as the guardian of the Constitution in its political history.

3. Egypt

The constitutionalism movement emerged in Egypt due to popular discontent. The nineteenth century was a period of significant changes and transformations, as the modernization wave affected everyone and disregarded borders. In Egypt, radical transformations, most of the time ignoring the administration in Istanbul, were initiated by MuhammadAli (1805–1848), self-declared Vali (viceroy-governor). During his term of office, an excessive amount of borrowing for the scope of modernization and renewal caused a debt crisis¹⁷ resulting in disastrous consequences for the Egyptian economy.¹⁸ However, during MuhammadAli's term of office, the oldest legislative institution in the Arab World, the Egyptian Parliament, was formed through consultative representative systems. It attempted to regulate the relationship between the ruler and the people.

At the time when political tension increased in the last years of Khedive Ismail's reign (1863–1879), reverberations of more significant constitutional safeguards in the Ottoman Empire boosted the same feelings in the streets of Egypt. Pressures of the elites resulted in the first representative Parliament, Maglis Shura al-Nowwab, modeled from the Western mode of elected legislative institutions, which sought to establish a parliamentary life capable of expressing the interests and aspirations of the different sects and social strata of the Egyptian people (In Actio, 2019). However, Maglis Shura al-Nowwab did not accumulate mass popular support from the foreign powers.

In 1876, the national "product cotton crisis," the establishment of the Caisse de la Dette Publique (Commission of the Public Debt) to manage Egypt's bankrupt economy, and the substantial level of debts resulted in the point of no return for Egyptians. Egypt's economic problems led to its loss of political independence when the Liquidation law was agreed on, dividing Egypt's annual revenues into two approximately equal portions for the Caisse de la Dette and the Egyptian government. The European dominance in Egypt¹⁹ and the Liquidation

¹⁷ Rapid infrastructural changes emerged under the term of Ismail. Railroads, telegraphs, harbours, schools and land irrigation projects were built. Egypt therefore became increasingly reliant upon foreign loans to fund modernisation (Mentiply, 2019).

¹⁸ Peasantry's condition had been harmed not only by the external affairs but also the military conscription and the possessing extensive personal estates of the khedive and his family

¹⁹ Such as tax-freedom of foreigners and had right to trial in consular courts.

were quite humiliating for the Egyptians who believed Khedive Ismail was responsible for this situation. They gathered around Vatanıyye group led by Aḥmad Urabi (Arabi) and Muḥammad Sharif, prime minister from April to August 1879.

Nationalists and militarist mutineers joined the revolutionary movement along with a group of dissatisfied army officers between 1881-1882, began representing the concerns of many social groups in Egypt in 1879. During the riots, pro-Khedives took measures to preclude this movement that served to heighten Urabi's domestic popularity. An insurgent "Egypt for Egyptians" movement began in 1881, led by Urabi and supported by nationalist and pan-Islamic ideologies. The Representative Consultative Council was transformed into the Egyptian Representative Council in the same year. In the following year, "a combined military and civilian reform movement attempted to prevent further penetration of the country" (Cole, 1993, s. 14). The council declared a constitution but turned out more short-lived than the Ottoman Constitution.

Urabi forced Tawfiq to appoint an entirely new cabinet, improve working conditions, and pay the salaries of soldiers. They "attempted to make Khedive Tawfiq into a constitutional monarchy and also a chamber of deputies would be elected" (Cole, 1993, s. 16). The reaction of Britain and France was the bombardment of the port of Alexandria in 1882, over judging their interests to be under threat of the constitutional regime and the overwhelming anti-foreign riot. Urabi had established a government in Cairo, but his army was devastated under the notorious bombardment. In late July 1882, Egyptian notables deposed Tawfiq. They created what they called a 'common-law' government, and Egypt were formally declared to be under British occupation "in order to ensure that a process of state formation did not succeed in creating a new sort of stable order that would end European privileges and threaten the security of European property and investments (Cole, 1993, s. 17)." In other words, the economic downturn on a global scale (Great Depression in 1873) and heightened international rivalries were the fundamental reasons that drove Britain to invade Egypt.

