

PART ONE

Chapter I The Introduction of Democracy and Conflict in Modern Egypt: The Constitution of 1923

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Introduction

This paper will take up Egypt during its period of constitutional monarchy (1922–52) around the themes of the constitution and political circumstances in the first half of this period in particular. While the Kingdom of Egypt achieved independence, albeit titularly, as a sovereign nation in 1922, it officially announced its constitution the next year in 1923 (hereinafter referred to as the constitution of 1923), by which it established a modern constitutional monarchy. Taking the Belgian Constitution from the time as its model, the constitution of 1923 explicitly laid out a political structure in which governmental affairs were to be handled under civil rights, the sovereignty of the people, and the separation of powers by the king, parliament, and the government.¹ This was the most thorough adoption of a Western European-style democracy in Egypt's history, and is esteemed as being the most liberal from among Egypt's successive constitutions up through the present.²

While it should be understood that the democratization initiated by the enact-

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¹ The Belgian Constitution enacted in 1831 is claimed to be the prototype of European continental constitutions in the 19th century. It contained the most progressive stipulations within Europe at the time with regard to matters like sovereignty, securing the rights of the people, as well as a separation of the three branches of state under a monarchy. The contents of this constitution had an impact on the constitutions of numerous monarchical states, such as the Prussian Constitution of 1850. Thus it could be said that the reason that this constitution was adopted as a model for the Egyptian one was based on the above background.

² Arthur Goldschmidt Jr., *Historical Dictionary of Egypt* (London: The Scarecrow Press, 1994), 78.

ment of the constitution of 1923 was a result of the independent in 1922, this independence was realized on account of the 1919 revolution. The 1919 revolution was a nationalist movement spanning the entire country in its search for independence, which took advantage of the opportunity for national self-determination following World War I and claimed the dispatch of a delegation to the Paris Peace Conference.³ Therefore, Egypt's constitutional order could be said to be a creation of the nationalist movement of the 1919 revolution. As such, this constitutional order gave rise to the most vigorous party and parliamentary politics in Egypt's history, producing a diverse array of popular movements working in tandem with it. This has been denoted as a quintessential example in which a popular movement and democratization have interacted with one another to produce significant alterations in the government and society.

Egypt's period of constitutional monarchy is referred to as "the liberal age."⁴ This designates "the age in which Western liberalism was accepted," as well as "the age in which political activities were carried out freely and vigorously without constraints on things like elections, political parties, and journalism." However, it was also period in which political instability persisted, as exemplified by the aforementioned constitution of 1923 being superceded by another constitution in 1930 (hereinafter referred to as the constitution of 1930), with its original content being restored in 1935. Furthermore, it was also an age of political violence marked by frequent uprisings and assassinations. The relation between nationalist movements and democratization were constantly pushing Egypt toward both hope and confusion. The task of confirming and verifying this process is thought to be capable of offering numerous implications for not only characteristics of the modern age, but also in terms of considerations for present day democratization.

While the above is an issue of interest in this paper, it is also a major theme which demands consideration from a multitude of angles. Therefore, this paper will first focus on the constitution itself, which is the most important mainstay of the constitutional system. A great deal of previous research exists on the party and parliamentary politics of this period and its relation with the king and Britain, as do studies on the constitution of 1923.⁵ However, detailed analyses regarding a con-

³ Itagaki Yūzō 板垣雄三, "Ejiputo 1919 nen kakumei" エジプト 1919 年革命 (Egypt's 1919 revolution), in *Iwanami kōza sekai rekishi* 岩波講座世界歴史 (Iwanami world history), vol. 25 (Tokyo: Iwanami shoten 岩波書店, 1970), 496–515.

⁴ Selma Botman, "The Liberal Age," in *The Cambridge History of Egypt*, vol. 2, ed. M. W. Daly (Cambridge: Cambridge University Press, 1998), 285–308; Afaf Lutfi al-Sayyid-Marsot, *Egypt's Liberal Experiment: 1922–1936* (Berkeley: University of California Press, 1977).

⁵ Amin Osman, *Le mouvement constitutionnel en égypte et la constitution de 1923* (Paris: Jouve & Cie, 1924); Norman Bentwich, "The Constitution of Egypt," *Journal of Comparative Legislation and International Law*, 3rd ser., 6 (1924): 41–49; Shoukri Nagib, *La constitution égyptienne et le contrôle de la constitutionnalité des lois* (Paris: Société Nouvelle des Juris-Classeurs, n.d.); Elie Kedourie, "The Genesis of the Egyptian Constitution of 1923," in *Political and Social Change in Modern Egypt: Historical Studies from the*

trast of the Belgium Constitution as it relates to the enactment of the constitution of 1923, and a comparison of the 1923 and constitution of 1930 are nowhere to be found. What is more, until now there have unfortunately been no perspectives which attempt to perceive the constitutions of this period as part of a consistent process by connecting these two comparisons together. This is because there have yet to be any attempts to discuss what significance the commonalities and disparities between these constitutions had within the political circumstances at the time. The circumstances and political issues of the age are reflected within the stipulations of the constitution and the political system which was derived from it. That being the case, it would be possible to perceive the political circumstances inversely by looking through the changes to the constitution and the system. Therefore, the objective of this paper will be to endeavor to provide new considerations relative to the existing evaluations by proceeding from a comparative analysis of the constitutions.

However, there are two major problems with such a consideration. The first is the problem of nationalism, and the second is the problem of defining democratization. Needless to say, for Egypt this was a period of nationalism (*wataniyya*) which sought complete independence over its titular independence; an age in which all matters were debated within this framework or else in relation to it. This will be discussed later, but it will be pointed out that while the consummate proposition was for complete independence, the situation was one in which democracy was debated and expanded upon.

In this respect, within this paper the word “democratization” cannot be used with the diverse array of nuances with which it is discussed in the present day. The democratization of Egypt in its constitutional monarchy period must be further clarified for the purposes of this consideration in order to discuss this from the standpoint of the constitution. Therefore, this paper will perceive of “democratization” in the following manner. A point of view which generally refers to this term as “procedural democracy” or “institutional democratization” will be adopted. The stipulations found within the constitution pertaining to the parliament, king, and ministers in particular will be analyzed, in addition to which it has been decided that the contents of the election laws derived from the stipulations for parliament will be included in the discussion as well. Doing so will make it possible to affirm the acceptance of democracy institutionally by proceeding in chronological order, which it is thought will at least provide a single foundation for related research in the future.

Ottoman Conquest to the United Arab Republic, ed. P. M. Holt (London: Oxford University Press, 1968), 347–61; Shirai Masahiro 白井正博, “Ejiputo no 1923 nen kempō no seitai to Umma no gainen” エジプトの1923年憲法の制定とウンマの概念 (The Egyptian Constitution of 1923 and the concept of Umma), *Isuramu Sekai* イスラム世界 (The Islamic world) 23/24 (1985): 91–103.

1. Overview of the Political History

This overview will principally cover the political circumstances from the enactment of the constitution of 1923 through to the announcement of the constitution of 1930, as well as those up through the restoration of the constitution of 1923 in 1935. The following section will then describe the background pertaining to an analysis of the constitution and the election laws.⁶

Within the 1919 revolution, which attempted to send an Egyptian delegation (*wafd*) to the Paris Peace Conference, the term *wafd* itself became a name for leaders such as Saʿd Zaghlūl (1859–1927) and a movement. Before long the Egyptian popular nationalists that participated in the *wafd* came to occupy the ranks of leadership in the Egyptian political arena, replacing the Turkish politicians who had comprised the ruling class until then. Despite the fact that Egypt's issues were not formally debated at the Paris Peace Conference, Britain was unable to suppress them from rising, unilaterally declaring Egypt to be independent on 28 February 1922. However, with regard to this independence, the British had four reservations, including: (1) freedom of British movement and communication within Egyptian territory, (2) British defence of Egypt, (3) the rights of foreigners and protection for minority groups, and (4) British governance of Sudan, and the British army remaining stationed in the country. The British high commissioner, policy advisor, financial advisor, and judicial advisor continued on as before, with only the titular change from policy advisor to director-general of the European department in the Egyptian Ministry of Interior. The level of British influence maintained by Egypt was unchanged from its protectorate period. This is the grounds for referring to the independence of Egypt as titular.

