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**multiple secularities**

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# **Pathways, Contingencies, and the Secular in Iran's First Revolution**

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## Pathways, Contingencies, and the Secular in Iran's First Revolution

Iran's constitutional revolution of 1906 is arguably the most significant turn toward the secular in its modern history.<sup>1</sup> I start this investigation by making a conceptual distinction between secularism and secularity.<sup>2</sup> Here, secularism is defined as the ideologically-driven separation of religion and state according to an agenda, a blueprint, a model, that could be indigenously, or externally informed and is achieved with the assistance of the modern state and explicit political motivations. Secularity, on the other hand, is expressed in terms of a non-ideological separation that comes about unintentionally. In some accounts, this separation may take on evolutionary connotations in terms of the natural separation of functions as a result of the growing complexity of a natural organism or social system. What I have in mind here is a separation of functions that is agent-driven but the secularity that emerges is both unintentional and unideological. In other words, separation is attained not because actors consciously distinguish between the religious and the political at the conceptual level, or experience a wholesale shift in belief systems, but because some new contexts open novel avenues for pursuing goals or interests that are experienced by actors as more effective than previously undifferentiated ones, without necessarily effecting conscious change, or any change, in belief systems. Approached in this way, the attained separations may be reversed if these avenues are no longer available, no longer attain the desired outcomes, or are less effective. This is not to deny that some belief systems have a tendency to allow for a closer pairing of religion and politics compared to others; as such, it may be harder to separate the two, and easier to reverse course afterwards, but these are probabilistic tendencies and about the inertia of one context in contrast to another and not pre-destined, rigid

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1 Abbas Amanat, *Iran: A Modern History* (New Haven: Yale University Press, 2017).

2 For this distinction, see Monika Wohlrab-Sahr and Marian Buchardt, "Multiple Secularities: Toward a Cultural Sociology of Secular Modernities," *Comparative Sociology* 11, no. 6 (2012); Christoph Kleine and Monika Wohlrab-Sahr, "Research Programme of the HCAS 'Multiple Secularities-Beyond the West, Beyond Modernities,'" *Working Paper Series of the HCAS "Multiple Secularities – Beyond the West, Beyond Modernities"* 1 (Leipzig University, 2016).

pathways. Thus, pathways here are approached as probabilistic tendencies and not as tunnels dug under mountains of civilizational divide. In this view, civilizations themselves become malleable inclinations, leanings, patterns, and not solid objects on a collision course.

To better appreciate the dynamics of this turn, the 1906 revolution is evaluated within the multi-layered pathways of the early 20<sup>th</sup> century. Multi-layered because simultaneous account of three pathways is taken, namely the global, the regional, and the local paths each with a historical past and genealogy of its own but which come together in early 20<sup>th</sup>-century Iran.

With the intensifying dynamics of globalization, Iranian actors were able to weave their local path into the global one and introduce a constitution and a political system that was under the sway of the “world time.”<sup>3</sup> Ongoing dialogue of Iranian politics with regional developments, that is the developments in the Ottoman Empire in particular, but also more generally in the Islamic Middle East, made that transition easier. Yet, these ideological developments and other social factors associated with revolutions were not sufficient to facilitate a constitutional revolution. Despite the presence of many ingredients, such a revolution remained highly unlikely in Iran at the time. But luck mattered. In other words, the constitutional revolution was due to a contingency that can only be properly appreciated by looking at the micro-dynamics of the conflict at one crucial juncture. In addition, this paper will make brief reference to the Ottoman Empire in order to further elucidate its argument.

While the imagery of historical layers and multiple temporalities owes a good deal to Braudel, it may be useful to clarify what I mean by contingency or ‘grand events’ that run contrary to Braudel and are more in line with Sahlins and Sewell’s conceptualization.<sup>4</sup> For Braudel, as for, say, many old-school structuralists, the fundamental deep, *longue durée* underlying structures are the determinative forces of history. Drawing upon the metaphor of a deep underlying wave, a tsunami if you will, Braudel states

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3 Fernand Braudel, *On History* (Chicago: University of Chicago Press, 1980).

4 Marshall Sahlins, *Historical Metaphors and Mythical Realities* (Ann Arbor: University of Michigan Press, 1981); William H. Sewell, Jr., “Historical Events as Transformations of Structures: Inventing Revolution at Bastille,” *Theory and Society* 25, no. 6 (1996); William H. Sewell, Jr., “Three Temporalities: Toward an Eventful Sociology,” in *The Historic Turn in the Human Sciences*, ed. Terence J. McDonald (Ann Arbor: University of Michigan Press, 1996). The argument is further developed in William H. Sewell, Jr., *Logics of History: Social Theory and Social Transformation* (Chicago: University of Chicago Press, 2005), 81–123.

explicitly that events in history have the same status as foams on the surface of waves: visible but ephemeral. In other words, what is reported by the journalist, is the object of analysis by the political scientist, or enlivens the narrative of the historian, are events that ride foam-like on top of deep waves of history and are as fleeting and insignificant. For Braudel even the French Revolution belongs to this category of events, without consequence of its own making, but an expression of deeper forces that would have surfaced without it. This brings to mind Tocqueville's objection to the French Revolution taking credit for the intensifying state centralization drive and broadening public participation, developments that according to him were long under way before it and would have happened without it.<sup>5</sup> This is in sharp contrast to my use of grand events that despite their foamy visibility penetrate the layers of history and effect change through reorganizing the multi-layered structures. These grand events are experienced at the level of actors as before and after occurrences, and while they retain a sense of continuity with the past, they are entirely new. In this sense, the past structures or layers of history are not obliterated but their relation revalued, resulting in unexpected and new contexts.<sup>6</sup>

## 1 The Global and Regional Paths

The global model of constitutionalism found its first expressions in the British parliament, the written American constitution, and, most of all, in the French Revolution.<sup>7</sup> In them, constitutionalism congealed as a model without history,<sup>8</sup> or as Anderson would have it, one that was modular,<sup>9</sup> and ready for adoption regardless of peculiarities of circumstance. Or at least this was how adherents of constitutionalism perceived it. In the late

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5 Alexis de Tocqueville, *The Old Regime and the French Revolution* (New York: Anchor Books, 1955). See also François Furet, *Interpreting the French Revolution* (Cambridge: Cambridge University Press, 1981), 132–63.

6 Marshall Sahlins, *Islands of History* (Chicago: University of Chicago Press, 1985).

7 In contrast to the gradualism of the British or exclusive reliance on political transformation as seen in the American Revolution, the French Revolution offered a rapid method of full-scale social and political transformation.

8 Nader Sohrabi, "Historicizing Revolutions: Constitutional Revolutions in the Ottoman Empire, Iran and Russia, 1905–1908," *American Journal of Sociology* 100, no. 6 (1995).

9 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. Revised edition (London: Verso, 1991), 156.

19<sup>th</sup> to early 20<sup>th</sup> century, the global trajectory became apparent as numerous actors, independently or in connection with one another, decided that constitutionalism was the answer to their problems. This can be seen in the Meiji Restoration (1868) that eventually ended in the Meiji constitution (1889), in the Young Ottoman constitutional movement (1876), the Urabi revolt in Egypt (1881), the Russian Revolution of 1905, the Iranian Constitutional Revolution (1906), the Young Turk Revolution (1908), the Mexican Revolution (1910), the Republican revolution in Portugal (1910), and the Chinese Revolution of 1911. Even the October Revolution of 1917 in Russia had its beginning in a constitutional movement that vied for restoring a strong parliament (Duma) along the path laid in 1905, but ended as a communist revolution that effected a dramatic change in the global trajectory of revolutions and set them on a new course.

Aside from the global models, the regional influence of Russia and the Ottoman Empire mattered greatly for Iran. Russia, a neighbor to both Iran and the Ottoman Empire, saw a massive constitutional movement and was successful in implementing a parliament in 1905. This encouraged both of its neighbors to quicken their efforts to join the global wave. Russia's enormous Turkic population and intimate connections to the Iranian and Ottoman publics served as a channel of information transfer, and, in the Iranian case, a channel for the movement of revolutionaries themselves.<sup>10</sup> Iran was influenced by the Ottoman Empire's earlier constitutional movement, spearheaded by the Young Ottomans (1865–1878), that successfully indigenized Western constitutionalism by inventing a constitutional tradition for Islam and implemented a parliament. Although short-lived (1876–1878), this experiment had a profound influence on the Islamic world. The Islamicized constitutionalism of the Young Ottomans<sup>11</sup> was propagated by

10 Ivar Spector, *The First Russian Revolution: Its Impact on Asia* (Englewood Cliffs: Prentice-Hall, 1962); Hourii Berberian, *Roving Revolutionaries: Armenians and the Connected Revolutions in the Russian, Iranian, and Ottoman Worlds* (Berkeley: University of California Press, 2019).