Animosity against British rule found a voice in one of the leading opposition newspapers, Al-Liwa (The Standard), which demanded the immediate end of British occupation. Publications contributed significantly to the awakening of the Egyptian public's political consciousness and the emergence of the idea of territorial nationalism (Cleveland & Bunton., 2009). The newspaper's reaction to the incident of Dinshaway where fifty-two Egyptian villagers were convicted, and four of them were publicly hanged, was the spark of anti-British feeling in Egypt. In order to appease the high tension in early 1913, a new statutory law was issued, stipulating the establishment of a Legislative Assembly to replace the General Assembly and the Legal Consultative Council (In Actio, 2019). Nevertheless, with the break of World War I, Britain declared Egypt a protectorate and imposed martial law on the country in 1914.

The defeat of Axis powers in World War I and the Wilson principles led to immediate hopes of independence among Egyptians. Within two days after the armistice, besides other nationalist parties, Al-Wafd al-Misri (Egyptian Delegation) party, led by Saad Zaghlul, was

formed to send delegates who would voice their views before the Authorities and the British people in the coming peace conference (Long, 2005, s. 71). However, Britain rejected Egyptian presence at the talks. The leaders of Wafd reacted angrily in the capital of Egypt, where the British rulers introduced martial law, and Zaghlul, as well as several colleagues, were arrested and deported to Malta. Overreaction of Egyptians against foreigners in general and the British in particular was the prescription for the release of Zaghlul and delegates. He immediately proceeded to the Peace Conference to present Egypt's case to the Allies but was unsuccessful for their goals. During the next three years, Zaghlul learned that more strikes against British rule might close them to independence.

In 1922, the increasing demands for independence resulted in the Milner Report that granted the end of the protectorate of Britain for Egypt. It was conferred a limited measure of independence on Egypt, and British troops would remain to protect imperial interests. In the same year, Fuad I was proclaimed the king of an independent Egypt. On the eve of Egypt's 1923 Constitution, two political parties represented the anti-colonial nationalist movement and the subsequent drafting of Egypt's first Constitution (Khalil, 2016, s. 47). It was a significant step towards a sound parliamentary period (comprising the Council of Representatives and the Senate) after establishing a 30-member legislative committee of political parties and members of the revolutionary movement under the 1923 Constitution. As promulgated, it created a constitutional monarchy with the king as the head of the executive with the power to disband the Parliament. Article 149 of the Constitution referred to Islam as "the religion of the state" and Arabic as the official language in an era of increasing secularization in Egypt, Iran, Tunisia, and Turkey.

The Constitution has served as the model for all Egyptian constitutions that have followed and enshrined many personal freedoms and liberties, such as a mandate for primary education, house privacy, and property (In Actio, 2019). However, political life from 1923–to 1952, due to intermittent interference by the British and the palace, led to the dissolution of Parliament several times. The 1923 Constitution was nullified with the issuance of the 1930 Constitution for five years. Even the last Constitution did not last long over British policymakers' increasing pressures exerted on the King.

In 1952 a Free Officers' Revolution abolished the Anglo-Egyptian treaty and deposed King Farouk. Egypt remained in a transition period until, on January 16, 1956, a new constitution was set up. General Naguib formed a transitional government, and the new government banned the Wafd Party in January 1953. The following month, the Egyptian Republic was formally proclaimed. Erratic constitutional developments from the coup until 1970 have taken place because of the military's influence. Because of this military dominance and their constantly issuing and revoking constitutional edicts, no sign of multiparty democracy was accomplished until 1964 (Constitutionnet, 2019). The 1956 Constitution was issued after the ousting of Mohammad Naguib, and Gamal Abdel Nasser was declared his successor. The Constitution was put to a popular referendum; however, the regime dissolved all political parties. Only twenty months later, in 1958, a Joint National Assembly was formed upon the unification with Syria,

which led to the suspension of the 1956 Constitution. It was also one of the temporary constitutions and remained until the dissolution of the Egypt-Syria union. Limited to purely administrative matters, the promulgated constitutions helped the regime tighten its governance grip.