On 1 March immediately following independence, King Aḥmad Fuʿād (reign: 1922–36) issued a royal decree establishing the constitution, and on 3 April the government launched the Constitution Drafting Committee (al-Lajna al-ʿĀmma li-Waḍʿ al-Dustūrī). The committee members drafted a constitution and election law over

⁶ The following materials were used for the descriptions in this section. Botman, "The Liberal Age," 285–308; P. J. Vatikiotis, *The History of Egypt from Muhammad Ali to Sadat*, 2nd ed. (London: Weidenfeld and Nicolson, 1980), 271–95; Aḥmad Ḥusayn, *Mawsūʿa Taʾrīkh Miṣr* (The Egyptian history), vol. 5 (Cairo: Dār al-Shaʿb, 1978); ʿAbd al-Raḥmān al-Rāfiʿī, *Fī Aʿqāb al-Thawra al-Miṣriyya: Thawra sana 1919* (The situation after the 1919 revolution in Egypt), 4th ed., 3 vols. (Cairo: Dār al-Maʿārif, 1987); ʿAbd al-ʿAzīm Ramaḍān, *Taḥawwur al-Ḥaraka al-Waṭaniyya fī Miṣr* (The development of nationalism movements in Egypt), 3rd ed., 2 vols. (Cairo: al-Hayʿa al-Miṣriyya al-ʿĀmma li-l-Kitāb, 1998); Yūnān Labīb Rizq, *Taʾrīkh al-Wizārāt al-Miṣriyya 1878–1953* (The history of Egyptian cabinets 1878–1953), 2nd ed. (Cairo: al-Hayʿa al-Miṣriyya al-ʿĀmma li-l-Kitāb, 1998); Jance J. Terry, *Cornerstone of Egyptian Political Power: The Wafd 1919–1952* (London: Third World Center, 1982).

the course of six months and presented them to the government on 21 October. Thereafter, the constitution of 1923 was officially announced on 19 April 1923, with the election law following on 30 April (election law of 1923: Law No. 11, 1923). The first general election was held on 12 January 1924 and the parliament was established in March. In addition to which Zaghlūl of the Wafd Party (Ḥizb al-Wafd), which took the election by a landslide, was appointed to the post of prime minister by the king. This marked the beginning of the “liberal age.”

The *wafd* from the 1919 revolution became the Wafd Party under the constitutional system and consistently received widespread, enthusiastic support from the people with Zaghlūl, who was regarded as a hero, as its leader. At the same time, many politicians and members of the legal profession who had participated in the *wafd* prior to independence later broke with Zaghlūl and formed the Liberal Constitutionalist Party (Ḥizb al-Aḥrār al-Dustūriyyīn). While the Wafd Party advocated both complete independence and democratization, it is said that internal party politics consisted of a virtual dictatorship under Zaghlūl. His renown was having the Wafd Party transcend regional, class, religious, and similar barriers in Egypt to contribute to obtaining popular support and inciting popular movements, while at the same time producing a state of affairs where his resolutions were conveyed as they were to regional chapters, labor organizations, Coptic Christians, and others with almost no debate within the party.

Chafing under such control by Zaghlūl, political elites whose opinions differed from Zaghlūl’s assembled together as the Liberal Constitutionalist Party. Its members included people like ‘Abd al-Khāliq Tharwat (1873–1928) and ‘Adlī Yakan (1864–1933) who had both had experience as prime minister; spirited lawyers like ‘Abd al-‘Azīz Fahmī (1870–1951), Ismā‘īl Ṣidqī (1875–1950), and Muḥammad Ḥusayn Ḥaykal (1888–1956); and others such as the ‘ulama’ ‘Alī ‘Abd al-Rāziq (1888–1966). Furthermore, the king and his followers launched the Unity Party (Ḥizb al-Ittiḥād). While the Unity Party had little influence within the parliament, it contained a prime minister, a number of cabinet ministers, and high-level officials who had been appointed by the king, thus wielding political influence on behalf of the king. These new parties and the Waṭan Party (al-Ḥizb al-Waṭanī), which had existed previously, came to be the bearers of Egypt’s party and parliamentary politics. Yet the Wafd Party did not budge from its position of absolute predominance, and previous research has often tended to treat the various other parties by lumping them together as small parties.

Although the Wafd Party came to form the ranks advocating the constitution of 1923, Zaghlūl displayed a position of strong opposition to the enactment of the constitution. Having been punished with deportation by the British authorities as the leader of a radical anti-British movement during the 1919 revolution, Zaghlūl had been completely excluded from the work of enacting the constitution. Upon being permitted to return, he affirmed that any constitution that did not come from

a constitutional committee by popular vote would be invalid, calling the Constitution Drafting Committee the “Malefactors’ Commission” (*lajna al-ashqiyā*).⁷ While at the same time King Fu’ād resented the fact that his political power had been disbursed and his personal authority curtailed due to the establishment of the constitution. Despite their separate reasons being diametrically opposed, King Fu’ād and the Wafd Party joined forces over their sole point of commonality, which was their position of opposing the constitution, and confronted the British authorities who strongly supported the constitution of 1923.

However, the honeymoon period between the king and the Wafd Party soon collapsed. Backed by their overwhelming majority in the lower house of parliament, the Wafd seized the initiative in lawmaking and revised the election law of 1923 to abolish indirect elections and institute direct elections (election law of 1924: Law No. 4, 1924). Furthermore, Zaghlūl was calling on the British for immediate and total independence, demanding the abolition of the British director-general of the European department and advisors, the withdrawal of the British army, and so on. While the administration of the Wafd Party was strengthening its confrontational approach toward the British, Lee Stack, a British citizen who was the sirdar of the Egyptian army and governor-general of the Sudan, was assassinated in Cairo in November 1924. High Commissioner Edmund Allenby (served: 1919–25) laid responsibility for the incident on Prime Minister Zaghlūl, who resigned under the pressure.

Even though King Fu’ād had been joined with Zaghlūl in their opposition to the British, it would have been excessive for the king to take the same hard line approach to the British that the Wafd Party had, and renewed difficulties in relations with British authorities were confronted. What is more, the emphasis laid on democratization by the Wafd Party administration had not been welcomed by the king and politicians of conservative factions. After Zaghlūl’s resignation the king appointed Aḥmad Zīwar (1864–1945) of the Unity Party to succeed him as prime minister. Zaghlūl’s term in office as prime minister lasted a mere eight months, and he would not assume the post again.

Prime Minister Zīwar acceded to all of the British side’s demands concerning Stack’s assassination (payment of indemnities, withdrawal of the Egyptian army from Sudan, prohibition of demonstrations for political reasons, etc.), after which the king dissolved the lower house of parliament. However, even though the Wafd Party lost some of their seats in the lower house elections in March 1925, the party still controlled a majority. Unable to prevent Zaghlūl from assuming the role of lower house speaker when the parliament convened, the king dissolved the lower house once again on the very same day. After this there was a period of parliamentary inactivity which continued on for the next one year and two months. A

⁷ Kedouri, “The Genesis of the Egyptian Constitution of 1923,” 351.

mere two years after the enactment of its constitution Egyptian constitutional government was stagnating due to the arbitrary authority of the king, and the general tone of an anti-British Wafd Party transitioned to an anti-royal Wafd Party.