11 The first concepts reworked by the Young Ottomans were consultation and its variations (*meşveret* and *şura*) from which they developed a conception of representative government; community (*ümmet*) or people (*halk*) with political rights as a group and as individuals; consensus of the community (*icma'-i ümmet*) and public opinion (*efkar-ı umumî*); fatherland (*vatan*) and nation (*millet*) beyond the religious community; citizens or subjects without distinctions of religion (*tebaa*); freedom and liberty (*serbestiyet, hürriyet*) as a divine grant; and the contract of investiture (*biat*) which gave the community the right to break it off if the ruler failed to fulfill his obligations. The theory of natural rights, the social contract, the delegation of those rights, methods of gauging legitimacy,



the Iranian intelligentsia among the clerics, merchants, guilds, and beyond. Overall, the Young Ottoman synthesis as it was reworked by the lay Iranian intelligentsia such as Yusuf Khan Mustashar al-Dawlah,<sup>12</sup> Mirza Malkum Khan and intellectual circles had more immediate practical and political impact on the event under consideration than the more thoroughly indigenized, but later developed, shi'ite constitutionalism of Nai'ni.<sup>13</sup>

## 2 The Inertia of the Local Path

Considering local modes of action, the Tobacco Rebellion (1891–1892), an anti-state uprising that derailed a tobacco monopoly being granted to a British company, was a significant example. It was the first social movement

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and a theory of resistance were all developed here. Related to these were also the notions of separation of powers, of the interests and rights of the nation, and of servants of the nation and service to the nation. Not all these ideas were necessarily well developed or taken to their logical conclusion. For instance, the theory of resistance was not extended to mean the right to revolt; the idea of national sovereignty did not end in republicanism. Yet this was the most successful constitutional political discourse in the Islamic lands to date; its resonance is still felt today. Şerif Mardin, *The Genesis of Young Ottoman Thought: A Study in the Modernization of Turkish Political Ideas* (Princeton: Princeton University Press, 1962), 190–92, 276–82; Niyazi Berkes, *The Development of Secularism in Turkey* (New York: Routledge, 1998), 205; Albert Hourani, *Arabic Thought in the Liberal Age, 1798–1939* (Cambridge: Cambridge University Press, 1983). The two Quranic passages cited to legitimize consultation “wa-amruhumshura baynahum” (whose affairs are settled by mutual consultation) and “wa-shawirhum fi 'l-amr” (and seek their counsel in all affairs) are supplemented with Prophetic tradition and other religious sources. See Ash-Shura (“Consultation”) and Al-Imran (“The Family of Imran”) in: Ahmed Ali, *Al-Qur'an, A Contemporary Translation* (Princeton: Princeton University Press, 1988). For an early example of this practice, see Nizam al-Mulk, *Siyasatnamah*, ed. 'Abbas Iqbal (Tehran: Intisharat-i Asatir [485/1092] 1372/1993, 2nd ed.), 112–13. For differing interpretations of the abiding powers and functions of consultation in early Islamic history, see Bernard Lewis, “Mashwara,” in *Encyclopaedia of Islam*, second edition, ed. Peri Bearman et al., 724–25 (Leiden/Boston: Brill, 1991) and Roy Mottahedeh, “Consultation and the Political Process in the Islamic Middle East of the 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> centuries,” in *Islam and Public Law*, ed. Chibli Mallat (London: Graham & Trotman, 1993). For the late Ottoman period, see Carter V. Findley, “Madjlis al-Shūrā,” in *Encyclopaedia of Islam, Second Edition*, ed. Peri Bearman et al. [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_4745](http://dx.doi.org/10.1163/1573-3912_islam_SIM_4745); Ami Ayalon, *Language and Change in the Arab Middle East* (New York: Oxford University Press, 1987), 119–22.

12 Mirza Yusuf Khan Mustashar al-Dawlah, *Yak Kalimah*, ed. Sadiq Sajjadi (Tehran: Nashr-i Tarikh-i Iran, 1985).

13 Abdul-Hadi Hairi, *Shi'ism and Constitutionalism in Iran: A Study of the Role Played by the Persian Residents of Iraq in Iranian Politics* (Leiden: Brill, 1977). Nai'ni's impact was to be sensed in later periods.

deserving the label ‘national,’ thanks to the telegraph and was also the first organized under clerical leadership. The alliances that emerged between the clerics, the merchants, the guilds, and a broad cross-section of the Iranian public alerted the intelligentsia to the mobilization capacity of the clerics. We observe this realization first-hand in the oppositional journal *Qanun* (The Law, 1890–1900), published by Malkum, with its quick turn toward the language of religion, and concessions offered to the ulama to take up the leadership of a future constitutional movement. Malkum envisioned the ulama as leaders of a future legislative assembly, and allayed their suspicions about the assembly’s law-making and challenge to shari‘a:

Some imagine that by means of this publication, we intend to propagate new laws in Iran. This is false absolutely. We have no intention of creating new laws for the Iranian people. We consider the laws and principles that God, and the prophet, and the sages have taught the Islamic clergy to be correct and sufficient.<sup>14</sup>

In this future legal order, the principal role was assigned to the clerics and Malkum argued that the reformists’ only desire was to assemble and enact the laws of Islam.<sup>15</sup> A short while later membership of Malkum’s envisioned council was broadened to include the lay public with deliverance found in “gathering the clergy and the learned (fuḏalā) in a National Consultative [Assembly] (shūrā-yi milli) to put in order the governmental affairs in accordance with the laws of Islam...”<sup>16</sup>

Malkum urged the public to rally behind the clerics and prompt them to action. In fact, clerical participation in the Tobacco Rebellion was largely due to public pressure from below that held them accountable regarding their claim to community leadership.<sup>17</sup> As such, the Tobacco Rebellion served as a dress rehearsal for the constitutional movement<sup>18</sup> in the alliances it created, its national scope, its clerical leadership, and the clerics’ enhanced prestige for successfully representing the community.

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14 *Qanun*, no. 6, 18 July 1890/1 Zi al-Haja 1307: 1.

15 *Qanun*, no. 8: 3; *Qanun*, no. 7: 2.

16 *Qanun*, no. 9: 3.

17 Faridun Adamiyat, *Shurish Bar Imtiyaznamah-i Rizhi: Tahlil-i Siyasi* (Tehran: Payam, 1981), 19–20, 30–31, 34–35, 60, 65–67, 74–75, 133–34, and 138–40; Amanat, *Iran*.

18 For this view among the contemporaries, see for example, Ihtisham al-Saltanah, *Khatarat-i Ihtisham al-Saltanah*, ed. M. Mussavi (Tehran: Zavvar, 1988), 572.

A prominent authority on state-clerical relations of this period, Hamid Algar, presents two general reasons for the clerical participation. On the one hand, he attributes shi'ite clerics' assumption of leadership in oppositional movements to their consideration of worldly authority as illegitimate.<sup>19</sup> On the other hand, he emphasizes their institutional conflict with the Qajar state which I find more convincing. Unlike the Ottoman clerical establishment, which had become progressively hierarchical and absorbed into the state, Iranian clerics had preserved their decentralized nature and institutional autonomy to a large extent; they were dependent on state patronage but were also largely independent of the state. They continued to perform many social functions in the daily lives of the public, most importantly in education and the administration of justice.<sup>20</sup> In the late 19<sup>th</sup> century, the courts presided over by the clergy (shar' courts) were in competition with those under state jurisdiction ('urf). "Throughout the nineteenth century," Algar has noted, "this interaction of two types of courts, combined with the lack of any formal demarcation of their jurisdiction, was a major source of conflict between the state and the ulama."<sup>21</sup> The reforms initiated by the state in the judiciary and education, another clerical domain, intensified this tension.<sup>22</sup>

The conflict was a contest between a reforming state interested in extending its reach more widely and deeply and a clerical estate steadfast on denying or limiting it. But as the state gestures were mild, the clerical push back was similarly tepid. In fact, what we hear from the clerics at the time is the partnership of the state and religion (*din va daulat*), an Islamic creed (with Sassanian origins) that depicted the two as siblings, two stones on one ring, dependent and necessary for the survival of the other.<sup>23</sup> Further

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19 Hamid Algar, *Religion and State in Iran, 1785–1906: The Role of the Ulama In the Qajar Period* (Berkeley: University of California Press, 1969), 3–5, 242–56. This view does not find support even in the more religiously inclined studies of the constitutional movement in Iran. See Vanessa Martin, *Islam and Modernism: The Iranian Revolution of 1906* (London: I. B. Tauris, 1989), 33, 64.

20 Algar, *Religion and State*, 11–12.

21 Algar, 12–13 (quote is from p. 13).

22 Algar, 128, 169–71, 223–24.

23 As the king states in the 6<sup>th</sup>-century Letter of Tansar:

Do not marvel at my zeal and ardour for promoting order in the world so that the foundations of the laws of Faith may be made firm. For Church and State were born from one womb, joined together, never to be sundered. Virtue and corruption, health and sickness, are of the same nature for both (*The Letter of Tansar*, trans. M. Boyce (Rome: Instituto Italiano Per Il Medio Ed Estremo Oriente, 1968), 33–34).

assumed was the subservience of religion to the state/king, as Kingship survived with irreligion, but not with injustice.<sup>24</sup> Historically, many Islamicate polities and certainly Iran and the Ottoman Empire acknowledged this distinction and hierarchy. Salvatore has productively referred to this as a “soft” distinction made between the worldly “source of norms of human interaction” and “the normative discourse subsumed under the notion of shari’a,” a distinction made in the adab tradition. For our purposes, the “mirrors for princes” genre is the most relevant part of that tradition and we will come back to see the weight of that “soft” distinction in the course of the constitutional movement.<sup>25</sup>

For now, my purpose was to note that doctrinally the shi‘ite clerics of the late Qajar period acknowledged their subservience to the state and publicly announced it on multiple occasions by drawing upon the distinctive language of mirrors. Furthermore, I wanted to point out that the institutional conflict between the state and religion in the late 19<sup>th</sup> century was not severe enough to prompt a full-scale opposition of the clerical rank. Yet, at the time, widespread discontent, pressures from below, and incentives of improved standing, provided the added impetus for clerics to assume a leadership role in protests. Their claims to community leadership and public representation and close ties to the merchants and prominent guilds that were reinforced through kinship or bazaar networks, amplified their obligations.