After the socialist-oriented 1964 constitution and upon the death of Gamal Abdel Nasser, “a constituent commission was formed by Presidential decree, and the 1971 Constitution was then put to a referendum to secure control over the country and to eliminate what he later called the centers of power²⁰ (Masr, 2019).” This Constitution remained in force until its dissolution in February 2011. It stipulated the socialist nature of the state, pan-Arabist and Islamic basis of the state, established the Supreme Constitutional Court for the first time, and Sharia (Islamic law) became the basis of all laws in the 1980 amendment. Stirring great political controversy was the second amendment of the Constitution. The selection process of the president of the Republic was modified as instead of the referendum, the president would be elected by direct, national, secret ballot. Moreover, to contradict the original nature of nominating a Presidential candidate, parties needed to have 5% of the seats in the Parliament (Constitutionnet, 2019).

Regarding the Constitutional amendments, low voter turn-out in a popular referendum due to significant restrictions on political activities and increasing executive power sowed the seeds of deep resentment against the system and exploded during the Arab Spring. Following the ousting of President Mubarak on February 11, 2011, Supreme Council of the Armed Forces (SCAF) took over the state and suspended Constitution of 1971 and announced the establishment of an eight-man constitutional committee (Constitutionnet, 2019). The SCAF issued a constitutional document that buried the 1971 Constitution. The sequence of having a President before the Constitution directed attention to the Islamist Muslim Brotherhood’s Freedom and Justice Party, as the dominant political force in Egypt headed by Mohammed Morsi, who won the seats in the Legislative elections. The presidential elections were held on June 16-17, 2012, and with 52 percent of the vote, Mohammed Morsi of the Freedom and Justice Party (FJP) was elected president. It was the first time an Islamist had been elected to the presidency, although “the March 2011 Constitutional Declaration did not solve the ambiguity of the relationship between Islam and the state (Hashish, 2013).”

The new Parliament was responsible for preparing a permanent constitution²¹ for Egypt. Establishing a representative constituent assembly, composed of both MPs and others outside the Parliament, was the primary role of the Parliament to proceed, but it took almost a year because stakeholders could not agree on its composition (Constitutionnet, 2019). When the preparation

²⁰ The Constitution allowed a multi-party, semi-presidential system of government, though, through with a strong executive authority and restrictions on political activities made Egypt one party system (Constitutionnet, 2019).

²¹ Members of the assembly mostly dominated by the Islamists. They were also majority in the parliament. Altogether established provoking public outrage especially from the Christians segment who continued to complain about the distribution of seats (Constitutionnet, 2019).

was completed, despite the lengthy debates over the rush preparation and ambiguity of the articles, it became a turning point for the fate of Egypt because it was the first constitution referendum held after a long period of dictatorship.

The immediate consequence of this new Constitution was an escalation in the struggle between Islamists—emphasizing the legitimacy of their moves through previous electoral victories—and a heterogeneous camp of liberal and secular forces (Albrecht, 2013) who saw a real danger authoritarian renaissance. Disappointed segments of the society resisted the increasing hold of the FJP and the president's consolidation of executive powers. Soon, this disappointment and resistance transformed into violent forms (Constitutionnet, 2019) between anti-government protesters and pro-government supporters. The secular section was skeptical about a stronger emphasis on religion than previous constitutions, as such in Article 219 calling for principles of Islamic Sharia in a more specific yet idiosyncratic manner or Article 4, which boosts al-Azhar as an autonomous institution observing the application of Islamic law as the religious institution in Sunni Islam (Albrecht, 2013).

