

# Chapter VI Political Culture in the First National Assembly of Iran

HACHIOSHI Makoto

## Introduction

A series of political changes in Iran at the beginning of the twentieth century (1905–11) has become known as the Constitutional Revolution; these changes were vividly characterized by the establishment of the First National Assembly (Majles-e Showrā-ye Mellī) and the enactment of the first Iranian Constitution (*Qanūn-e Asāsī*). In other words, the most significant results and implications of the Constitutional Revolution in modern Iranian history are requested from the establishment of the assembly and the enactment of the constitution.

More recently, a large number of papers and books have been published from various viewpoints in Iran, Europe, the United States, the countries of the former Soviet Union, and Japan. It is not an exaggeration to say that research by Fereydūn Ādamīyat has been at the pinnacle of this field. Fereydūn Ādamīyat developed a highly reliable academic discussion regarding the political analysis of the First National Assembly in Iran while mostly focusing on the research of the ideology of the Constitutional Movement.

However, because these works deal largely with constitutional topics, there has been insufficient basic discussion concerning the realities of the First National Assembly in Iran and its function as the political system.

One main purpose of this paper is to show how the assembly, a newly introduced political system for Iran, was actually managed, the problems it faced, and how discussions concerning the constitution's enactment progressed in the First National Assembly as an enactment assembly, namely the so-called political culture of the time.

## 1. Establishment and Composition of the First National Assembly of Iran

This chapter provides a general view of the Constitutional Movement until the establishment of the First National Assembly was approved, mainly based on the research of Fereydūn Ādamīyat and the chronological research of Vanessa Martin.<sup>1</sup>

<sup>1</sup> Fereydūn Ādamīyat, *Īde'olozhī-ye Nahzat-e Mashrūṭīyat-e Īrān* (The ideological background to the Constitutional Movement on Iran), vol. 1 (Tehrān: Payām, 1976 [2535]), vol. 2 (Tehrān: Rowshangarān, n.d.); Vanessa Martin, *Islam and Modernism: The Iranian*

As the result of a sudden rise in the price of sugar at the end of 1905, two merchants from Tehrān were arrested and punished by the order of 'Alā' od-Dowle, the governor of Tehrān. The situation developed rapidly from there. At the beginning of 1906, the criticism to despotic rules of Qājār dynasty had increased violent more and more. The 'ulama' ('*olamā*) of Tehrān took *bast* (a form of political protest by people at the sanctuary from secular authority provided by mosques, residences of 'ulama's, and other peoples) by force at Qom, a religious city located 140 km south of Tehrān, and residents of Tehān, chiefly bazaar merchants, dared to take *bast* at the British Legation.

Moza'ffar od-Dīn Shāh, the sixth monarch of the Qājār dynasty, who understood the significance of the situation, issued the imperial rescript (*farmān*) of *mashrūṭīyat* in the Sāheb Qerān Palace on 6 August 1906 (14 Jomādī II 1324 A.H.).<sup>2</sup>

The *bast* participants in Qom and at the British Legation, however, did not consent because the content of the imperial rescript was not clear. As a result, on 10 August 1906 (19 Jomādī II 1324 A.H.), shah again issued an imperial rescript and more clearly declared the establishment of the National Assembly.<sup>3</sup> As a result, the *bast* participants returned to Tehrān and the *bast* of the British Legation also dissolved.

Thus, when the opportunity to establish the National Assembly arose, a preliminary meeting (*jalase-ye moqaddamātī*)<sup>4</sup> of the First National Assembly was held, on 19 August (28 Jomādī II). At the gala ceremony performed to mark this

*Revolution of 1906* (London: I. B. Tauris, 1989); idem, "Constitutional Revolution (Events)," in *Encyclopaedia Iranica*, ed. Ehsan Yarshater, vol. 6 (Costa Mesa: Mazda, 1993), 176–77.