What was constitutionalism’s appeal in the Iranian setting? It is crucial to make a distinction between various groups and what they each wanted as these were not the same but did overlap. For the intelligentsia, reformist statesmen, and the nascent middle class, it is tempting to romanticize the idea of freedom and individual rights, and, depending on the author’s inclinations, their fight with religion under the secular mantra or its opposite, their unconditional devotion to religion and subservience to clerical leadership. Even if striving for individual freedoms was relevant at the time, it was marginal at best compared to other wants. The greater concern of this group was with ending patrimonialism and

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24 Nizam al-Mulk, *Siyasatnamah*, 6. For subservience of religion to the state in pre-Islamic mirrors, see *Ahd Ardashir*, ed. Ihsan ‘Abbas, transl. and introd. Muhammad Ali Shushtari (Tehran: Silsilah-i Intishar-i Anjuman-i Asar-i Milli, 1348/1969), 70–71.

25 See Armando Salvatore, “The Islamicate Adab Tradition vs. the Islamic Shari’a, from Pre-colonial to Colonial,” *Working Paper Series of the HCAS “Multiple Secularities – Beyond the West, Beyond Modernities”* 3 (Leipzig University, 2018).

nepotism of the Qajar monarchy, adopting legal rationality, finishing official abuse and unaccountability, and staving off colonial domination. Their ambitions can be subsumed under the desire for the creation of a strong centralized state. Given the near failure of centralizing reform in the previous century, this group viewed constitutionalism as a doctrine of modern, bureaucratic rationality capable of dealing with the myriad internal and external problems by means of an interventionist state. On the world stage, it was expected that constitutionalism would elevate Iran's status through inclusion in the club of civilized nations, and by doing so, stave off the very real threat of colonization by Britain, or occupation by Russia. The Russo-Japanese war of 1904/1905 that ended in the humiliating defeat and surrender of Russia at Port Arthur captured these hopes: the only constitutional Asian nation had brought to its knees the only European great power without a constitution, which also happened to be Iran's neighbor, and its most fearsome foe. All this goes to indicate that the revolutionaries' primary target was the Qajar state and monarchy for its failure to fulfill its internal and external responsibilities, and not the institution of religion. Yet, inevitably, given the state-centered model of full-scale social and political transformation envisioned by the intelligentsia, their use of Islamicized constitutionalism to attract the clerics and legitimize it in the public eye, raised issues with religion that needed to be settled in one way or another. Eventually these brought religion to the forefront and placed it under serious assault.

I have already recounted the clerical reasoning but what could be added is that clerics too had serious concern about the prospect of colonial domination and what they perceived as subservience of Islam to Christian powers. As such, they too strove for a stronger state. However, unlike the intelligentsia, their prescription for achieving this end was in extinguishing injustice, as only then would the subjects be secure, balance be preserved among various estates, taxes flow, and the state regain its health against adversity. Their vision was informed strongly by the Circle of Justice, a central teaching of the mirrors that, in contrast to the iron-fisted, rationalized, interventionist state, placed the traditional monarchy at the center and the shah as the individual responsible for rendering justice but who had failed in his duties for now. They were unconcerned with the state form but demanded less intervention, as expressed in their repeated concern for transgression of officials. Here their vision was more compatible with the guilds,

whose ‘constitutionalism’ was in fact a tax revolt against covetous officials, governors, local rulers, and landlords at a time when they had experienced a downturn and were less capable of paying their traditional taxes.<sup>26</sup>

### 3 Constitutional Revolution as a Secularizing Event, and the Contingency of the British Legation

If the constitutional movement was a grand event that could be easily divided into what had gone before it and what came after, the contingency that made it possible was the gathering at the British Legation in Tehran. It was during this gathering that the lay participants became the movement’s leaders as the movement slipped from the clerics’ firm grip. Until then, the movement had progressed under the clerical umbrella, with mass gatherings taking place at mosques and holy sites and demands that had a distinctly religious tone. The British Legation gathering opened the door to a full-fledged legislative assembly, and turned a familiar-sounding revolt into an unfamiliar revolution.

To appreciate the significance of this gathering as a contingency, we should note that the brief history of oppositional societies in Iran prior to 1906 contained nothing that compared to the organized parties of the Ottoman Empire like the Committee of Union and Progress (CUP), the Liberal opposition, the Armenian or Albanian political groupings, or comparable societies in Istanbul. In Tehran and major cities such as Tabriz, Isfahan, and Kirman, there were intellectual circles and gatherings interested in reform, but these were tiny and hardly revolutionary. The reformist publications by long-standing merchant communities in Cairo, Istanbul, Calcutta, and Caucasus or by critical diplomats in Europe sought fundamental change but not by radical means. Among these, *Qanun*, the journal published by Malkam Khan (1834–1908) in London that we have seen already, was the most influential publication of its kind. It explicitly advocated constitutionalism and propagated an Islamic version.

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26 Part of the reason for the guilds’ lesser ability to pay their taxes was the disruptive shock of global capitalism and the influx of cheaper and better European goods, especially fabrics. These had created a good deal of hardship and the guilds sought remedy in protests that over time became constitutional in nature.

The most important grouping in Tehran was the intellectuals associated with the National Library who later formed the Revolutionary Committee and affiliated groups, each of which had well below a hundred members. The differences in the educational infrastructure and literacy levels in Iran and the Ottoman Empire were reflected in the difference in the volume and content of newspapers, even after accounting for Iran's population being a third of that of its Ottoman neighbor. In Iran, in the absence of a sizable middle class and low literacy, few were familiar with constitutional causes. There was also nothing that resembled an armed ethnic nationalist movement in Iran, and the large array of ethnicities had not been politicized over cultural, linguistic, ethnic, or religious differences.

#### 4 The Revolution

After a series of small-scale acts of dissent in March and April 1905, a large protest took place at the Shah mosque in early December 1905. With the breakup of the gathering by the government, the clerical leadership and followers moved with a much larger crowd to take sanctuary at the holiest shrine in Tehran, Abdulazim in mid-December. When, after a month, the shah conceded to the clerical demands in order to end the sanctuary but then failed to follow through, tensions flared up again. In late June, in the course of freeing a popular preacher, many were killed, including two clerics, and the protests resumed at the Jami' mosque. As with the earlier Shah mosque gathering, this was also scattered by a harsh government response. Finally, in mid-July 1906, as a sign of major escalation, the three most distinguished Tehran clerics took sanctuary at a prominent shi'i site in the city of Qom a few days away from Tehran. Before leaving, at the encouragement of one of the three clerics (Bihbahani), a few merchants also took sanctuary at the British Legation. This location was off limits to the clerics themselves given the symbolism of subservience to a foreign, Christian state but was a place of sanctuary safe from the government clampdown and guaranteed to attract the government's attention. A massive crowd followed the clerics on foot to Qom, but the Legation gathering also grew to be quite large. The clerical leaders' Great Exodus to Qom, as the move came to be known, opened the way for a fateful contingency. That same night, the merchants took sanctuary at the British Legation and were soon

joined by a crowd of fifteen thousand guild members, students of religion, merchants, and intelligentsia. Had the clerical leadership stayed put, the British Legation would not have been the choice, nor would the demands have escalated as they did.

The transformation of demands spoke a good deal about the divide between the clerics and the constitutionalists. During the mid-December assembly at Abdulazim, the clerics called for impartial implementation of laws of Islam, and more critically, for the creation of a House of Justice in every town and region to investigate public complaints and attend to injustices and grievances and adjudicate impartially and justly. Even if not stated explicitly, presumably these provincial bodies were to be staffed by a mix of government officials and clerics. After all, such a mix had been the composition of similar bodies under the Qajars and what appeared in later demands.

The shah agreed to Houses of Justice being established throughout Iran and described them as being of the highest priority for the subjects' comfort and for the enforcement of religious laws. He also conceded to a greater role for the laws of religion in affairs of the realm. When nothing happened in the next few months, pressure mounted from below on the clerical leaders who were warned against cooptation, prompting a public statement that they had not been bribed. Before the three clerical leaders set out for Qom, one addressed a large audience in Tehran. With talk of constitutionalism in the air, Tabatabai assured the government in a public sermon that contrary to the rumors, they had no desire for such a system or for the more extreme republicanism. They only demanded an Assembly of House of Justice. The inclusion of Assembly in the appellation – a new development – was somewhat significant, but more important was the explicit denial of constitutionalist leanings. When the clerics issued their long list of demands from Qom, they spoke of an Assembly (no longer a House) of Justice that enforced shari'a in many spheres to set matters right, in short "Islamic goals that strengthened the Islamic monarchy." The Assembly's stated membership was broader yet solidly elitist and inclusive of government officials but it appeared far from a legislative body.<sup>27</sup> The gathering in Tehran established a new negotiation venue, and with the start of three-way exchanges between the government, Qom, and

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27 Its expanded responsibilities included putting an end to the transgressions and tyranny of government officials and their neglect in the execution of religious laws; to the spread



the Legation in the capital, the latter progressively overshadowed Qom. Not only were the clerical leaders in Qom physically removed from the center of power, but the gathering at the Legation gave the impression of British backing. The first proposal by the shah was promptly ignored, but his second offer instead of addressing the clerics at Qom was dispatched for approval to the Tehran gathering that continued to make more stringent demands than the light ones coming from Qom. By mentioning an Assembly (not a house) that was to operate in Tehran alone and not the provinces, the government's second offer inched closer to the calls emanating from the Legation in the form of leaflets and by other means. But its insistence on the future body's subservience to the shah without the shah being obliged to carry out the body's rulings made it utterly unacceptable to the intelligentsia who, in the absence of clerical leaders, had come to dominate the negotiations and demanded nothing less than a constitution and a parliament. When the government came back with a better offer (5 August), despite having a broader popular membership (not yet a franchise) and having excluded government officials, it was rejected for not mentioning legislative functions and appearing to be an advisory council. Additionally, the decree had explicitly and entirely left the drawing up of the assembly's regulations to the shah. The next government offer (7 August) was not persuasive either. It referred to the "Islamic Consultative Assembly" that was given the right to approve its own internal regulations before ratification by the shah. Obviously, the government's scramble to contain the demands within the official discourse of the previous half