Following the street clashes between pro-Morsi and anti-Morsi factions, the military issued 48 hours to reach a solution. On July 3, 2013, the president was deposed in a military coup not long after. Holding the power of the Egyptian Armed Forces, Sisi suspended the Constitution and ordered the arrest of President Morsi and several hundred Muslim Brotherhood (MB) members. An interim government headed by the Supreme Constitutional Court President, Adli Mansour, was set up.

The Interim President granted legislative and executive powers the powers to appoint and dismiss ministers, which Morsi and the Muslim Brotherhood had sought. A commission was composed to review specific articles of the 2012 Constitution and propose amendments. In January 2014, it was approved by 98.1% of voters in a referendum (Antoni Abat i Ninet, 2015). Drafted in the context of a social and political revolution, both the 2012 constitution and the 2014 constitution focused on social justice (Rougierand & Lacroix, 2016, s. 124). Many of the references to religion that had been included in 2012 were eliminated, especially the article 219 states “The principles of Islamic law (sharia) include general evidence, the foundational principles of Islamic jurisprudence (Usul al-fiqh), the reliable sources from among the Sunni schools of thought (2012 Constitution , 2019).” In addition to this, the new Constitution granted impressive authority both to the president (under the assumption that the Brotherhood had little chance of winning the presidency any time soon) and independence to the military, the police, and the judiciary for anti-Brotherhood authority (Rougierand & Lacroix, 2016, s. 125).

4. Iran

The Iranian Constitutional Revolution was also part of a worldwide wave of revolutions. In a sense, the pre-constitutional system of Iran was similar to the other absolutist systems in

which the power resided with the ‘shah’ than any other person or body though it was absolute but not unlimited. In other words, his words were law, he was the ultimate political authority, he was not accountable, but Shah was expected to conform to the sharia interpreted by the ulama²² (Martin, 2011, s. 461). In the early nineteenth century, absolutism resulted in arbitrary rule, lack of accountability, inefficiency, and general oppression that, in the end, drew a reaction. Qajar bureaucracy, after a long period of resentment, was modeled on the Ottoman reforms of the Tanzimat by Malkum Khan, who “advocated the rule of law, the separation of the executive, legislative and judicial branches of government, and the complete reorganization of the bureaucracy and codification of government decrees and sharia rulings (Martin, 2011, s. 462).”

Reform movements took a different shape with Mirza Husain Khan who had been in Istanbul during Tanzimat reforms and observed how these helped strengthening and centralization of the Ottoman state. In order to restructure the central organs of the state, he established dar al-shura-yi kubra (grand consultative council) in March 1871 (Martin, 2011, s. 463) He also embarked on the first serious reform program for the country’s grave financial problems, which most of the times caused a protest such as in 1905 which aimed to denounce “the collection of Persia tariffs to pay back the Russian loan for Mozaffar ad-Din Shah’s²³ royal tour (Mirrazavi, 2019).”

Protestors, including officials besides those crushed under intensified government exactions, argued that Persian’s economy had been devastated already by the oil industry sold, foreigners’ advantages on import/export, and the foreign debt was not used for investing in Persia. The government’s intervention in the protesting groups (the bazaar merchants²⁴, ulama, and secular intellectuals who all had first emerged during the tobacco rebellion) whose discourse of change was developed and enriched over time. This response created an even larger movement, and the protestors had envisaged legislative reform vital to their goals of ending royal corruption and stopping the dominance of foreign powers. International conjuncture was also conducive for revolutionaries whose sentiments were shaped by anti-imperialist and anti-monarchical movements such as the Russian Revolution in 1905 (Matin, 2016, s. 92). Many different groups fought for change and opened the way for cataclysmic change in Persia. On August 5, 1906, the Shah eventually succumbed to signing the edict for a constitution, heralding the modern era.

²² Qajar monarchy shared power with the Shi’a ulama, which created a peculiar system of ‘dual sovereignty’ whereby the Shi’a quasi-hierocracy had acquired significant power and wealth during the late Safavi period and long post-Safavi interregnum (Matin, 2016, s. 87).