<sup>2</sup> The imperial rescript is generally assumed to have been issued on 5 August 1906. But if this decree is assumed to have been issued in the daytime, because the 14th month of Jomādī II, 1324 A.H. had started at sunset on 5 August 1906, it might be the case that this decree was actually issued on 6 August. 'Alī Asghar Shamīm referred to the period up to this event as the "Calm Revolution." 'Alī Asghar Shamīm, *Īrān dar Dowre-ye Saltanat-e Qājār* (Iran under the Qājār dynasty), 1st ed. (Tehrān: Ebn-e Sīnā, 1964 [1342]), 366.

<sup>3</sup> Majīd Sā'elī Korde deh pointed out the reasons as: 1) the word "*mellat*" not being seen in the imperial rescript, 2) the reference to Islamic features of the assembly not being seen, and 3) the possibility that the constitutional system could be easily changed to monarchism and absolute despotism because the objection of the imperial rescript was vague. Majīd Sā'elī Korde deh, *Seyr-e Tahavvol-e Qavānīn-e Entekhābāt-e Majles dar Īrān* (Transition of the electoral laws on Iran) (Tehrān: Markez-e Asnād-e Enqelāb-e Eslāmī, 1999/2000 [1378]), 35.

<sup>4</sup> This seems to be a term used by Fereydūn Ādamīyat (Ādamīyat, *Īde' olozhī-ye Nahzat-e Mashrūṭīyat-e Īrān*, 1:173). It has also been said that, even though the members of this preliminary meetings were not chosen by *mellat*, it could be recognized as the National Consultative Assembly (Sā'elī Korde deh, *Seyr-e Tahavvol-e Qavānīn-e Entekhābāt-e Majles dar Īrān*, 36).

occasion, about 2,000 people attended, including representatives of various foreign countries, potentates, merchants, 'ulama', and patriarchs of powerful tribes, upon the invitation of 'Azod ol-Molk, the head of the Qājār tribe. In this ceremony, it was Malek ol-Motakallemīn to give a congratulatory address on behalf of the people who were leading the Constitutional Movement. On the other hand, Moshīr od-Dowle, the grand vizier (*vazīr*), made a speech on behalf of the government and emphasized shah's sincere hope for the election of people's representatives and the establishment of the National Assembly.

In this preliminary meeting, the election administration committee was set up, consisting of 12 members under the chairmanship of Mokhber os-Saltane. And the compilation of the electoral law also started. A brother of Mīrzā Hasan Khān and Mīrzā Hoseyn Khān Pīriyā played an important role in the composition of the electoral law, while Mīrzā Mohammad Sadīq Hazrat, a member of the First National Assembly and teacher at the Political Science Academy, was also involved.

At the same time, discussions for the compilation of fundamental laws (the constitution) were also initiated. However, because the creation of the rules of the assembly was a very pressing matter, a five-member drafting committee was set up under the chairmanship of Sanī' od-Dowle.<sup>5</sup>

The electoral bill was passed and approved in a preliminary meeting held on 3 September 1906 (13 Rajab 1324 A.H.), was signed by Mozaffar od-Dīn Shāh on 9 September (18 Rajab), and was formally promulgated in due course.

In accordance with the electoral law which provided for the election according to the social hierarchy, the election was held at once in the capital city of Tehrān, while the election of the 54 representatives was completed on 3 October 1906 (14 Sha'bān 1324 A.H.).<sup>6</sup>

<sup>5</sup> Moshīr ol-Molk, Mo'tamen ol-Molk, Mokhber os-Saltane, and Mohtashem os-Saltane were the other members of the committee besides Sanī' od-Dowle. According to Majīd Sā'elī Korde deh, the electoral bill that these five committee members made was, in fact, a draft of the electoral bill and some of the articles therein encountered intense opposition at preliminary meetings. It was eventually retracted and consulted in the preliminary meetings (*ibid.*, 38–39).