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of abominable crimes; and to the committing of acts forbidden by religion. These were considered Islamic goals that strengthened the Islamic monarchy, removed foreign influences, and forbade the occupation of the land of Iran. The Assembly of Justice was to be staffed by a group of ministers and high officials, merchants, clerics, the wise and learned, and notables. Its members acted as the shah's trustees under the supervision and leadership of the kind and benevolent shah of Islam. They were entrusted with the responsibility to govern and supervise all state offices and determine their rights, responsibilities, and duties; to rectify defects in internal and external affairs, finances, and the municipality; to enjoin good and prohibit evil according to the holy law; and to arrange domestic and foreign contracts, reciprocation, and transactions according to laws of Islam; assign dues and taxes, and arrange their registers; administer justice for the oppressed and punish violators; and rectify the affairs of Muslims according to the holy law of Islam and the precepts of shar', the official law of the monarchy and the "nation." The clerics were firm on their right to draw up the assembly's internal regulations (*kitabchah va nizamnamah'i dakhalah*). Clearly surpassing the House of Justice, this was not intended to be a legislative assembly and resembled more an official consultative body with wide responsibilities and executive functions.

century and to trivialize them by pretending to their familiarity was failing. The government hoped at most for a Europe-inspired, non-representative, subservient consultative council in place of a legislative, sovereign body, and even called it Islamic to appease the clerics and mitigate its threat. Yet, this was unacceptable to the Tehran protesters as they made clear when their delegation, accompanied by the British chargé d'affaires, met with the chief minister (8 August) to demand the immediate establishment of the National, and not the Islamic, Consultative Assembly. The chief minister insisted on the Islamic character and staunchly opposed a national one but was finally forced to back down, especially after being threatened with the coming disorder of the "nation." The final decree (9 August) contained a significant victory for Tehran when "Islamic Consultative Assembly" was replaced with "National Consultative Assembly." The representatives reserved the right to approve regulations and arrangements (*nizāmnāmah-i tartībāt*) – what later came to be the constitution itself – but it was still the chief vizier who drew them up in the latest agreement. The assembly was to act as the guardian of the shah's justice (*nigahbān-i 'adl-i mā*), start necessary reforms, and implement the sacred *sharī'a* laws. In the end, a small intellectual clique with little social clout had exerted inordinate influence. The celebrations that ensued gave rise to the belief that the constitutional era had begun, even though the decree had made no mention of a legislative body. The Tehran crowd acted and celebrated as if the constitutional era was now an established fact. This was only the beginning of the fight over the meaning and responsibilities of the Assembly.

The crucial compromise opened the way for a full-fledged legislative assembly, and the writing of a timid constitution, followed by a thorough, radical Supplement based primarily on the Belgian and secondarily on the French (1791), Bulgarian, and Ottoman constitutions.<sup>28</sup> The Supplement endowed the legislature with superior powers over the executive and drastically diminished monarchical authority. Its approach to religion was also entirely secular at the inception but it was forced into a number of compromises that were in any event unacceptable to the conservatives. Its approach to taxes in favor of common folk and the guilds enraged the monarchy, the governors, the elite, the rulers and landowners throughout the land

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28 Janet Afary, "Civil Liberties and the Making of Iran's First Constitution," *Comparative Studies of South Asia, Africa, and the Middle East* 25, no. 2 (2005).

and became the chief cause of its troubles. It also provided an opportunity for the opposition to the Assembly to unite under the guise of religion and start a bloody civil war. The question is how did the Assembly, without backing from the state or army manage to antagonize every established institution for two years and survive the counter-revolution after a year of intense fighting?

The answer is found in the proliferation of armed popular committees throughout Iran. After the shah's 9 August decree, a crucial period of political opening followed in Iran that accompanies all revolutions at least for a short while. Aside from the committees (anjumans), this period witnessed the proliferation of societies of all kinds. In Tehran alone they numbered between 110 and 140, with the largest one having around 3,000 members. The Young Turks had received solid support from the military that sustained the Chamber of Deputies, and 1905 Russia had the zemstvos and the budding Soviets that were ultimately not enough to protect the Duma from a legal counter-revolution that disempowered it. In Iran there were the committees. Given the weakness of the Iranian army, the committees played a balancing role, sustaining the Assembly. We do not know exactly where they came from and why they proliferated so rapidly, but their appearance certainly pointed to a wide level of discontent that had been recounted in the reformist literature of the last quarter century. That they were predominantly staffed by the guild members, suggests an affinity with guild associations. Once the Assembly recognized their usefulness in confronting the monarchy, it nurtured closer ties with them and took the unusual step of legally granting them many state-like functions in the provinces such as tax collection, public works, and supervision of local governments in one of its most detailed pieces of legislation (32 pages). Acting as an extra-parliamentarian enforcer, the Assembly used the committees to intimidate the government, pass sweeping tax legislation, and even start to implement it. Over time, the committees became the biggest thorn in the side of the local governments and the monarchy. As would be expected, the popular committees did not function as one disciplined body. Animated by popular justice, the hundreds of boisterous committees had difficulty coordinating action amongst themselves, let alone with the Assembly. Nonetheless, a national organization of committees was in the making that looked up to the Assembly as a savior from harsh and erratic taxation and day-to-day injustices. That committees were the reason why

the Assembly had any clout was beyond doubt, but their proclivity to create chaos was also cause for concern.<sup>29</sup>

## 5 Iranian Constitutionalism: The Blending and Unblending of Three Traditions

The committees in Tehran physically protected the Assembly by setting up headquarters next door. Throughout Iran, the committees' frequent armed presence exuded a sense of empowerment against those they perceived as oppressors. The committees operated daily as a Council of Grievances or a House of Justice, and in fact viewed the Assembly as something resembling a chief House of Justice and the ultimate center of recourse. In Tabriz, for example, where the committee had its own newspapers that showed its inner workings, the city's inhabitants brought concerns to the committee meetings that were open to the public, a practice that was emulated in smaller cities and towns in Azerbaijan. The members, almost invariably in sympathy with the aggrieved, made deliberations in public that resulted in reaching out to the relevant officials like the governor. In cases where the issue could not be resolved locally, they telegraphed the Assembly petition office that in turn decided which ministry was to be contacted (usually Interior or Finance) and pressed for its resolution. This encouraged the ministries to engage with local government in order to reach a resolution, with results communicated back to the Assembly that then contacted the committees. In some instances, prominent representatives would themselves assume ministerial positions, such as when the head of the Assembly Sani' al-Dawla became the Minister of Interior in which case the committees found a sympathetic ear at the highest levels of government. Of these petitions, telegrams of greater consequence were read out loud in the general Assembly meetings. The description by some historians of committees as an autonomous government within the government of Tabriz, or Rasht, is certainly accurate. Their sense of 'moral economy' was

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29 Faridun Adamiyat, *Idi'uluzhi-i Nahzat-i Mashrutiyat-i Iran*, vol. 2 (Tehran: Intisharat-i Rushangaran, 2000); Nader Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran* (Cambridge: Cambridge University Press, 2011); Janet Afary, *The Iranian Constitutional Revolution, 1906-1911: Grassroots Democracy, Social Democracy, and the Origins of Feminism* (New York: Columbia University Press, 1996).

evident throughout Iran as can be seen in price-setting for essential commodities (esp. bread), anti-hoarding activities, and, most importantly, efforts to moderate taxes.<sup>30</sup>

A House of Justice with branches throughout Iran to attend to public grievances was what the clerics had demanded in mid-December at their gathering in Abdulazim in their first expression of substance. In that sense, the guilds and the public were more attuned to clerical demands than the single full-fledged legislative Assembly desired by the intelligentsia. Ironically, however, this new arrangement ended up empowering the legislative Assembly in Tehran at the expense of the clerics and was thus a turn toward secularism and secularity. To fully appreciate this turn, we need to take note of three different traditions brought together to make this setup a possibility, namely the Islamic, the pre-Islamic, and the Western traditions.

Petitioning the source of justice, or the king, for the redress of grievances was part of the tradition of the Circle of Justice, the history of which long predates Islam in the Middle East though it is most strongly associated with the pre-Islamic Sassanian Iran in its Islamic rendition.<sup>31</sup> With the spread of Islam, the concept became an integral part of the Islamic tradition, and petitioning became associated with the *divān-i mazālim*. However, a soft distinction continued to remain between the two traditions and some contradictory notions were preserved, such as the idea of divine kingship as expressed in the Islamic concept of Shadow of God Upon Earth. Recourse to the source of justice through direct petitioning of the shah was one way the public satisfied their search for justice through formal channels, in addition to recourse to the courts, whether *shar'ī* or *'urf*. As Darling notes, most *mazālim* cases dealt with issues beyond the purview of Islamic law, like “taxation or official injustice.”<sup>32</sup> Some others have gone so far as to call the “*mazālim*” institution a secular form of justice for Islam in general, or for Safavid Iran in particular.<sup>33</sup> Yet, as Darling and

30 Edward P. Thompson, “The Moral Economy of the English Crowd in the Eighteenth Century,” chap. 5 in *Customs in Common: Studies in Traditional Popular Culture* (New York: New Press, 1993); see also James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985).

31 For one of the most ambitious genealogies of this concept see Linda T. Darling, *A History of Social Justice and Political Power in the Middle East: The Circle of Justice From Mesopotamia to Globalization* (London: Routledge, 2013).