²³ Mozaffar often relied on his chancellor to govern the country. The dire financial situation in the country, made him search for foreign loans for his extravagant lifestyle and the costs of the central government, mainly from Russia and Britain.

²⁴ The price of bread and other basic items soared and led to widespread urban riots due to bad harvest. Government found the formula by heavy-handed punishment of the bazaar merchants. Popular protests that rapidly developed movement against the monarchy (Matin, 2016, s. 92).

The first Parliament was convened in October as the foundations of a modern democratic state, but “the parliament was faced with an empty treasury, British and Russian pressure continued to threaten Persian’s precarious independence, and the old order had by no means reconciled itself to the new institutions in the country (Enayat, 2013, s. 50).” Given the right to make a constitution, the first Majlis (Parliament) became a Constitutional Assembly, and by December 31, 1906, the Shah signed the Constitution, modeled primarily from the Belgian Constitution. The Constitution of 1906 transferred some of the powers of the Shah to the elected Assembly, such as a final approval over all loans, concessions, and budgets. The Majlis was a bicameral Parliament, and a prime minister headed the cabinet.

Muzaffar alDin Shah had some sympathy for reform, but his designated successor, Muhammad Ali Mirza, had none (Martin, 2011, s. 468). His refusal to invite representatives to his coronation ceremony clearly showed confrontation. “During the twenty-month existence of the first Assembly, no fewer than nine cabinets were formed and fell (Sohrabi, 2011, s. 357).” The new Constitution was based on the principles of sharia, thereby indicating the influence of clerics, but it differs from the one developed after the Iranian revolution of 1979. Following the establishment of the new Majlis, together with the ulama’s ambiguous efforts toward independence, Britain and Russia capitalized on the Persian’s weak government and signed an entente in 1907. The Parliament was dissolved, arresting many constitutionalist leaders, execution of some, and driving others into temporary exile (Enayat, 2013, s. 50) upon the order of the Shah and the political support of Russia and Britain. In accordance with the entente, Persia was divided into two, leaving a neutral zone at the center of the country. Although Persia had gained a constitution, independence from foreign powers could not be achieved. Moreover, Persia entered a period of disorder that degraded the Constitution to a document with little political effect.

A failed assassination attempt against Shah Mohammad Ali Mirza triggered a counterrevolution, and he revoked the Constitution and ordered the bombardment of the Parliament with Russian and British support in 1908. This move only served to set a wave of radical pro-constitutional movement in motion. The constitutionalist and armed revolutionary forces from Tabriz and Rasht marched to Tabriz in the same year, and civil war began. Shah abdicated and fled to Russia, resulting in the surrender of Liakhov and the Persian Cossack Brigade, who had bombarded the Majlis the previous year.

Self-established Hay’at- e Modireh or Directoire, composed of representatives of the various conquering forces and reformist notables, ruled Persia until November 1909 (Enayat, 2013, s. 51). Majlis elections were held in August but, until 1911, because of effective nationwide authority was collapsed by provincial rebellions, the Parliament worked toward creating a functional administrative structure for the country (Enayat, 2013, s. 51). The constitutional government-employed Morgan Shuster, an American citizen, to obtain the necessary revenue. The threatening developments resulted in Russian troops advancing on Tehran to dissolve the Majlis (Matin, 2016, s. 93). Mohammed Ali Mirza led another unsuccessful rebellion against the

government to take advantage of the ongoing turbulence and departed for Baku in 1912. At the beginning of WWI, Iranian government declared its neutrality. However, Russian forces transgressed Iran's neutrality, and the Majlis session could not be held and finally adjourned. Despite more than five years of interregnum, the Majlis achieved the abolition of the 1919 accord, signed between the Iranian Prime Minister and the British government without the Majlis's knowledge in 1923. The Majlis confronted another tumultuous issue when a combination of generalissimo and foreign influence joined forces to depose the Qajar Dynasty, and Reza Khan from the Pahlavi Dynasty became a successor on April 25, 1926.