<sup>6</sup> Article 6 of the electoral law of 9 September 1906 includes the following:

... in the case of Tehrān, the number of those elected shall be as follows: 1) princes and members of the Qājār family, 4; 2) doctors of Divinity and students, 4; 3) merchants, 10; 4) land-owners and peasants, 10; 5) trade-guilds, 32 in all, one from each guild. In other provinces and departments the numbers shall be as follows: 1) Āzarbāyjān, 12; 2) Khorāsān, Sīstān, Torbat, Torshīz, Qūchān, Bojnūrd, Shārūd, and Bastām, 12; 3) Gīlān and Tālesh, 6; 4) Māzandarān, Tonekābon, Astarābād, Fīrūzkūh, Damāvand, 6; 5) Khamse, Qazvīn, Semnān, Dāmghān, 6; 6) Kermān and Balūchestān, 6; 7) Fārs and the Persian Gulf Ports, 12; 8) 'Arabestān, Lorestān, and Borūjerd, 6; 9)

According to the end of the election in the Tehrān District, on 7 October 1906 (18 Sha'bān 1324 A.H.), without waiting for the arrival of the assembly members of the local electoral district election, the establishment of the Iranian National Assembly (the First National Assembly) was declared with the congratulatory address of Mozaffar od-Dīn Shāh.<sup>7</sup> At this first formal meeting of the assembly, the chairman's board was elected with Sanī' od-Dowle as chairman. A basic system of the proceedings management of the assembly was thereby established.<sup>8</sup>

## 2. Political Culture in Proceedings Management of the First National Assembly

The First National Assembly in Iran was formally started by the first meeting (*jalase*) by the Tehrān District election assembly members on 7 October 1906 (18 Sha'bān 1324 A.H.) and ended on 24 June 1908 (23 Jomādī I 1326 A.H.) upon bombardment by the Qazzāq force commanded by colonel Ryakhof, a Russian officer under the immediate control of Mohammad 'Alī Shāh. E. G. Browne describes the time of this First National Assembly as the First Constitutional Period, a means of dividing the period of the Constitutional Revolution now followed by many researchers.<sup>9</sup>

According to A. A. Haqqdār, the last meeting of the First National Assembly

Kermānshāh and Garrūs, 6; 10) Kordestān and Hamedān, 6; 11) Esfahān, Yazd, Kāshān, Qom, and Sāve, 12; 12) 'Erāq, Malāyer, Tūyserkān, Nahāvand, Kamare, Gorpāyegān, and Khānsār, 6. The total number of members of the First National Assembly was 156 (60: Tehrān District, 96: local districts).

<sup>7</sup> Fereydūn Ādamīyat does not specifically refer to the reason to speed up the holding of the First National Assembly in this way (Ādamīyat, *Īde'olozhī-ye Nahzat-e Mashrūtīyat-e Īrān*, 1:175). On the other hand, Vanessa Martin describes the reason as a word from Mokhber os-Saltane. As preponderance was given to Tehrān because it was anticipated that the provincial deputies would take time to arrive, and it was feared that unless some means was found for establishing the Majles immediately, the court camarilla would take advantage of the delay. However, she does not mention from which book of Mokhber os-Saltane she quoted (Martin, *Islam and Modernism*, 101).

<sup>8</sup> The first vice chairman: Vothūq od-Dowle, the second vice chairman: Amīn oz-Zarb, clerk: Seyyed Mohammad Harāī, Hājj Seyyed Nasrollāh Taqvī, Dāvar os-Soltān, and 'Own od-Dowle (Mīrzā Esmā'īl Khān).

<sup>9</sup> E. G. Browne divided the period as follows: 1) the preparatory period, 2) the First Constitutional Period (*Mashrūte-ye Avval*) (5 August 1906–23 June 1908), 3) "the Lesser Tyranny" or "Autocratic" (*Estebdād-e Saḡhīr*), 4) the Second Constitutional Period (*Mashrūte-ye Thānī*), beginning with the accession of Soltān Ahmad Shāh and ending with the dissolution of the Second National Assembly and the Russian aggression of Dec. 1911 and Jan. 1912. Edward G. Browne, *The Press and Poetry of Modern Persia with a New Preface by Amin Banani* (Los Angeles: Kalimāt Press, 1983), 310–36.

was held on 23 June 1908.<sup>10</sup> However, very little can be found but records from the meeting on 20 October 1906 (1 Ramazān 1324 A.H.) to the meeting on 20 June 1908 (21 Jomādī I 1326 A.H.) in the minutes of the First National Assembly.