32 Darling, *Social Justice*, 79.

33 Irene Schneider, *The Petitioning System in Iran: State, Society and Power Relations in the Late 19<sup>th</sup> Century* (Wiesbaden: Harrassowitz, 2006), 24–25, 29–30, 84. Schneider bases

Schneider have noted, this was only a tendency, and shari‘a was not far off, Islamic judges were sometimes incorporated into the institution and consulted, and shari‘a invoked and enforced in relation to the cases. Thus, the necessity of speaking of a soft distinction. Indeed, based on the limited number of petitions Schneider studied for late 19<sup>th</sup>-century Iran, she concludes that the mazalim’s “legitimacy rested on its respect for shari‘a.”<sup>34</sup>

The absence of a hard distinction between the two traditions, that is kingly justice and shari‘a, is also apparent when we look back at the early clerical demands at the start of the movement. Not only did they ask for a House of Justice with branches throughout Iran, they also called for clerical representation in them with the aim of implementing shari‘a more firmly.

With the setting up of the Assembly that eventually resembled a Western-style legislative parliament, several things happened that put pressure on the institution of kingship and on the clerical establishment, but also chipped away at the Assembly’s Western posture. Much to the dismay of many Western-style parliamentarians, the public flooded the Assembly with petitions. The Westernist constitutionalists did not see dealing with them as part of their task partly because some were trivial and arrived from the remotest locations, but also because they wanted to disparage their image as a House of Justice, or a court of mazālim. Their pleas to the public to stop petitioning the legislature were of no use, and eventually, given the support they needed from the committees, the Assembly came to embrace them and assigned a separate petition committee to handle them.

The challenge to the monarchy came from two directions: to be sure, the Western-style parliament and constitution limited the monarchical powers and added strict conditions for its legitimacy, but legitimacy was also under threat from the traditional angle. The public petitioning of the Assembly for justice in place of the shah called his traditional role into question.

Petitioning through independent channels was also a challenge to the clerical claim of community leadership as the clerics witnessed their informal networks being supplanted in this novel context. The committees

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her discussion on J.S. Nielsen *Secular Justice in an Islamic State: Mazālim Under the Bahri Mamlūks, 662/1264-789/1387* (Istanbul: Nederlands Historisch-Archaeologisch Instituut te Istanbul, 1985) and Willem Floor, “The Secular Judicial System in Safavid Persia,” *Studia Iranica* 29, no. 1 (2000).

34 Schneider, *Petitioning System*, 83.

that sprang up throughout Iran functioned partly as houses of justice. With their direct links to the source of justice, in this case the Assembly, they were no longer in dire need of clerical representation. Martin, elaborating on Algar's earlier thesis, has documented the role clerics played in brokering compromises between the state and the public, a bargaining process that was routine outside the rare instances of rebellion. Importantly, she points to clerical participation in the few Houses of Justice established late in the 19<sup>th</sup> century.<sup>35</sup> Now, however, the public in its own name and in an unmediated negotiation path with the state, had reduced its need for clerical mediation over taxes and other injustices, which became something of a challenge to the clerics.

Of course, there was variation, still informed by the soft distinction. In Burujird, Turbat Haidariyah, Shushtar, and, undoubtedly in other locations, the committees were under clerical leadership.<sup>36</sup> Even in places like Isfahan, where clerics played an important role, some petitions were rife with Islamic imagery with references to shar', the Islamic public, and a distinctively Islamic tone that bore the stamp of clerical prose.<sup>37</sup> And in Tabriz, out of the three seats assigned to the petition council of the committee, one was specifically reserved for a cleric. Furthermore, clerical assistance from outside the committees was still sought, and when pleading for the clerics' help, a distinctively religious tone was adopted.<sup>38</sup> In short, communication through committee newspapers, anonymous leaflets, and, especially, petitions did not become devoid of religious language, and their members did not become any less religious. Yet, petitioning through committees became by far the most prevalent means of recourse to justice with subjects almost exclusively confined to matters of state like high taxes, predatory governors, rulers, local officials, extortion by landowners and tribes, the manner

35 Vanessa Martin, *The Qajar Pact: Bargaining, Protest, and the State in 19<sup>th</sup>-Century Persia* (London: I. B. Tauris, 2005), 4, 18–21, 42–43. For the House of Justice in Fars in the 1890s and clerical involvement, see Martin, 63–67. It should be noted that Martin, without explicitly invoking the Circle of Justice, views it as a thoroughly Islamicized concept and considers all legal matters and notions of legitimacy as subservient to shari'a, portrayed here as a total system. Hence, no room is left for even a soft distinction between multiple, contradictory, and sometimes conflicting legal-political-cultural patterns. See Martin, 8–16.

36 Mas'ud Kuhistaninejad, *Guzidah-i asnad va anjumanha-yi iyalati va vilayati* (Tehran: Kitabkhanah, Muze va Markaz-i Asnad-i Majlis-i Shura-yi Islami, 2011/1390), 52.

37 See, for example, the telegram from the committee in Isfahan; Kuhistaninejad, *asnad va anjumanha*, 257–59.

38 See, for example, the telegram from the Tabriz or Ardabil committees; Kuhistaninejad, 5–7, 30–34.

and locations in which the taxes were spent, commodity prices, harsh punishments, coercion and the like. As such, the content was of less relevance to that covered by religious laws and more in line with matters of the state. The committees now acted as public representatives and became places for gatherings of the common folk who had found their own communication channel with the legislature and the state, energized by the sense that the old administration of justice had broken down. The language of petitions came to differ from the religiously laden language of protests when it moved through the mobilization channels of the clerics, and there was less need for clerical involvement with the public's new-found organizations.

The soft distinction was hardening. Even the legislation that made the committees official stated in a clause that, until the creation of the new state judicial administration, the official committees could act as courts of appeal for the decisions of 'urf courts. This was a shift that may be characterized as secularity; not antagonism to religion, but a move away from the clerical patronage now that other, more effective, ways of communicating and acting on wants had been found. Yet, the matter did not stop there. Against the Assembly's explicitly secularist agenda, only a fraction of the committees defected, with the great majority standing firmly behind the Assembly. Even beyond that, the committees remained a vital tool for the fight with the monarchy and a gathering counter-revolution that became overly concerned with religion.

Another important transformation was at work here with the emergence of committees and their continued practice of petitioning. There was a difference between the old practice of petitioning that took place within the established rules of the game, that is absolute deference of subjects to authority in search of redress of individual wants, or even the collective wants of a village, guilds, or a section of city inhabitants. The sociologist Zaret terms the traditional format "petition and response," distinct from the later form of petitioning that he names "liminal petitioning" where petitioning is no longer an instrument of state and a mechanism for reproducing its legitimacy, but one that is used as an "instrument of insurgency." Here we see deference and defiance at the same time, and a format and language that is something between the humble request of subjects and demands based on rights.<sup>39</sup> The committees' widespread reach as a

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39 David Zaret, "Petition-and-Response and Liminal Petitioning in Comparative/Historical Perspective," *Social Science History* 43, no. 3 (2019).



burgeoning national network that was sometimes coupled with their own press, signaled the early stages of the rise of public opinion and a secular public sphere in the Iranian context at the grass-roots level. This went beyond the elite or the middle-class city dwellers with their own modern presses, associations, and now a parliament. However, it is also important to note that despite their differences, the two were not at all independent and pulled together and grew in tandem.

## 6 Counter-Revolution and the Language of Religion

Counterrevolutions that erupted in Iran (1908–1909) and the Ottoman Empire (1909) were responses to the changes effected by the new regimes. Both revolutions had pursued greater centralization, uniformity, and rationalization in broad terms, even if the precise contents differed. In Iran, tax overhaul preoccupied the Assembly and was brought to the brink of collapse because of it.<sup>40</sup>

The religious opposition, liberal or conservative, had initially rallied against the Qajar monarchy but, as time went by, their differences with constitutionalists became increasingly clear. The religious establishment defined justice as limits placed on government interference in public life and the safeguarding of an autonomous domain regulated by religious law under clerical influence. As such the clerics did not suggest a fundamentally different mode of governance, but a less intrusive and extractive one. Theirs was a local definition of justice. In stark contrast, the constitutionalists' ideal of justice was shaped by a regulative, legal-rational centralized state with more intense involvement in public life than anything seen before. Theirs was a global definition of justice.

In short, if the clerics sought less state and were oblivious to its organizational structure, the constitutionalists strove for one that transformed the taxation structure, managed and improved citizens' welfare in accord with global norms, put into effect and enforced the laws systematically and acted as its sole arbiter, took responsibility for public education, and

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40 Ending the land income category *tuyul* enraged the powerful *tuyul* holders. At the same time, endowing the central government with the authority to dictate, collect, and distribute both components of provincial taxes – *amalkard* and *tajavut-i amal* meant taking control of provincial budgets that infuriated the governors and local magnates.

enhanced geopolitical standing through military reorganization to withstand colonization.

Their contrasting visions came to a head during the passage of the Supplement, or the real constitution, which placed the Assembly and the committees on the one hand against the monarchy and the conservative clerics on the other. The Qajar monarchy, already incensed at the Assembly's tax policies, detested the Supplement. Its tripartite division of powers put a definitive end to government as the extension of shah's patrimonial household; not only did it limit monarchical powers but it endowed the legislature with superior powers over the executive that was now clearly distinguished from the monarchy. The conservative clerics were equally fearful of the Supplement, and for good reason. The handwritten drafts that have recently come to light show that originally it had made no mention of religious courts, and by bringing (compulsory) education solely under state supervision, it managed to undermine the institutional pillars of the clerical establishment.<sup>41</sup> The conservatives also took issue with the heavy borrowings from European constitutions and, beyond that, with the Assembly's pretense to law-making through lay individuals. Other contentious topics were freedom of expression and the press, equality of all before the law regardless of religion, and, finally, the locus of sovereignty.