Table 1 lists the results of the lower house election under the constitutional monarchy period. While a total of 10 parliaments were formed, only the ninth one completed its five year term, with all of the others having been dissolved by the king. Moreover, for the abovementioned second through fifth parliaments, regardless of the constitutional provision that elections be held within two months of their dissolution, there was a period of inactivity lasting more than a year from their dissolution until the next election. The Wafd Party boycotted two of the elections, but of the eight it participated in it won a majority of seats in seven of the elections. This antagonism between the Wafd Party which retained its dominance in the parliament and the king with his repeated arbitrary decisions led to long-lasting conflict and confusion within the constitutional system.

Following the dissolution of the second parliament Zīwar, who had been reappointed as prime minister, revised the election law which had restored indirect elections in December 1925 in order to curb the Wafd Party's power (election law of 1925, passed by royal decree). On 19 February 1926 former lower house members and local assembly members from the Wafd, Liberal Constitutionalist, and Watan parties convened the "National Congress" (mu'tamar al-waṭanī) while out of office and resolved to restore the election law of 1924. Three days later the king issued a royal decree abolishing the election law of 1925 and restored the one from 1924, with the law of 1925 never having been applied in an actual election.

In May 1926 the first lower house election via direct election based on the election law of 1924 was held, with the Wafd Party attaining victory. However, due to pressure from High Commissioner George Ambrose Lloyd (served: 1925–29) Yakan was appointed prime minister instead of Zaghlūl (with Zaghlūl becoming the lower house speaker). The coalition cabinets between the Wafd and Liberal Constitutionalist parties formed by the Yakan administration and the following Tharwat administration negotiated with the British over a treaty, which was the greatest outstanding issue following independence. However, the Wafd Party was opposed to the draft treaty from the British side, and a conclusion was never reached on it.

Zaghlūl passed away on 23 August 1927 in the midst of the treaty negotiations, and Muṣṭafā al-Naḥḥās (1879–1965) was nominated as his successor. Naḥḥās was subsequently able to soften the Wafd Party's stance toward the British, but this soft-line approach came to engender a great deal of criticism. When Tharwat resigned in March 1928, Naḥḥās was appointed to succeed him as prime minister. Perpetually the leading party within the parliament, the Wafd Party was finally granted its second administration since Prime Minister Zaghlūl in 1924. However, antagonism between the Wafd Party administration and the British deepened, and

Table 1 Number of Seats Acquired by Each Political Party in the Lower House
Elections and the Parliamentary Term

First Election (January 1924; 214 fixed seats; indirect election)
Wafd Party 195, Liberal Constitutionalist Party 2, Waṭan Party 2
Term: March–November 1924 (8 months)

Second Election (March 1925; 214 fixed seats; indirect election)
Wafd Party 116, Liberal Constitutionalist Party / Unity Party / Independent 87
total
Term: 23 March 1925 (1 day, followed by a period of inactivity)

Third Election (May 1926; 214 fixed seats; direct election)
Wafd Party 165, Liberal Constitutionalist Party 29, Waṭan Party 5, Unity Party
5, Independent 10
Term: June 1926–July 1928 (2 years 1 month, followed by a period of inactivi-
ty)

Fourth Election (December 1929; 235 fixed seats; direct election)
Wafd Party 198, Waṭan Party 3, Unity Party 3, Independent 31 (boycott by the
Liberal Constitutionalist Party)
Term: January–June 1930 (5 months, followed by a period of inactivity)

Fifth Election (June 1931; 150 fixed seats; indirect election)
People’s Party 83, Unity Party 40, Waṭan Party 8 (boycott by the Wafd Party and
Liberal Constitutionalist Party)
Term: June 1931–November 1934 (3 years 5 months, followed by a period of
inactivity)

Sixth Election (May 1936; 232 fixed seats; direct election)
Wafd Party 179, Liberal Constitutionalist Party 20, People’s Party 10, Unity
Party 6, Waṭan Party 4, Sa’dist Party 3, Independent 10
Term: May 1936–January 1938 (1 year 7 months)

Seventh Election (March 1938; 264 fixed seats; direct election)
Sa’dist Party 84, Liberal Constitutionalist Party 77, Wafd Party 12, People’s
Party 11, Unity Party 5, Waṭan Party 3, Independent 72
Term: April 1938–February 1942 (3 years 10 months)

Eighth Election (March 1942; 264 fixed seats; direct election)
Wafd Party 235 (boycott by the Sa’dist Party and Liberal Constitutionalist Party)
Term: March 1942–August 1944 (2 years 4 months)

Ninth Election (January 1945; 264 fixed seats; direct election)
Sa’dist Party 125, Liberal Constitutionalist Party 74, Kutla Party 29, Waṭan Party
7, Independent 29 (boycott by the Wafd Party)
Term: January 1945–August 1949 (expiration of term of office)

Tenth Election (January 1950; 319 fixed seats; direct election)
Wafd Party 226, Sa’dist Party 28, Liberal Constitutionalist Party 27, Waṭan Party
6, Kutla Party 1, Socialist Party (Youth of Egypt) 1, Independent 31
Term: January 1950–February 1952 (2 years 1 month)

* Sources: Vatikiotis, *The History of Egypt*, 277–78, 354; Ḥusayn, *Mawsū’a Ta’rīkh Miṣr*, 1812, 1831; Rizq, *Ta’rīkh al-Wizārāt al-Miṣriyya*, 447; Marius Deeb, *Party Politics in Egypt: The Wafd and Its Rivals 1919–1939* (London: Ithaca Press, 1979), 148–49, 277–80, 332, 338, 358, 394 n. 103, 400 n. 152; Maḥmūd Mutawallī, *Miṣr wa-l-Hayā al-Ḥizbiyya wa-l-Niyābiyya qabla sana 1952: Dirāsāt Ta’rīkhiyya Wathā’iqiyya* (The political parties and parliament in Egypt before 1952) (Cairo: Dār al-Thaqāfa li-l-Ṭibā’a wa-l-Nashr, 1980), 124. The figures for the election results vary depending on the source material. Accordingly, the above election results were selected through my personal judgment following a comparative review of the various source materials. In most cases the discrepancies in the number of seats was minor, but there were some substantial variations amongst the data as well (such as 151 for the Wafd Party in the first election [Marsot, *Egypt’s Liberal Experiment*, 69] and 113 for the Liberal Constitutionalist Party in the seventh election [Vatikiotis, *The History of Egypt*, 294], etc.).

Nahḥās was dismissed by the king after a mere three months.

Furthermore, in July 1928 the king issued a royal decree which dissolved the lower house and postponed the next lower house election for three years. With the constitution virtually suspended, the Wafd Party shot back by claiming that they would not recognize further negotiations with the British while the lower house was disbanded. In October 1929 the king issued a royal decree restoring the constitution. The Liberal Constitutionalist Party then boycotted the lower house election held in December of the same year, resulting in the Wafd Party obtaining the greatest number of seats it had held as of that point. The second Nahḥās administration, which formed on 1 January 1930, resumed negotiations on the treaty, but was dismissed in June because of complications over the Sudan issue. Ṣidqī was appointed as his successor, and the lower house was again dissolved in July. On 20 October a royal decree ordering the dissolution of local assemblies, in which the Wafd Party held a majority, was issued. Two days later the constitution of 1923 was repealed and the constitution of 1930 which restricted parliament's authority and an election law restoring indirect elections (election law of 1930, passed by royal decree) were newly announced.