Not only did the deposed Shah try to benefit from a weakened authority, but the Democratic Party of Azerbaijan (DPA), headed by Ja'far Pishihvari, established an autonomous government in northern Iran and acquired necessary from Soviet troops on November 21, 1945. The government had no chance but to accept this precedential reality. Due to the ascended effect of leftist-inspired movements during the Cold War, Shah Mohammed Reza Pahlavi banned the Tudeh Party following an unsuccessful assassination attempt on February 4, 1949. This incident granted Shah the power to dissolve the Majlis. Extraordinary powers were also granted to the National Front (NF) leader and Prime Minister Mohammed Mossadegh after the nationalization of the Anglo-Iranian Oil Company on May 2, 1951. However, nationalization of oil industry and subsequent transformation process resulted in deterioration of the relations with both the domestic power bases and global powers, in particular the Great Britain.

The Majlis extended his term until he was deposed in the second coup supported by the Shah (and funded by the US Central Intelligence Agency) on August 19, 1953. The coup triggered historical trajectories with far-reaching consequences for the course of the democracy struggle in Iran. Firstly, many Muslims are devoted to modernity-friendly Islam in the political struggle against the regime and its Western allies. Secondly, rapid and disharmonious social transformation under authoritarian rule led to the rise of radical and nativist ideologies (Sheikhzadegan, 2017, s. 32).

The Shah returned from Iraq and dissolved the Majlis in 1961. Despite anti-government demonstrations breaking out, Shah could suppress them by police until the end of the 1970s. Shah issued his White Revolution²⁵ and Iran had undergone a rapid and tense transformation in the 1960s and 1970s, which resented Muslim religious leaders such as Ayatollah Ruhollah Khomeini, a leading mullah who called for demonstrations in several cities demanding abolishment of reforms such as granting suffrage to women, and the secular local election in 1963. Over this interplay of various processes of social change, Shah imposed martial law and took precautions such as dissolving the two-party political system and banning opposition political parties after nearly a hundred thousand individuals demonstrated against the government in Tehran in 1978.

²⁵ Mohammad Reza Shah formulated it as the non-violent ideological construction of Iran between 1958 and 1963. The ultimate long-term aim was the transforming Iran through reforms of land, profit sharing, rights of woman etc. However, contrary to toe expectations it created widespread dissatisfaction especially among peasants and clergies.

As the consequence of an alliance within a wide range of men and women from all segments of society and political and religious factions, Ayatollah Khomeini could succeed Iranian Revolution of 1979²⁶ before he returned to Iran from exile in Paris. In January 1979, Shah Mohammed Pahlavi fled Egypt. Since, Khomeini was an Islamic scholar, a well-acquainted with Islamic rhetoric, surrounding and other countries were in anticipation of forming formal relations with the new leadership.

According to Cleveland, the central struggle was about determining the future orientation of Iranian society: was it to come under the control of the religious establishment and become an Islamic theocracy, or was it to emerge as a constitutional regime under moderate reformers of the Bezargan mould? It resulted in the total domination of the religious establishment over Iranian life (Cleveland & Bunton., 2009, s. 431).

Mehdi Bazarghan formed a provisional government. A group of lay-religious leaders started work on a new constitution, in essence, based on Iran's first Constitution and the Constitution of the French Fifth Republic, in that it established an authoritarian presidential republic (Saffari, 2009, s. 65). Khomeini placed radical 'ulama' in important government positions and established a strong central government. In August 1979, elections for the Constituent Council were held. When Islamic fundamentalists Hezb-e Jomhuri-e Eslamf (the Islamic Republican Party, IRP managed to incorporate nine other smaller Islamic parties under its umbrella) won most of the seats, other political parties (opposition factions remained fragmented) had boycotted the elections. The government proclaimed a law that called for prison sentences for those who publish adverse reports concerning the government of Iran to establish their leader's doctrine of rule by the clergy (Saffari, 2009, s. 64). However, according to Khomeini, "in a peaceful and stable Islamic society, there must exist one cleric,²⁷ or a small council of clergy, with the authority to rule over the community and their colleagues" (Saffari, 2009, s. 78).