To oppose the Supplement, the conservative clerics relived the drama of earlier days and took sanctuary at Tehran's holiest site (Abdulazim). In their newly firmed up alliance with the monarchy, they now referred to it as the Islamic government. Such a usage was not new, but its consistent invocation was a show of support for a threatened ally, the monarchy, against their common foe, the Assembly. From there, they cried "deception" and blamed their mistake on the sweet words and attractive language that had served to conceal the obscenity and hideousness of what the constitutionalists had learned in the schools of Vienna and Paris. According to them, equality (*musāvat*) could not mean equality of all religions and creeds before the law, but that of Muslims alone, and, furthermore, by citing liberty (*āzādī*), the Assembly had no right to pass laws on freedom of opinion or speech; the Assembly, and the slogans "liberty," "equality," and "fraternity" were clothes cut for a European figure and, for the most part, in contradiction with the holy law. They expressed anger at the change from

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41 For two early drafts of the Supplement see Iraj Afshar, ed., *Qabalah-'i Tarikh* (Tehran: Talayah, 1989), Doc. 67, 91–100.

'Islamic Consultative Assembly' to the 'National Consultative Assembly' at the request of the British Legation gathering against the shah's wish. In a similar vein, they protested the change of the clerics' original demand from an Assembly of Justice (*majlis-i ma'dalat*), intended to implement the laws of religion, to the National Consultative Assembly and a constitution. For them, these were unfamiliar words and concepts that again had originated from the British Legation gathering. In the clerics' opinion, the Assembly was the Islamic Consultative Assembly, established by the efforts of the Islamic clergy, for service and assistance to the court of the Islamic government and the preservation of the rights of followers of shi'ism. As such, it should not have been influenced by the French or British parliaments.

The celebrations of the first anniversary of the constitution in late July 1907 were held up repeatedly as proof of anti-Islamic and alien behavior. On those nights, purportedly, the constitutionalists had so extended the meaning of equality (*musāvat*) that it had enabled all nationalities and religions, foreign or native, Jews and Christians, European men and women, and especially Babis and naturalists, to congregate in one place. At the celebrations, the Europeans had congratulated the clerics by shaking hands with them while uttering "long live liberty and the constitution." Above the entrance, a banner had read "long live fraternity and equality," and during the ceremonies they had all sung "long live the Zoroastrians." Particularly blamed were the heretic Babis and naturalists, those responsible for eliminating "Islamic" from the Assembly's name, expanding the meaning of freedom so that women could dress as men and walk freely in the streets or bazaars, and holding Galileo, Newton, Kepler, Hugo, and Rousseau in higher regard than the clergy or prophets. The constitutionalists were further accused of contaminating young children's minds in their modern schools and converting them to naturalism. Their European eyeglasses, walking sticks, pants, top hats, frocks, and habit of urinating upright were also mocked. With the establishment of the Assembly, the conservative clerics held, it was probable that they were reaching the end of the age of clerical leadership and the overthrow of the state of Islam, after which absolute freedom would be in vogue, the proscribed allowed, intoxicants permitted, narcotics explored, the holy law annulled, and the Qur'an forsaken. The conservative clerics were in full agreement with this paper's view of contingency and agency presented at the beginning: the intelligentsia's move to the Legation in the absence of clerics had transformed demands into far-reaching constitutional ones.

These developments divided the clerical ranks. With stern opposition led by Ayatollah Nuri, some like Ayatollah Bihbahani grew distant and quiet while others, most prominently Ayatollah Tabatabai, became more vocal in denouncing Nuri and his conservative camp. In this he was helped by a minority faction of clerics in Iraq around Na'ini who developed a Shia defense of constitutionalism.<sup>42</sup> Also, many among the lower-ranking clerics with guild ties remained steadfast in their support.

The ongoing posturing over the Supplement intensified the constitutional and extra-constitutional battles in 1907. The Assembly radicalized and became harsher in its criticisms of the government and monarchy and the committees around the country stepped up their activities. In Tabriz, the trades, the guilds and inhabitants took sanctuary at the telegraph office in support of the Supplement for nearly a month. Their newspaper wrote excitedly of schoolchildren, who arrived in groups with their teachers and walked around the schoolyard singing revolutionary songs and carrying red flags; some youngsters had worn shrouds or adorned themselves with red signs to announce their readiness for martyrdom. Also, women, some cuddling newborns, had joined men in mosques to demand the drafting of the Supplement. Telegraph offices in Rasht, Anzali, Isfahan, Shiraz, and other cities witnessed similar gatherings by crowds demanding the passage of the Supplement. When telegrams in solidarity and sympathy from various national protest sites were read out to the crowd in Tabriz, they yelled in unison “long live our brave compatriots, long live constitutionalists and the constitutional government of Iran.” Before the start of their month-long sanctuary, the crowds in Tabriz had asked the Assembly about the reasons for the delay in approving the Supplement. The Assembly, caught between the radical committees and the onslaught of the conservative clergy, had disingenuously responded that the delay was caused by precautionary measures to detect the slightest deviations in the Supplement from the laws of religion. Against this unsatisfactory answer, the protestors asked, “has the nation demanded religious and prayer laws from the state for there to be need for religious discussions?” They added, “we [only] demand constitutional laws prevalent among all constitutional nations.” Joining and defending the protestors at the site, the well-known cleric Thaqat al-Islam announced that they did not intend to create a new religious law or to revoke the old one and that

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42 Abdul-Hadi Hairi, *Shi'ism and Constitutionalism*.

no one but the clerics could concern themselves with the laws of religion.<sup>43</sup> Yet privately, despite his stellar constitutionalist credentials, *Thaqat al-Islam* almost resented regular obligatory visits to the telegraph office and the riotous atmosphere there. This he blamed on the committees, the ordinary public, and all types of tradespeople, which he disparaged as an ignorant lot. He partly blamed the chaos on the ‘anarchists,’ that is the revolutionaries pouring in from the Russian Caucasus, but placed the blame squarely on the shoulders of the local public and the tradespeople who had taken matters into their own hands and dared, with ready excuses, to confiscate guns from the royal artillery. However, he still managed to heap ridicule on the conservative clerics in his quintessentially Islamic interpretation of constitutionalism: constitutionalism only limited the authority of the government and the monarch, and if limiting injustice and transgression was against *shar‘*, he added ironically, then one is forced to conclude that religion sanctioned injustice!<sup>44</sup>

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43 *Anjuman*, no. 84, 20 May 1907/7 Rabi‘ II 1325, 1–2. The following example comes from the equally contentious city of Anzali:

Gilan had shut down for three days. In Rasht and Anzali the bazaars and shops were closed and most people of Anzali and its environs came to the city, took sanctuary at the telegraph office, and raised the cries of “Oh constitution”, “Oh laws”, “Oh ratification”, “Oh implementation” to the heavens. The group of Mujahidin and Fada’iyan, whose numbers were many, put on military attire, paraded in the city and performed military drills in the compound of the telegraph office. People from the surrounding areas entered the compounds in companies carrying red banners. The students paced the compound with red banners and delivered lengthy speeches. The notables, the clergy, and others also came to the telegraph office and sent telegraphic petitions (‘arizah-yi tiligrafi) to the Assembly and to His Majesty in Tehran, persistently demanding and requesting the completion of the constitution, ratification of other laws, and their implementation. There was a marvelous commotion until yesterday afternoon, the 20th of the present month, an answer came from Tehran indicating that in a week’s time all matters will be rectified and [the Supplement] ratified. However, the Fada’iyan were still not content with this answer and left the telegraph office in their military uniforms and headed for Rasht to join the Fada’iyan there so that they might devise a plan for ratification and implementation of laws. They were not convinced by the courtiers’ threats and promises. By whatever means at hand, they were returned half way and given assurances of Tehran’s telegraphic reply. Today the shops in the bazaar are open and people are attending to their own businesses. Also, the customs administration, which had been prevented from business by the public and Fada’iyan, has started to operate today. God willing, all affairs will be rectified soon and the municipal and provincial protocols arrive so that the duties of every social rank will be specified and the public can rest in comfort (*Habl al-Matin*, no. 16, 16 May 1907/3 Rabi‘ II 1325, 3–4).