Ṣidqī withdrew from the Liberal Constitutionalist Party and formed the People's Party (Ḥizb al-Sha'b) in preparation for the general election. The Wafd and Liberal Constitutionalist parties were opposed to the structure established by the constitution of 1930 and boycotted the 1931 general elections held one year after the dissolution of the lower house. The People's Party and the Unity Party filled 80 percent of the lower house seats in the general election held amidst the frequent protest uprisings that occurred all over. That same year a law designed to restrict freedom of the press that included imprisonment and fines in its regulations was established for the first time. The British supported the constitution of 1930 and substantial authority was concentrated under the king, with the state of affairs being reduced to a constitutional system in name only. The king and Wafd Party formed an alliance in 1924 to oppose the British, who had supported the constitution of 1923. By 1930 this had changed to a collaboration between the British and the king designed to cast the Wafd Party out of the political arena.

But such politics led by the power of the king only lasted for a little over five years. All of the political parties except for the People's Party and the Unity Party would not abandon their demands for a restoration of the constitution of 1923, and the antagonism between the king and the various out of power parties plunged the political situation of the time into serious disarray. The newly appointed high commissioner Miles Wedderburn Lampson (served: 1933–36, later serving as ambassador until 1946) had a strong desire to resume treaty negotiations. In a bid to break out of the deadlocked state of affairs, he made a complete turnaround on his previous support for the constitution of 1930 and appealed to the king to restore the constitution of 1923. On 12 December 1935 the king issued a royal decree which abol-

ished the constitution of 1930 and restored the constitution of 1923, and announced an election law (election law of 1935, passed by royal decree) with the same content as the election law of 1924 on 19 December.

King Fu'ād died mired in adversity in April 1936, with King Fārūq (reign: 1936–52) taking the throne after him. It is said that while Fu'ād was on his deathbed he criticized the British, saying they have “imposed a Belgian model constitution on the Egyptians, who were completely unsuited for parliamentary government on those lines.”⁸ The Wafd Party once again prevailed in the general election held under the restored constitution of 1923 in the month after the king's death, and the third Naḥḥās administration was established. Naḥḥās organized a delegation in which all of the parties took part, except for the Waṭan Party, and resumed treaty negotiations with the British. Agreement was reached in the negotiations through compromises by both parties, and on 26 August the Anglo-Egyptian Treaty was concluded with a 20 year time limit. The British side withdrew the four reservations noted at the beginning and recognized Egypt as a completely independent sovereign nation. The high commissioner became an ambassador, and the British director-general of the European department and advisors were abolished. In 1937 Egypt's capitulation and mixed courts were abolished, and foreigners and minority groups were generally granted the same legal treatment as Egyptians due to the Monterey Accord.

Yet in the end the restoration of the constitution of 1923 in 1935 and the complete independence brought about by the conclusion of the treaty in 1936 were unable to bring stability to the political situation in Egypt. Just looking at Table 1 reveals that from the sixth parliament in 1936 onward the inactive periods between the dissolution and elections grew shorter, while the parliamentary terms grew longer. Compared to the first half of the constitutional period to this point, this parliamentary system began to show signs of a certain extent of stability in this latter half. However, the political conflict and confusion from the first half had engendered disillusionment with the constitutional system and liberal democracy themselves. Consequently, this calm in the parliamentary system did not signify the maturity of the constitutional system, but rather signified that the political tides which had brought about change were gradually moving onto areas other than the constitutional system.

While the Anglo-Egyptian Treaty left the Sudan issue unresolved, conversely it explicitly stated that during emergencies the British army would come to Egypt's aid and that Egypt would provide facilities and accommodations for the British army. There were many people who could not regard the country as completely independent on account of the conclusion of the treaty. In 1937 the so-called Sa'dists, who considered the Naḥḥās order to be weak and wanted to carry on with

⁸ *Ibid.*, 347.

Zaghlūl's hard line stance, broke off from the Wafd Party and created the Sa'dist Party (al-Hizb al-Sa'dī). Then in 1942 Sa'dist Coptic Christians similarly formed the Wafdist Bloc (al-Kutla al-Wafdiyya) (also known as the Kutla Party), thus splintering the Wafd Party. But the changes during this period were not just limited to the diversification of political parties. At this time communist movements, the Muslim Brotherhood, and similar actors were increasingly engaged in political activities which were developing outside of the system, and before long were coming to wield significant influence. Regarding the Muslim Brotherhood in particular, it should be reaffirmed that their Islamic revivalist ideology and movements were inextricably linked with their disillusionment with secular politics. This simultaneously marked the demise of "the liberal age" and served as the prelude to the 1952 revolution.

2. Changes to the Constitution and Election Law

The constitution of 1923 used the Belgian Constitution (promulgated in 1831, revised in 1893, 1920, and 1921) from the time as its example, and it could even be claimed that many of its articles are just translations from the original. However, the two are not completely identical, and their disparities exemplify the unique characteristics of the constitutional monarchy in Egypt. For this same reason, after indicating the discrepancies between the constitution of 1923 and the constitution of 1930, an attempt will be made to consider these in relation to the subject of this paper.⁹ Yet there are no major differences in the general contents of the constitution of 1923 and constitution of 1930. The constitution of 1930 was a promulgation

⁹ Refer to Amos J. Peaslee, "Belgium," in *Constitutions of Nations*, 3rd ed., vol. 3 (The Hague: Martinus Nijhoff, 1968), 76–92 concerning the Belgian Constitution, and to Arab League, "Al-Jumhūriyya al-Miṣriyya" (The Republic of Egypt), in *Dasātīr al-Bilād al-'Arabiyya* (The constitutions of the Arab countries), Wathā'iq wa Nuṣūṣ 1 (Cairo: Ma'had al-Dirāsāt al-'Arabiyya al-'Āliya, Jāmi'at al-Duwal al-'Arabiyya, 1955), 368–420; Urano Tatsuo 浦野起央 and Nishi Osamu 西修, "Ejiputo Arabu kyōwakoku" エジプト・アラブ共和国 (The Arab Republic of Egypt), in *Shiryō taikai Ajia Afurika kokusai kankei seiji shakaishi* 資料体系アジア・アフリカ国際関係政治社会史 (History of international relations, politics and societies in Asia and Africa), vol. 7, *Kempō shiryō: Chūtō* 憲法資料：中東 (The constitutions in the Middle East) (Tokyo: Papyrus shuppan パピルス出版, 1979), 302–25; UK, "P. Loraine to A. Henderson, 30 Nov. 1930," FO 407/212/166 (Note on the constitution of 1930 by the British advisor for the Ministry of Justice) regarding the constitutions of 1923 and 1930.

Refer to Muḥammad Khalīl Ṣubḥī, *Ta'rīkh al-Ḥayā al-Niyābiyya fī Miṣr* (The history of Egyptian parliament), vol. 5 (Cairo: Maṭba'at Dār al-Kutub al-Miṣriyya, 1939), 413–30, 621–40, 646–54, 664–90, 816–43, 898–919; UK, "P. Loraine to A. Henderson, 14 Dec. 1930," FO 407/212/167 (Note on the election law of 1930 by the British advisor for the Ministry of Justice) concerning the election law of 1913, 1923, 1924, 1925, 1930, and 1935.

of a new constitution in form only. It was not a revision of the constitution of 1923, as substantially only alterations to specific articles could be observed. Therefore, for the following comparison only the Belgian Constitution and constitution of 1923 will be referenced when there is no difference between the stipulations of the constitution of 1923 and the constitution of 1930, and reference will be made to the constitution of 1930 when their contents differ.