Interestingly, despite the devastating effects of war, Tehran had had at least six significant elections in 1980. The Islamic elite took advantage of these experiences to consolidate the Islamic elite power base (while weakening the secular-leaning forces). In the two-day-long national referendum of March 1979, the Iranian people declared their final and firm decision picturing a turn-out rate of around 98; a new constitution²⁸ was approved (Ramazani, 1980). It

²⁶ That the Iranian parliament was a puppet, and power was concentrated in the hands of the Shahs with the backing of Western powers, which were the main reasons for the rise of Islamism as it presented as an alternative political movement to the existing constitutionalism (Matin, 2016, s. 93).

²⁷ Khomeinists advocated that Islamic society could be peaceful and stable only if there exists one cleric, or a small council of clergy, with the authority to rule over the community as well as their colleagues. However, his ideas sternly objected by Shari'atmadari who complained that the velayat-e faqih mentality in the constitution would open the way for a dictatorship (Saffari, 2009, s. 78-79).

²⁸ Velayat-e Faqeeh, or Governance of the Jurist on the basis of welāyat-e amr (mandate to rule) and the uninterrupted (mostamerr) imamate emanated from the book written by Islamic scholar Ayatollah Khomeini in 1970. The political greed among the clergy helped institutionalize this doctrine (Horowitz, 2019) purporting to incorporate specifically Shi'ite principles of government.

has replaced the first Constitution of Iran as the second significant development following the self-declared Islamic revolution.

The Constitution established an Islamic theocracy as it is stated in Article 1, “The form of government of Iran is that of an Islamic Republic,” and Article 2 states, “the necessity of submission [to Allah] and the “fundamental role.” It produced a system in Iran’s laws and regulations based on Islamic rules and standards; the course of the revolution has cleansed itself of godless government and foreign ideas. In order to ensure the continuity of the revolution at home, Islamic references to the Constitution were declared in the mosques, and the education system was redesigned from the beginning.

National sovereignty, separation of powers, and the legislative power of the Majles have thus been systematically reassessed and reformulated from a particular Islamic theocratic perspective. Article 62-64 of the Constitution states that the Majles consists of 270 representatives, each elected for four years, while Article 4 stipulates that all laws and regulations be based on Islamic standards. They are determined by the jurists (foqahā’) of the council of guardians, as a legislative body consisting of six faqīhs and six secular lawyers (Art. 91). However, every bit of revolutionary development and establishment of competing centers²⁹ of power led to administrative paralysis³⁰ once Khomeini passed away in 1989.

In 1992, the first parliamentary elections were held, and Rafsanjani won 63 percent of the votes. To reform the malfunctioning system, he had assigned a committee that has revised the existing constitutional provisions on leadership, centralization of authority in the executive, and subsequent constitutional amendments in two months. “The post of prime minister was abolished, and all his functions transferred to the president (new Arts. 60, 69, 87, 125-27). Other new provisions (not given article numbers in the referendum) granted the president power to choose deputies (mo’āwenān), the first of whom would have vice-presidential status and serve as chairperson of a new national security council. The president is responsible to the Majles, which can now question him at the request of at least one-third of its members; dismissal requires a vote of no confidence by at least two-thirds of the members (new Art. 89; cf. Art. 134). (Encyclopaedia Iranica, 2019).”