44 Iraj Afshar, ed., *Namah-hayi Tabriz: Az Thaqat al-Islam bih Mustashar al-Dawlah* (Tehran: Farzan, 1999), 8–10.

The building crisis led to a scramble to avert further escalation. The Assembly after taking a harsh stance on Nuri and his associates at the start, reverted to a policy of appeasement and introduced compromises in the Supplement. Not everyone was in a compromising mood, however. The radical press, the anonymous leaflets and the majority of committees only hardened their stance. A leaflet from the Iranian Mujahidin of Caucasus, for example, asked the conservative clerics why they insisted on approving the laws now and not back during the reign of tyranny. Were the crimes of the regime of tyranny according to shar‘, it asked, and invited them to be silent for otherwise it could only bring condemnation of past inactivity and misdeeds.<sup>45</sup> The newspaper, *Sur-i Israfil*, began to openly disparage religion. It created an uproar in the capital when it alluded to Islam as nothing but old fodgeism, saying Islam had created superstition among the Iranian people, and that it was the cause of Iran’s backwardness. The clergy interpreted the adjective used to describe them – kuhnah-parast (old fogey, literally worshipper of the arcane) – to mean that clerics worshiped the arcane – that is, Islam; they thus concluded that in *Sur-i Israfil*’s opinion, Islam, like all matters arcane, should be discarded. *Sur-i Israfil* did not relent and dared to associate the pre-Islamic past with the height of Iranian civilization (hence the clerics’ sensitivity to Zoroastrians and Zoroastrianism), an argument that was articulated late in the 19<sup>th</sup> century with the emergence of modern Iranian nationalism. This thinking gathered momentum in the context of the fight with clerics and left an indelible mark on the later generations’ nationalist discourse.<sup>46</sup> *Musavat*, a radical newspaper that had begun publication shortly after the ratification of the Supplement (13 October 1907), likened the clerics to advocates of idol worship and described them as ignorant, dishonest, intolerant, self-interested cheats, worshippers of tyranny, and the devil in men’s skins. It attacked their

45 Khanah-i Mashrutiyat Archives, Tabriz 1193, Internal Center (Tabriz) of Iranian Mujahidin of Caucasus.

46 The same issue argued that the doctrine of natural rights may be found in the Qur’an, but that the clergy had not understood it and failed to talk about freedom. *Sur-i Israfil*, no. 12, 4 September 1907/26 Rajab 1325: 1–3; *Sur-i Israfil*, no. 13, 11 September 1907/3 Sha’bān 1325: 1–3; *Sur-i Israfil*, no. 14, 18 September 1907/10 Sha’bān 1325: 1–5. As Mottahedeh has argued, Iranians had for centuries drawn equally from pre-Islamic and Islamic imagery. In the late 19<sup>th</sup> century, however, an emerging nationalist discourse juxtaposed the ‘Iranian’ against the ‘Islamic’ at the expense of the latter. See Roy P. Mottahedeh, *The Mantle of the Prophet: Religion and Politics in Iran* (New York: Pantheon Press, 1985). The second series of the newspaper *Kaveh* published in Berlin reflected some of the central constitutionalist writings on this, including Taqizadah, who played a key role in further articulating that discourse.

wealth, their opportunism, and their political power. And finally, it argued that the history of Islam in the East and West demonstrated that the clergy had destroyed the true, democratic Islam by cooperating with tyranny and giving birth to a political system that was a mixture of Oriental despotism and American slavery.<sup>47</sup>

The committees' most dramatic act during the battle over the Supplement was the assassination of Chief Vizier Mirza Ali Asghar Khan Atabak (1858–1907), at the end of August. This was an event saturated with symbolism. It resembled a ritual killing that destabilized the monarchy at a more abstract cultural level and proved to be a turning point for the movement. The Supplement that was approved amidst turmoil some five weeks later – in early October 1907 – granted unusual powers to the legislature over individual ministers and the cabinet, as these were obliged to resign in case of dissatisfaction by the absolute majority in the Upper or Lower House even without legal infraction or consent of the shah (Art. 67). Although additional articles moderated these powers, it certainly spoke volumes about the Supplement's vision of the Assembly's place.

As mentioned above, the Assembly was forced to modify some articles of the Supplement or make new additions (see the appendix). The earlier draft was a thoroughly secular document, that made all citizens, regardless of religion, equal before the law.<sup>48</sup> This article was not compromised and remained intact in the Supplement (Art. 8). The original draft had undermined almost entirely the institutional basis of the clerics by avoiding any mention of religious courts; it also made education free, mandatory, and under state control and supervision (Art. 19). By doing so, it ended the clerics' near monopoly. The Supplement did not make a serious compromise in these spheres either and left education as before. When it came to religious courts, of the 19 articles devoted to the courts specifically, one article vaguely referred to Islamic jurists being responsible for matters falling within the scope of shari'a (Art. 71), and another (Art. 83) stated that the Public Prosecutor who was appointed by the shah should receive the approval of the ecclesiastic judge.<sup>49</sup> More serious compromise came with

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47 *Musavat*, no. 2, 27 October 1907: 1–2; *Musavat*, no. 3, 4 November 1907: 3–5; *Musavat*, no. 5, 18 November 1907: 7–8; *Musavat*, no. 18, 22 March 1908; *Musavat*, no. 27, 30 January 1909: 2–5; *Musavat*, no. 29, 22 February 1909; *Musavat*, no. 30: 5.

48 See Afshar *Qabalah-i Tarikh*, Doc. 67, 91–100.

49 Another mention was also made in the second clause of Article 27 that was essentially a repetition of Article 71. After stating that religious and civil courts were responsible for

freedom of the press that made exceptions for “heretical books and matters hurtful to the perspicuous religion [of Islam]” (Art. 20). Exception was also made with regard to the study and acquisition of skills in matters forbidden by religious law (Art. 18). Of the most serious concessions, two concerned religion, and one the monarchy. Islam now became the official religion of Iran (Art.1). Furthermore, the conservatives had demanded supervision of the Assembly’s law-making to ensure its compatibility with Islamic law and suggested a five-member clerical council with the authority to reject the legislative bills, something the press mocked as a clerical senate. Under pressure, the Assembly caved in but insisted on having the right to elect the five from a roster of twenty selected by the clerical establishment. Conservatives rejected the offer, considering the lay representatives unfit to make that decision and thus shut the door to a compromise. Nonetheless, the Assembly’s offer found its way into the Supplement (Art. 2). Although it was not implemented under the Qajars or Pahlavis, it served as the model for various bodies in the Islamic Republic that tempered legislation and the national sovereignty principle in favor of religion and clerical power. With regard to the monarchy, its divine pretensions were awkwardly preserved by stating that “Kingship (Sultanate) is a trust confided as a Divine gift by the people to the person of the King” (Art. 35).<sup>50</sup> This article was apparently modified in the shah’s own handwriting. Yet, the Supplement was explicit about the locus of sovereignty: it rested with the people (Art. 26).

Just as some groups, including some trades, guilds, and committees, rallied behind the conservative clerics and adopted clerical language, the shah, too, began to couch his criticisms of the Assembly in the language of religion while preparing the ground for a final assault. The conservative clerics returned the favor by addressing him consistently as the shah of Islam. In their hardening stance, Islamic law was argued to be complete and unchanging, in no need of addition or modification in view of changing circumstances. The conservatives eventually rejected constitutionalism altogether. The Iranian clerics remained divided over constitutionalism.

The Assembly was bombarded in late June 1908, shortly after a committee-directed failed assassination attempt against the shah. The armed committees that had taken positions in and around the Assembly

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matters falling within their scope, it failed to spell out their sphere of authority.

50 This is a modification of Browne’s translation that reads “The sovereignty is a trust confided (as a Divine gift) by the people to the person of the King.”



compound fell easily to the more disciplined Cossack Brigade. With the fall of Tehran, a thirteen-month bloody struggle ensued between the loyalists and constitutionalists throughout Iran. Russia used the disorder to take control of northwestern Iran. In the rest of the country, the constitutional forces – composed of the committees, revolutionaries from the Caucasus including the Armenian Dashnak, provincial militaries in the north, and Bakhtiari tribes from the south – managed to capture Tehran in a coordinated assault in July 1909. The shah was deposed and his minor son assumed the throne under a regent. Ayatollah Nuri was publicly hanged.

The re-establishment of the Assembly marked the introduction of formal political parties. Yet, the disorder that followed the ordeal of a year-long civil war ultimately prepared the ground for Russian and British intervention in the north and south. The constitutional movement came to a formal end after Bakhtiari militias shut down the Assembly at the end of 1911 following Russia's threat to occupy Tehran.

## 7 The Aftermath

The strongman that emerged in the aftermath, Reza Shah, has been imagined officially and popularly as the founder of modern Iran. What was his connection to the preceding constitutional movement, and can we gain a better understanding of him and the fate of religion in Iran by placing him in the trajectory of that movement?

The counterrevolutionary period from June 1908 to July 1909, unleashed the centrifugal forces at the periphery that pushed the door further open to foreign intervention. This, combined with a weak middle class and the absence of a centralized modern military, formally brought the constitutional movement to an end. A decade of disorder followed during and after the First World War, with Russia consolidating in the north and the British settling in the south.

However, the opportunity for vibrant constitutionalism was not yet lost. As the important work of Stephanie Cronin has shown, the institution of the gendarmerie, the brainchild of the constitutional movement, was primed to protect a future republic with its highly trained, educated, and nationalist staff. Its foreign-trained officers, some hailing from the military academy of Istanbul (Harbiye), had affinities with the Young Turks and admired the

Kemalist movement. Even though the gendarmerie was only a nascent institution with a small officer corps, it remained Iran's best chance of survival, and with its solid constitutional pedigree, its best democratic alternative.

A fateful contingency, however, derailed the democratic route, if not entirely the constitutional one. The gendarmerie was at the height of its power and popularity when it collaborated with Reza Khan's Cossack Brigade, in the 1921 coup against the monarchy, to inch closer to a republic. However, by the end of that year, the ambitious and skillful future ruler of Iran, Reza Khan, had sidelined the gendarmerie, his partner, and begun a process of incorporation and consolidation of that force under the Cossacks.<sup>51</sup> This outcome was particularly surprising, given that the better-trained, disciplined, organized, and numerically larger gendarmerie was poised to assume power as the protector of the constitution and the Assembly.

Four years later, Reza Khan, after initially considering a republic, declared himself the new shah of Iran. The battered and weakened post-constitutional Iranian clerics, greatly alarmed at Ataturk's republican secularist reforms, played a crucial role in convincing him against the republican route. The clerics thought of Reza Khan as a safe choice because of his demonstrated lack of hostility toward religion during the first two phases of his rule, from 1921–1925 before assuming the throne, and the two years afterwards, from 1925–1927. From 1927 to 1941, the third phase, Reza Shah put all pretensions aside and undertook a series of repressive cultural and institutional measures both against democratic institutions and religion. On the one hand, his undertakings pacified and isolated the mainstream religion in the newly instituted seminary at Qom which became resigned to its fate. On the other hand, his regime managed to radicalize religion outside the Qom mainstream.<sup>52</sup> His rule was characterized by increasing military dominance over civilian authority, arbitrariness, corruption, nepotism, and the accumulation of enormous wealth by the shah and his military commanders who served as his key administrators. After co-opting the state-building programs of the constitutionalists, he curtailed constitutional rights, and rendered the Assembly ineffective after

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51 Stephanie Cronin, *The Army and Creation of the Pahlavi State in Iran, 1910–26* (London: I. B. Tauris, 1997).