First of all, the constitution of 1923 lays out guarantees such as equality under the law with regard to the rights of the people; ownership rights; privacy of communications; freedom of religious and ideological expression, publication, assembly, association, and education; and mandatory primary education (Articles 2–22), which are copied as is from the Belgian Constitution (Articles 4–24). Sections on subsequent powers and state apparatuses also share many of their stipulations in common. Regarding sovereignty, the Belgian Constitution states, “All powers stem from the nation. They are exercised in the manner laid down by the Constitution” (Article 25). As opposed to this, the constitution of 1923 stipulates that, “the foundation (*maṣḍar*) of power (*sulṭāt*) lies with the nation (*umma*). It is exercised in accordance with the regulations of the Constitution” (Article 23). The Belgian Constitution states that “legislative authority is exercised collectively by the king, the House of Representatives and the Senate” (Article 26); whereas the constitution of 1923 says, “[Legislative authority] is exercised by the king jointly by the Majlis al-Shuyūkh (upper house) and the Majlis al-Nuwwāb (lower house)” (Article 24). While there are differences of expression, the provisions for the sovereignty of the people and legislative authority are identical.

For executive authority as well, both constitutions state that it “is vested in the king as laid down by the constitution” (Article 29 in both). Concerning the right to submit bills, the Belgian Constitution says that “the right of initiation is vested in each of the three branches of the legislative authority” (Article 27). On the other hand, the constitution of 1923 posits that such right, “is vested in the king, the Majlis al-Shuyūkh, and the Majlis al-Nuwwāb,” further claiming that “the right of initiation concerning new taxes and tax increases resides only with the king and the Majlis al-Nuwwāb”; whereas this is changed to “the right of initiation for finance laws resides only with the king” in the constitution of 1930 (Article 28 in both).

Following which, the order of articles varies between the two constitutions. The Belgian Constitution has it listed as lower house, upper house, king, ministers; whereas the constitution of 1923 has it as king, ministers, upper house, and then lower house (the order of articles is the same for both with regard to the judiciary, local organization, finances, and the army which follow after this). In addition, the referenced articles entangle the three parties of parliament, the king, and ministers in both constitutions in order for said parties to cooperatively work together with regard to legislation and administration. Consequently, rather than expressing this in the order of articles, pulling the relevant articles dealing with specific problems

together would be more conducive to avoiding complicated disputes. In this fashion a dissertation on major articles will be provided below. The issues have been situated and the articles pertaining to these issues classified according to my judgment, and thus it is affirmed that this varies from the organization of the constitutions themselves.

Concerning lawmaking, the two greatest differences are the fact that the king has right of veto for bills which have passed through parliament and can pass laws by royal decree when parliament is away on recess. There are no stipulations in the Belgian Constitution for either of these two points. With regard to the king's legislative authority itself, both constitutions stipulate that "the king ratifies and promulgates laws," but at the same time the constitution of 1923 allows the king to return bills to the parliament. In cases where the king has deemed bills approved by both houses to be unacceptable, this provision allows him to return said bill to the parliament within a month's time for reconsideration (if it was not returned within one month it was to be regarded as ratified and was then promulgated). If the returned legislation receives the approval of two-thirds or more of the members of both houses then it is promulgated without changes, but if it does not receive approval of two-thirds or more, it can no longer be deliberated during the same session. If the same bill is approved by an absolute majority by both houses in a separate session then it is promulgated as is (Articles 35–36). Moreover, in the constitution of 1930 these were changed so that the period for return was extended to two months, with legislation that has been neither promulgated nor returned within two months regarded as having been denied ratification. These were also altered so that neither house could deliberate on the bill in the same session; and so that the bill would be promulgated as is if it received the approval of two-thirds or more of both houses in a separate session, or if it was approved by an absolute majority by the new parliament after an election. In either case, the parliament is capable of promulgating legislation that did not receive the king's sanction. Yet it did permit the king to intervene in lawmaking by the parliament, with his authority to do this strengthened by the constitution of 1930.

Furthermore, Article 41 of the constitution of 1923 provides that when emergency measures are required while parliament is on recess, the king is able to issue royal decrees which have the force of law. These royal decrees could not violate the constitution, and were to be immediately submitted to an extraordinary session of parliament which was convened. If they were not submitted or if they did not obtain the approval of both houses then their validity as law was rescinded. The contents of this article were altered in the constitution of 1930 so that the royal decrees were submitted to parliament within one month of the opening of the next parliament. As has already been seen, the election law and other such laws originating from royal decrees were a cause of bitter antagonism with the parliament's authority.

In addition, the regulations in the constitution of 1923 followed the Belgian Constitution in terms of the king's authority when it came to matters like the appointment and dismissal of ministers, command of the army, the appointment of government officials, and the right to dissolve parliament. In terms of the king's dissolving of parliament, the Belgian Constitution establishes that, "the king has the right to dissolve the houses, either together or separately. The act of dissolution contains a summons to electorate within forty days, and to the houses within two months" (Article 71). Compared with this, the king's authority to dissolve parliament is only recognized for the lower house, since the upper house includes members which the king has appointed, as will be discussed later (Article 38). Whereas the constitution of 1923 stated that elections would be held within two months of dissolution and that a session would be called within 10 months of the election, the constitution of 1930 made this regulation within four months for both of these (Articles 88 and 89 in the constitution of 1923 and Article 38 in the constitution of 1930).

Furthermore, both constitutions recognize indictments for the lower house designed to pass judgment on ministers. However, the resignation of the cabinet or ministers through a vote of no confidence in the lower house is only provided for in the constitution of 1923. The provisions in the constitution of 1923 regarding parliamentary votes of no confidence against the cabinet were passed down to the constitution of 1930 (Article 65 in both). But the constitution of 1930 added several detailed provisions, such as requiring the signature of 30 or more members of the lower house to request a vote. It also mandated that the deliberations take place eight or more days after the request is submitted, and that at least two days must then elapse from the conclusion of deliberations before the vote (Articles 66 and 101).

The major provisions concerning the parliament and its elections have been itemized in Table 2. The right to vote and direct elections are mentioned in the Belgian Constitution, whereas in Egypt's case it should be pointed out that these are not provided for in the constitution but are conceded to the election laws. Other differences can be observed, such as the king's appointment of members of the upper house and the speaker of the upper house, extensions of parliament by the king, royal edicts of the king upon opening sessions, and the term of sessions. The Belgian Constitution is more complicated when it comes to the election process and eligibility for election for upper house members, which is a reflection of the state of affairs in Belgium. There are a number of similarities which are not denoted in the table, like the fact that the king can convene extraordinary sessions and the prince can be appointed as a member of the upper house (Articles 39 and 93 of the constitution of 1923). Discrepancies between the constitution of 1923 and the constitution of 1930 include the specification of indirect elections, the fixing and curtailment of the number of members of both houses, and an increase in the number

Table 2 Major Provisions concerning the Parliament and
Elections for Each Constitution