The state mentality in Iran had been profoundly shaped and political thought controlled by Shite Islamic clerics until 1997. Such discourse changed dramatically with the election of Muhammad Khatami, who had adopted a more moderate view on social, political, economic, and cultural issues. His appointment of a more moderate cabinet, a new social agenda, and a movement unleashed a wave of euphoria among reformers (Britannica Encyclopædia, 2019). The seventy-eight percent of votes in that year’s presidential race was for “political diversity,

²⁹Not much long, upon the friction between president and the prime minister on the issue of constitutional division of executive power and the problem of the succession resulted in an expectation of constitutional resolution (Encyclopaedia Iranica, 2019).

³⁰At the time eight-year long war ended Islamic Republic appeared to have no clear direction in developmental and public policy terms (Ehteshami & Zweiri, 2007).

freedom of speech, freedom of knowledge, civil society, liberalization of the economy, political reform and the rule of law” (Ehteshami & Zweiri, 2007, s. ivx).

Khatami’s desire to make reforms and reexamine the fundamental principles of order in the Islamic Republic of Iran, such as the implementation of a democratic society or women’s rights, was welcomed by the public but, on the other hand, received criticism inside and outside the Islamic Republic. Many have thought that constitutional politics have come to the foreground, as they were in 1979, the first year of the Islamic revolution and the making of the new Constitution (Arjomand, 2019). An overwhelming majority reelected him in 2001. Although he shook the legitimacy of theocratic rule, his victory was considered an expression of support for his reform programs. However, he has not yet made many significant concrete gains (Arjomand, 2019) Not giving sufficient attention to the reforming demands of people, despite his famous rhetorics, daily economic concerns was another issue why Khatami’s era was attacked. Iranians approached Presidential and Majlis elections from an economy-based perspective (Ehteshami & Zweiri, 2007, s. xv).

Discussion and Conclusion

Constitutional movements are part of the most significant political and social transformation periods throughout the late nineteenth and early twentieth centuries. Following the French Revolution of 1789 and subsequent developments, autocracies, multi-ethnic empires, and monarchies weathered great storms causing unexpected and threatening political circumstances. Neither Middle Eastern nor North African peoples were exempt from this profound transformation process.

Constitutional movements had local and domestic parameters that differed from country to country. For instance, in Egypt, a military uprising triggered the establishment of the constitutional process, while pressure over *bazaar* merchants created the socio-economic background for Iranian constitutionalism. Following the change in domestic political atmospheres, the constitutional movements resulted in a considerable transformation like in Tunisia, Ottoman Turkey, and other Middle Eastern countries.

On the other hand, the global factors causing and developing those local constitutional movements should not be ignored. Global economic crises, intrastate wars, the rivalry between the imperialist powers, the fall of the traditional social institutions, and the rise of emerging social and political classes were central global dynamics that affected and interacted with the aforementioned domestic parameters.

As a result, globally significant constitutionalist revolutions—Japan (1874), Russia (1905), Mexico (1910), and China (1911) set a pioneering example for similar local constitutionalist leaders, organizations, and movements. Against this background, Middle Eastern

and North African communities, mainly characterized by their “Eastern” and Islamic values, also followed revolutionary practices, and created their own “Eastern-style” practices, and had constitutional experiences that in the main failed. Tunisia (1861), Ottoman Turkey (1876), Egypt (1881), and Iran (1905) expressed themselves as the initial Middle Eastern practices accompanying the rising global constitutionalist wave.

Among the first examples, Iranian and Egyptian constitutionalist figures were in close contact with the Ottoman constitutionalists in Istanbul, Cairo, or European capitals, and they interacted and affected each other bilaterally. However, Turkish constitutionalism resulted in a subsequent republic while Iran and Egypt maintained their monarchies, and both European powers colonized Tunisia within the first quarter of the twentieth century.

Although specific domestic and regional circumstances caused the failure of initial movements, monarchical characteristics of societies continued to determine the mainstream political agenda for a couple of decades. However, the initial steps formed a precedent for the generations to come. Moreover, the demise of the empires paved the way for new political beginnings following the great world wars, Tunisian, Turkish, Iranian, and Egyptian intellectuals and politicians followed those earlier practices to establish their modern states and societies.

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