52 Mohammad H. Faghfoory, "The Ulama-State Relations in Iran: 1921–1941," *International Journal of Middle East Studies* 19, no. 4 (1987); Mohammad H. Faghfoory, "The Impact of Modernization on the Ulama in Iran, 1925–1941," *Iranian Studies* 26, no. 3/4 (1993).

1926. Reza Shah was an outsider to the revolution. When the constitutionalists begrudgingly rallied behind him, it was for lack of a better alternative. They settled on a candidate who could at least bring to fruition their state-building aspirations, if not their democratic ones. And Reza Shah did build a stronger state than the constitutionalists had managed to do: he implemented forced sedentarization of tribes, a new army of conscripts, state sponsorship of mandatory free education, infrastructural works, and the beginnings of a welfare state. Women experienced legal and social improvements, but he also left behind a legacy of forced unveiling with mixed memories and results. Overall, his harsh measures came at the expense of the constitutional movement's hard-won political agenda.

But whereas the gendarmerie was sure to be an authoritarian institution in a republican setting in emulation of Atatürk republicanism, it was to be different from Reza Shah who displayed despotic behavior. Unlike the gendarmerie, Reza Shah was not part of the grain of the constitutional movement or a rising educated middle class. For our purposes, the issue becomes: how would religion fare any differently under the gendarmerie? This is a counter-factual question, but one that is important for evaluating the significance of the rise of Reza Shah and the fate of religion in Iran. One can perhaps speculate that, given the gendarmerie's more democratic nature and approach, Westernization and repression would not have been coupled together nearly to the same extent as under Reza Shah or Pahlavis in general. Be that as it may, why should one believe religion would have fared any better under the republican agenda? For one, it is doubtful that their ideologically driven secularism project from the top would have been as repressive as Reza Shah's given their solid connections to the constitutional movement, and to the popular committees to which they owed a great debt. More importantly, under Reza Shah the move toward secularity that had begun under the committees was brought to a complete halt. Reza Shah's suppression of the nascent federalist movements throughout Iran was an important part of that process. These movements (e.g. the Gilan Jangal movement, the Azerbaijan Khiabani movement, etc.) were an outgrowth of the earlier regional committees. Their suppression put an end to the federalist alternative to democratization, cut off the public from venues of political expression and blocked off the popular route to secularity.

In the end, the democratic project was derailed almost entirely because of the institutional weakness that allowed the rise of a personality and an

institution alien to the constitutional movement. Nonetheless, with its first revolution, Iran had started out on the global constitutional path, and although its inertia could be tempered, it could not be pushed off that road entirely.

Between 1941 and 1953, for example, constitutionalism roared back to life. With the abdication of Reza Shah in 1941, the first phase of his son's rule (1941–1953) was characterized by the full blooming of parliamentarian politics, political party formation, and a robust trade union movement. The public, instead of choosing the route of political Islam, rallied enthusiastically behind the starkly non-religious constitutional party of the National Front (Mossadegh) and the Tudeh Communist Party. This period of political opening also witnessed the first appearance of miniscule fringe, radical-terroristic Islamist groupings (e.g. Fedaiyan-i Islam or martyrs of Islam with spiritual support from Khomeini) in explicit reaction to the harsh secularist policies of Reza Shah and the forced marginalization of religion that his rule entailed.

The 1953 coup and the overthrow of Mossadegh in the entanglement of global oil politics, brought this political opening to an end as well and the National Front and Tudeh Party were dismantled. It is in its aftermath that we witness the emergence of political Islam in the 1960s, and the appearance of mosque and religious networks as safe havens and zones of autonomy that served as the sole venues for expressing of political dissent. We also witness the appearance of religiously-tinged liberal and leftist movements in acknowledgement of the growing clout of religion and in search of alliance with it. Yet, this is a history that cannot be written without reference to global oil politics and the rise of wealthy rentier states which have extensive surveillance and repressive infrastructural capabilities, exist autonomously from their publics and are without need for political bargaining because they are largely free from the burden of taxation.<sup>53</sup> While all these conditions facilitated the growth of political Islam, its victory was far from inevitable, but when it did emerge through a series of contingencies, it opened a new path in Iranian history, and perhaps even in regional and global histories.

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53 For an excellent example, see Mottahedeh, *The Mantle of the Prophet*.

## 8 Appendix (Selections from the Supplement)<sup>54</sup>

Art. 1. The official religion of Persia is Islam, according to the orthodox Jafari doctrine of the Ithna Ashariyya (Church of the Twelve Imams), which faith (1) the Shah of Persia must profess and promote.

Art. 2. At no time must any legal enactment of the Sacred National Consultative Assembly, established by the favour and assistance of his Holiness the Imam of the Age (may God hasten his glad advent!), (2) the favour of his Majesty the Shahinshah of Islam (may God immortalise his reign!), the care of the Proofs of Islam (3) (may God multiply the like of them!), and the whole people of the Persian nation, be at variance with the sacred principles of Islam or the laws established by his Holiness the Best of Mankind (4) (on whom and on whose household be the Blessings of God and His Peace!). It is hereby declared that it is for the learned doctors of theology (the ulama) – may God prolong the blessing of their existence! – to determine whether such laws as may be proposed are or are not conformable to the principles of Islam; and it is therefore officially enacted that there shall at all times exist a Committee composed of not less than five mujtahids or other devout theologians, cognisant also of the requirements of the age, [which committee shall be elected] in this manner. The ulama and Proofs of Islam shall present to the National Consultative Assembly the names of twenty of the ulama possessing the attributes mentioned above; and the Members of the National Consultative Assembly shall, either by unanimous acclamation or by vote, designate five or more of these, according to the exigencies of the time, and recognise these as members, so that they may carefully discuss and consider all matters proposed in the Assembly, and reject and repudiate, wholly or in part, any such proposal which is at variance with the Sacred Laws of Islam, so that it shall not obtain the title of legality. In such matters the decision of this Ecclesiastical Committee shall be followed and obeyed, and this article shall continue unchanged until the appearance of his Holiness the Proof of the Age (may God hasten his glad Advent!).

Rights of the Persian Nation.

Art. 8. The people of the Persian Empire are to enjoy equal rights before the Law.

Art. 9. All individuals are protected and safeguarded in respect to their lives, property, homes, and honour, from every kind of interference, and none shall molest them save in such case and in such way as the laws of the land shall determine.

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54 For the translation of the 1907 Supplement, see Edward G. Browne, *The Persian Revolution of 1905–1909* (London: Frank Cass, 1966), 372–84.

Art. 18. The acquisition and study of all sciences, arts and crafts is free, save in the case of such as may be forbidden by the ecclesiastical law.

Art. 19. The foundation of schools at the expense of the Government and the Nation, and compulsory instruction, must be regulated by the Ministry of Sciences and Arts, and all schools and colleges must be under the supreme control and supervision of that Ministry.

Art. 20. All publications, except heretical books and matters hurtful to the perspicuous religion [of Islam] are free, and are exempt from the censorship. If, however, anything should be discovered in them contrary to the Press Law, the publisher or writer is liable to punishment according to that law. If the writer be known, and be resident in Persia, then the publisher, printer and distributor shall not be liable to prosecution.

Art. 26. The powers of the realm are all derived from the people; and the Fundamental Law regulates the employment of those powers.

Art. 27. The powers of the Realm are divided into three categories: First, the legislative power, which is specially concerned with the making or amelioration of laws. This power is derived from his Imperial Majesty, the National Consultative Assembly and the Senate, of which three sources each has the right to introduce laws, provided that the continuance thereof be dependent on their not being at variance with the standards of the ecclesiastical law, and on their approval by the Members of the two Assemblies, and the Royal ratification. The enacting and approval of laws connected with the revenue and expenditure of the Kingdom are, however, specially assigned to the National Consultative Assembly. The explanation and interpretation of the laws are, moreover, amongst the special functions of the above-mentioned Assembly. Second, the judicial power, by which is meant the determining of rights. This power belongs exclusively to the ecclesiastical tribunals in matters connected with the ecclesiastical law, and to the civil tribunals in matters connected with ordinary law.

Rights of the Persian Throne.

Art. 35. Kingship (Sultanate) is a trust confided as a Divine gift by the people to the person of the King.<sup>55</sup>

Art. 36. The constitutional Monarchy of Persia is vested in the person of his Imperial Majesty Sultan...

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55 This is a modification of Browne's translation that reads "The sovereignty is a trust confided (as a Divine gift) by the people to the person of the King."

Art. 44. The person of the King is exempted from responsibility. The Ministers of State are responsible to both Chambers in all matters.

Art. 57. The Royal prerogatives and powers are only those explicitly mentioned in the present Constitutional Law.

Concerning the Ministers.

Art. 58. No one can attain the rank of Minister unless he be a Musulman by religion, a Persian by birth, and a Persian subject.

Art. 64. Ministers cannot divest themselves of their responsibility by pleading verbal or written orders from the King.

Art. 71. The Supreme Ministry of Justice and the judicial tribunals are the places officially destined for the redress of public grievances, while judgment in all matters falling within the scope of the Ecclesiastical Law is vested in just mujtahids possessing the necessary qualifications.

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