Belgian Constitution	
Lower House	Direct election by all citizens (males) 21 years old or older. Persons residing in the same residence for six months or longer who are not in a state of having their civil rights suspended. One member of parliament selected for every 40,000 inhabitants in the population. Must be 25 years or older to be eligible for election. Term of five years (Articles 47–51).
Upper House	Composed of the total number of members selected through elections identical to those in the lower house, each state legislature, and the upper house itself. Term of five years. Must be 40 years or older and conform to one of 21 conditions, such as being a minister, member of either house, former provincial governor, mayor, member of a provincial council, former director-general of the ministerial department, holder of a diploma of secondary education, scholar, former senior officer, clergyman, owner of real estate worth over 12,000 francs, or a taxpayer paying 3,000 francs or more, head of an enterprise, and others to be eligible for election. Meetings of the upper house are invalid when the lower house is not in session (Articles 53–56, 59).
Both Houses	Both houses nominate a speaker and vice-speaker for each session (Article 37). Normal sessions are 40 days and longer (Article 70).
Constitution of 1923	
Lower House	Province or sub-province with a population of 30,000–60,000 inhabitants select one member. If they contain more than 60,000 inhabitants then one member is added for every 30,000 people. Must be 30 years or older to be eligible for election. Term of five years. Appoint one speaker and two vice-speakers for each session (Articles 83–87).
Upper House	Two-fifths are appointed by the king, and three-fifths are selected through elections. Provinces or sub-provinces with a population of 90,000–180,000 people select one member. If they contain more than 180,000 people then one member is added for every 90,000 people. Must be 40 years or older and conform to one of a number of conditions, such as presently serving or experience as a minister, diplomatic representative, lower house speaker, superior court judge, attorney general, chairman of a bar association, a director-general of the ministerial department, scholar, clergyman, former senior officer, lower house member (two terms or more), taxpayer paying 150 pounds or more, or person engaged in finance or commerce and industry with a yearly income of 1,500 pounds or more to be eligible for election. Term of 10 years, half of the appointed and elected members are reelected every five years. Meetings of the upper house are suspended while the lower house is dissolved. The speaker of the upper house is appointed by the king, and the two vice-speakers are nominated by the upper house (two year term of office) (Articles 75–81).

Both Houses	The king is entitled to extend the session. Upon opening sessions, at joint plenary sessions of both houses the king announces a royal edict which references the state of the nation. Both houses each respond to the royal edict in writing. Normal sessions are six months and longer (Articles 40 and 42).
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Constitution of 1930 (changes only)

Lower House	Comprised of 150 members. Two-tier indirect elections. Intermediary electors must meet the property qualifications stipulated in the election law (Articles 80–81).
Upper House	Comprised of 100 members. Of which 60 are appointed by the king and 40 are selected through the same method as the lower house elections. Changes to the conditions to be eligible for election, including director-general of the ministerial department changed to public official with a salary of 1,500 pounds or more, lower house member with two or more terms changed to five or more terms, former senior officer changed to former major general or higher, presently serving or experience as chairman of a bar association changed to presently serving or the previous post, respectively (Article 75–76).
Both Houses	Normal sessions are five months and longer (Article 91).

Sources: see footnote, no. 9.

of upper house members appointed by the king. These were meant to introduce parliaments and elections which were to the king's advantage.

The next issue is changes in the election laws, which regulate matters like the right to vote and the election process. The election law of 1923 was created by the Constitution Drafting Committee on the basis of Egypt's election law of 1913 (legislative assembly elections; grants males 20 years old and older the right to vote; indirect elections where one intermediary elector is chosen from 50 general voters). This law establishes the voting rights of all citizens (males only) 21 years old or older, those who have lived in the same residence for one year or more, and others; and also sets up an advance voter registration system and single seat constituency system (if the votes obtained do not amount to a majority then a final deciding ballot will be cast within five days between the two finalists; if there is only one candidate they are elected without a vote). Its other provisions include the establishment of indirect elections where one intermediary elector is selected from among 30 general voters, with these intermediary electors voting for parliamentary candidates. The parliament revised the law in 1924 to make it a direct election, raised the right to vote for upper house members to 25 years old, and added the ability to read and write and a monetary deposit (150 pounds) as eligibility requirements to be elected to the lower house.

The election law of 1925, under which no elections were actually held,

restored indirect elections and raised the age to 30 or older for the right to vote for both houses (25 and older if one of several conditions were met, including one's amount of income, amount of taxes paid, or holding a diploma of secondary education). It also stated that 20 general voters would elect one intermediary elector. According to the election law of 1930, lower house elections were only to be held once. The provisions of this law state that voting rights for both houses are for those 25 years of age and older, and 50 general voters select one intermediary elector. Furthermore, by way of requirements for intermediary electors, it stipulates that they must be either land owners or *waqf* administrators with income from real estate of one pound or more in land taxes or 12 pounds or more per year, landlords leasing agricultural land with a tax assessed valuation of two pounds or more for over one year, or someone who has completed primary education (if there are five general voters or less that meet the requirements, then whoever is closest to the requirements shall be made eligible until there are five people) (Article 20). It has been pointed out that these requirements exclude more than 80 percent of the Egyptian population.¹⁰ In addition to these, the appointment of the director in charge of voter registration to a village headman (*'umda*) or other was altered to officials appointed by a provincial governor or *mudīr* (governor of a sub-province, *mudīriyya*). This was influenced by the setting of electoral districts. It also posits that persons engaged in a specialized occupation (lawyers, doctors, etc.) who reside outside of Cairo are not recognized as eligible for election (Articles 7 and 27). With the decrease in the number of parliamentary seats (namely electoral districts) due to the constitution of 1930, the elections under the regulations of the election law of 1930 clearly made manipulation and control on the part of the government much easier.¹¹

Returning once again to the constitution, other changes in the constitution of 1930 will be enumerated. Its Article 90 contains the stipulation that a petition of objection pertaining to elections for either house shall be judged by the Court of Cassation. This provision is not found in the constitution of 1923, and was most likely enacted in consideration of the widespread election irregularities. Furthermore, the constitution of 1923, as well as the Belgian Constitution, stipulates that the members of both houses do not bear responsibility for their opinions and votes (Article 44 in the Belgian Constitution and Article 109 in the constitution of 1923). The constitution of 1930 has the same stipulation, but after it a provision has been inserted which reads: "However, they may be subject to trial for reasons of derogatory remarks concerning personal matters and remarks insulting to the king and royal family" (Article 99). An article to the effect that the members of both houses may not interfere with the scope of executive authority (Article 97) was also

¹⁰ Vatikiotis, *The History of Egypt*, 287

¹¹ UK, "P. Loraine to A. Henderson, 30 Nov. 1930"; idem, "P. Loraine to A. Henderson, 14 Dec. 1930."

added. These regulations hint at the fact that the king and government were concerned over confrontations with the parliament. Moreover, an article on suspending the publication of newspapers and periodicals was newly added. This allowed the Court of Cassation to order a suspension of publication for one to three months based on a request from the attorney general in cases of insults leveled against the order or articles which threatened public safety due to infringements of public morality, fallacious reports, and inflammatory rhetoric (Article 153). This proviso indicates how severe the criticism of and attacks on the government by journalists were, while coincidentally forming the legal basis for the suppression of free speech by the *Şidqī* administration.

Finally, provisions pertaining to religion will be compared. Article 16 of the Belgian Constitution specifies that “the State has no right to intervene either in the appointment or the induction of ministers of any form of worship, nor to forbid them to correspond with their superiors and to publish their acts save, in the latter case, for the ordinary responsibility bound up with the press and publishing.” As opposed to this, in addition to making Islam the national religion (Article 149), the constitution of 1923 also states that “the law establishes that the king shall, in accordance with the general principles of the constitution, exercise authority with respect to religious institutions, the appointment of heads of religious organizations, ownership rights of *waqf* under the control of the Ministry of Waqf, and religious faiths recognized by Egypt” (Article 153). Article 153 is not found in the draft constitution prepared by the Constitution Drafting Committee, but was inserted by the king and the government after the draft was submitted. This provision was further changed in the constitution of 1930 so that the king appointed the Shaykh of al-Azhar and the heads of all other religious organizations without any legal proceedings (Article 142).

3. Evaluation

Considering the aforementioned political conflict along with the provisions of the constitution and election laws will make it possible to pinpoint and evaluate a variety of problems. However, from the viewpoint of “democratization,” here the attempt will be made to limit the evaluation to the three issues of the reason why conflict persisted in the constitutional monarchy period, the connection between this reason and nationalism, and the relation between constitution and religion. S. Botman has already made a number of observations with regard to the first issue. These include the fact that: (1) the constitution gave excessive powers to the monarch, who was granted the authority to dismiss ministers, suspend parliament, and install or remove prime ministers, (2) women were deprived of the formal political rights of citizenship, (3) the constitution was drawn up by Egyptian legal

experts sympathetic to the king and the British, (4) the king subverted the constitutional process and opposed the nationalist movement, and (5) no party in Egypt made issues of social and economic reform.¹² The same criticisms are often found within other previous studies, and therefore this paper will follow along with these suggestions in seeking to verify them, beginning from the first issue.

The suggestions in (1) and (2) are a criticism of problems with the constitution of 1923 itself. However, as was seen previously, these provisions were imported as is from the Belgian Constitution, which has been called progressive for its time.¹³ While it goes without saying that a curtailment of the king's power and women's suffrage were desired, it can be stated that considering their absence as a cause of the political problems of the time is an argument that overly neglects the circumstances of the age.

With regard to the suggestion in (3), it is clear that the British exercised influence in the adoption of the Belgian Constitution as a model, and that at the time Prime Minister Tharwat, who appointed the members of the Constitution Drafting Committee, had cooperative relations with the British. It has been positively confirmed that there were several members who were close to the king, beginning with Ḥusayn Rushdī (1863–1928) who served as the chairman, and the fact of the matter is that they advocated for an old-guard position. Yet if that was the case, why did it result in a constitution which incited the resentment of the king?

The Fahmī faction which later formed the Liberal Constitutionalist Party was committee members that advocated for a more liberal and democratic constitution. However they had been the *wafd* members prior to independence. They had been active during the 1919 revolution, and were nationalists who had resisted the British and who the British had been wary of. It is unthinkable that direct British intentions extended to their assertions. Their assertions were persistently based on their own liberal ideology, and should be thought that such assertions received the support of the British while the situation was one of antagonism between the British and the king. The constitution of 1923 was created and supported through the efforts of Egyptian liberalists such as Fahmī. Between the British who were striving to continue ruling and the king who was trying to maintain his authority, the liberalists were seeking freedom and aspirations toward a parliamentary government and a party politics of their own.

Then what was the fundamental cause for Egypt remaining in conflict during this period? As has already been seen, the constitution of 1923 was suspended from

¹² Botman, "The Liberal Age," 286, 290.

¹³ The provisions concerning matters like the king's legislative and executive authority are specified in the current Belgian Constitution without any changes. However the king currently exercises no authority according to customs. Belgium approved of women's suffrage in 1948.

July 1928 until October of the following year, and was replaced by the constitution of 1930 from October 1930 until December 1935. The election law of 1924 which was enacted by the parliament was restored in 1926 after the election law of 1925, and was then further revived as the election law of 1935 with the same contents following the election law of 1930. While their respective contents were mentioned in the previous section, in essence the battles over the constitution of 1923 and the election law of 1924 were symbolic of the political conflict of the period. The king and his political influence strove to change the constitution and election law in order to curb the parliamentary influence of the Wafd Party and others. However, those with parliamentary influence were resolutely opposed to this, and after a period of conflict and stagnation the constitution of 1923 and the election law of 1924 were repeatedly restored. Therefore, what allowed for their restoration was the overwhelming support for the Wafd Party in the elections.

The parliament's long periods of inactivity from the dissolutions interspersed throughout it and similar problems were clearly unconstitutional, and no intention to respect this can be observed within the replacement and restoration of the constitution. Moreover, it was rare for the prime minister to be appointed from the leading party in parliament. Consequently, I agree with the criticism in (4) of "disregard for the constitutional politics." Yet it seems as if this political conflict was caused more by "disregard for election results" rather than "disregard for the law and institutions." The electorate was the people, more so than politicians and lawyers, who put into practice the democracy adopted by Egypt. The voters continued to choose the Wafd Party amidst the rampant manipulation of elections through changes to the law and unlawful bribery and pressure which were designed to sideline the Wafd Party. Every type of countermeasure proved fruitless before the election results in which the Wafd Party would ultimately prevail.

However, the election results, which can otherwise be labeled the will of the people, were not respected by the king or the British. The British director-general of the European department in the Ministry of Interior provided guidance and support for the Egyptian government's measures against the Wafd Party.¹⁴ When such a stance of rejecting election results was taken by the king and the British, then this will unavoidably lead to disillusionment with liberal democracy and the constitutional system. The elections functioned to refute the government's manipulation and pressure by means of institutional democratization. However the results were the dissolution of parliament and revisions of the constitution and election laws. Thus the outcome must have been a deepening of conflict and confusion in the political situation.

If so, how were the king and the British able to ignore the election results?

¹⁴ Nakaoka San'eki, "Keown-Boyd and the British Policy towards Egypt," *Orient* (Tokyo) 7 (1976): 98–102.

From here, the second issue, which is the connection with nationalism, emerges as a problem. Egyptian politics of the period were situated amidst a triangle formed by the British, the king, and nationalists who were mutually opposed to one another. The relation between the three parties changed from time to time due to circumstances and problems, but it was the nationalists who were constantly forced into the most difficult positions. It was the nationalists alone who had pressed for a reform of the existing status, with the other two parties essentially seeking to maintain the status quo. However, the British and the king once again entered into an antagonistic relationship. As a result, if they were opposed to the king they would help the British, and if they were opposed to the British then they would help the king, and the power maintaining the status quo was not allowed to diminish. The king and the British were able to weigh the advantages of the other two sides and play the role of a balancer in order to strengthen their own position. Yet if the nationalists were to have done this, it would have tied in directly with maintaining the status quo.

These nationalists constituted the mainstream within the parliamentary politics beneath the constitutional system, and were comprised of the Wafd Party and the Liberal Constitutionalist Party which had defended the constitution of 1923. Therefore, this difficult position applied to them as is. Amidst the distinctive political composition possessed by the age of nationalism itself, the Wafd Party occupied the weakest corner of the triangle, was unable to have its way strategically, and was in opposition to both the British and the king. The party was constantly being forced into extremely difficult struggles. With their political strength underpinned by their support and victories in elections, they were able to achieve the restoration of the constitution of 1923 and the election law of 1924. However, amidst the limitations of "the age of nationalism" this never led to the leadership abilities of the Wafd Party and respect for the popular will by the king or the British for. Against such circumstances the support of the landowning class, which could be called Egypt's greatest pressure group, was indispensable for the political parties, including the Wafd Party. In this sense, they functioned as a bourgeois political party and a bourgeois democracy. Furthermore, the conclusion of the Anglo-Egyptian Treaty by the Naḥḥās administration in 1936 led the nationalists toward a course of maintaining the status quo amidst what to them was complete independence. There is no mistake in the criticism of (5), which is that priority was not necessarily placed on concern for social and economic problems. However, as the background of this suggestion, we should confirm and pay attention to the parliament's and political parties' weaknesses and difficult positions.

With regard to the third issue of the relation between constitution and religion, consideration should be taken up from Article 153 of the constitution of 1923 and Article 142 of the constitution of 1930. As mentioned, the Belgian Constitution prohibits the involvement of the state in religion and explicitly states that there is to be

separation of church and state. On the other hand, while the Constitution Drafting Committee adopted numerous regulations from the Belgian Constitution for many of its articles, it did not establish any regulations corresponding to this article in its draft. However, the aforementioned clause recognizing the king's authority with regard to religious activities was inserted when the constitution of 1923 was promulgated, and it was further stipulated in the constitution of 1930 that the heads of religious groups were to be appointed by the king. These examples demonstrate the fact that the attitudes taken toward religious organizations with secular authority in Belgium and Egypt were completely different.

The period of constitution monarchy was an age of secularization which shares some commonality with "the liberal age." While secularization was also present before this period, until that time European political thought had penetrated into the system and amongst the political elite to the utmost extent. For example, the general tendency of this period was one which did not regard religious distinctions as a problem, such as the numerous Coptic Christians who occupied important positions within the 1919 revolution and the Wafd Party. Yet at the same time, secularization within Egypt did not move in a direction of separation of religion and state, but rather towards religious control by the state. While the Belgian Constitution represented secularism in which the state was not involved in religion, Egyptian constitutions attempted not to distance religion from politics, but to strengthen control of religion by the state. This paradoxical phenomenon by which secularism further deepened the connection between politics and religion presents an extremely interesting problem with regard to the acceptance of modern thought.

Although the evaluation in this paper is consistently derived from the linkage between the constitution and the political situation, this is just a hypothesis. In recognizing this evaluation, it will be necessary to provide consideration from a number of different aspects, while maintaining the connection with this paper. Future issues are the members of the Constitution Drafting Committee and its debates, and the rivalry between 'Abd al-'Azīz Fahmī who made the greatest contribution to the enactment of the constitution of 1923 and Ismā'īl Ṣīdqī who enforced the promulgation of the constitution of 1930. It will also encompass such other issues as a comprehensive evaluation of the Liberal Constitutionalist Party which has demonstrated diverse and complex developments, Islamic thought debated within the constitutional order, and more. These issues and concerns will be discussed at a future date in a separate paper with the intention of completing my assessment regarding the introduction of democracy in modern Egypt.

Bibliography

A. Sources in Japanese Language

1. Articles

- Itagaki Yūzō 板垣雄三. “Ejiputo 1919 nen kakumei” エジプト 1919 年革命 (Egypt’s 1919 revolution). In *Iwanami kōza sekai rekishi* 岩波講座世界歴史 (Iwanami world history), vol. 25, 496–515. Tokyo: Iwanami shoten 岩波書店, 1970.
- Shirai Masahiro 白井正博. “Ejiputo no 1923 nen kempō no seitei to Umma no gainen” エジプトの 1923 年憲法の制定とウンマの概念 (The Egyptian Constitution of 1923 and the concept of Umma). *Isuramu Sekai* イスラム世界 (The Islamic world) 23/24 (1985): 91–103.
- Urano Tatsuo 浦野起央, and Nishi Osamu 西修. “Egiputo Arabu kyōwakoku” エジプト・アラブ共和国 (The Arab Republic of Egypt). In *Shiryō taikai Ajia Afurika kokusai kankei seiji shakaishi* 資料体系アジア・アフリカ国際関係政治社会史 (History of international relations, politics and societies in Asia and Africa), vol. 7, *Kempō shiryō: Chūtō* 憲法資料：中東 (The constitutions in the Middle East), 302–25. Tokyo: Papyrus shuppan パピルス出版, 1979.

B. Sources in Arabic Language

1. Articles

- Arab League. “Al-Jumhūriyya al-Miṣriyya” (The Republic of Egypt). In *Dasātīr al-Bilād al-‘Arabiyya* (The constitutions of the Arab countries). Wathā’iq wa Nuṣūṣ 1, 368–420. Cairo: Ma‘had al-Dirāsāt al-‘Arabiyya al-‘Āliya, Jāmi‘at al-Duwal al-‘Arabiyya, 1955.

2. Books

- Ḥusayn, Aḥmad. *Mawsū‘a Ta’rikh Miṣr* (The Egyptian history). Vol. 5. Cairo: Dār al-Sha‘b, 1978.
- Mutawallī, Maḥmūd. *Miṣr wa-l-Ḥayā al-Ḥizbiyya wa-l-Niyābiyya qabla sana 1952: Dirāsāt Ta’rihiyya Wathā’iqiyya* (The political parties and parliament in Egypt before 1952). Cairo: Dār al-Thaqāfa li-l-Ṭibā‘a wa-l-Nashr, 1980.
- Al-Rāfi‘ī, ‘Abd al-Raḥmān. *Fī A‘qāb al-Thawra al-Miṣriyya: Thawra sana 1919* (The situation after the 1919 revolution in Egypt). 4th ed. 3 vols. Cairo: Dār al-Ma‘ārif, 1987.
- Ramaḍān, ‘Abd al-‘Azīm. *Taṭawwur al-Ḥaraka al-Waṭaniyya fī Miṣr* (The development of nationalism movements in Egypt). 3rd ed. 2 vols. Cairo: al-Hay‘a al-Miṣriyya al-‘Āmma li-l-Kitāb, 1998.
- Rizq, Yūnān Labīb. *Ta’rikh al-Wizārāt al-Miṣriyya 1878–1953* (The history of Egyptian cabinets 1878–1953). 2nd ed. Cairo: al-Hay‘a al-Miṣriyya al-‘Āmma li-l-Kitāb, 1998.

Şubhî, Muḥammad Khalîl. *Ta'riḫ al-Ḥayā al-Niyābiyya fî Miṣr* (The history of Egyptian parliament). Vol. 5. Cairo: Maṭba'at Dār al-Kutub al-Miṣriyya, 1939.

C. Sources in European Languages

I. Articles

- Bentwich, Norman. "The Constitution of Egypt." *Journal of Comparative Legislation and International Law*, 3rd ser., 6 (1924): 41–49.
- Botman, Selma. "The Liberal Age." In *The Cambridge History of Egypt*, vol. 2, edited by M. W. Daly, 285–308. Cambridge: Cambridge University Press, 1998.
- Kedourie, Elie. "The Genesis of the Egyptian Constitution of 1923." In *Political and Social Change in Modern Egypt: Historical Studies from the Ottoman Conquest to the United Arab Republic*, edited by P. M. Holt, 347–61. London: Oxford University Press, 1968.
- Nakaoka San'eki. "Keown-Boyd and the British Policy towards Egypt." *Orient* (Tokyo) 7 (1976): 89–102.
- Peaslee, Amos J. "Belgium." In *Constitutions of Nations*, 3rd ed., vol. 3, 76–92. The Hague: Martinus Nijhoff, 1968.
- UK. "P. Loraine to A. Henderson, 30 Nov. 1930." FO 407/212/166 (Note on the constitution of 1930 by the British advisor for the Ministry of Justice).
- . "P. Loraine to A. Henderson, 14 Dec. 1930." FO 407/212/167 (Note on the election law of 1930 by the British advisor for the Ministry of Justice).

2. Books

- Deeb, Marius. *Party Politics in Egypt: The Wafd and Its Rivals 1919–1939*. London: Ithaca Press, 1979.
- Goldschmidt Jr., Arthur. *Historical Dictionary of Egypt*. London: The Scarecrow Press, 1994.
- Marsot, Afaf Lutfi al-Sayyid-. *Egypt's Liberal Experiment: 1922–1936*. Berkeley: University of California Press, 1977.
- Nagib, Shoukri. *La constitution égyptienne et le controle de la constitutionnalité des lois*. Paris: Socite Nouvelle des Juris-Classeurs, n.d.
- Osman, Amin. *Le mouvement constitutionnel en égypte et la constitution de 1923*. Paris: Jouve & Cie, 1924.
- Terry, Jance J. *Cornerstone of Egyptian Political Power: The Wafd 1919–1952*. London: Third World Center, 1982.
- Vatikiotis, P. J. *The History of Egypt from Muhammad Ali to Sadat*. 2nd ed. London: Weidenfeld and Nicolson, 1980.