Therefore, it is not clear exactly how many meetings were held during the session of the First National Assembly.<sup>11</sup> The frequency recorded in the minutes is 295 times, however; thus, we can see that it was held almost every other day. It was certainly held on an average of 2–4 times a week (except on Fridays, as that is the rest day for Muslims), and various matters were discussed, usually starting several hours before sunset and lasting 2–3 hours.

However, it seems that the proceedings of the meeting did not go smoothly. Even at the “preliminary meetings” held before the regular meeting of the First National Assembly, no order was set regarding how to advance the discussion and the assembly members’ remarks were often interrupted by yells from observers, followed by long conversations.

According to the minutes, the progress procedure of the meeting was roughly as follows. First, the assembly member recited the minutes of the previous meeting by turns before the examination of the agenda started. The agenda itself was sometimes presented by the chairman, but was not always set beforehand. Therefore, according to the circumstances, the proceedings often progressed by the proposal of the assembly member who gave his views first.

Needless to say, there were some important issues that the First National Assembly had to deal with, the most important of which was a constitution enactment problem. Besides this, urgent matters included the establishment of the Senate (Majles-e Senā), a national bank (*bānk-e mellī*), local administrative divisions (*taqsimāt-e eyālāt va velāyāt*), a local assembly (*anjoman*), and public legislation.

The First National Assembly repeatedly faced challenges such as the interruption of agendas and the difficulty of staying on topic. Moreover, it was normal that in addition to these various matters, current topics were taken up in ad-hoc agendas. A characteristic feature of the First National Assembly was that as soon as discussion started on an important item, a telegraph from the provinces would be read out and the discussion would shift to that matter. Additionally, most of telegraphs from the provinces were petitions, entreaties, and demands to the assembly. Consequently, discussions in the First National Assembly frequently lacked coher-

<sup>10</sup> ‘Alī Asghar Haqqdār, *Majles-e Avval va Nehād-hā-ye Mashrūḥiyat* (First Parliament and institutions of constitutionalism) (Tehrān: Mehrnāmag, 2005 [1383]), 514–15.

<sup>11</sup> Gholām Hoseyn Mīrzā Sāleh (be-kūshesh), *Mozākerāt-e Majles-e Avval 1324–1326: Towse‘e-ye Siyāsī-ye Īrān dar Varte-ye Siyāsāt-e Beyn ol-Melal* (The minutes of the First National Assembly of Iran) (Tehrān: Māziyār, 2005 [1384]), pages (abbreviated *Mozākerāt-e Majles-e Avval*). Also, refer to the first edition of this material. *Mozākerāt-e Majles-e Dowre-ye Avval-e Taqnīnīye* (The minutes of the first enactment period) (Tehrān: Chāpkhāne-ye Majles, 1946 [1325]).

ence and were going round and round in circles from start to finish.

Sa'd od-Dowle, one of the assembly members elected by the Qājār royal family in Tehrān, was a very positive constitutionalist and was worried about such a situation. He made the following remarks on the original role of the assembly:

We have three kinds of authorities; enactment of law (*vaz'-e qānūn*), maintenance of law (*hefz-e qānūn*) and enforcement of law (*ejrā-ye qānūn*). The responsibility for the enactment of the law belongs to the assembly (*majles*), and the maintenance should be carried out by the people (*mellat*) and the government (*dowlat*). The responsibility for law enforcement belongs to the judicial section. These three should not become potpourris of each other. It is necessary to be engaged for each in each duty, the order of the matter is such.<sup>12</sup>

Āqā Mīrzā Seyyed Mohammad Mojtahed, who said that a petitioner blocked him from attending the meeting and presented his own petition, was given the following answer, perhaps by the chairman:

First of all, the responsibility of the assembly is not to execute the law but to discuss it and make a concrete objection. Secondly, as decided ahead a little, a committee that discusses petitions from people has been set up, consisting of 12 assembly members. They listen to the people's petitions and examine them accordingly. What is insufficient in the assembly any further?<sup>13</sup>

Various examples of incompleteness were pointed out by assembly members for the discussion method. In the assembly bylaw (*Nezāmnāme-ye Dākhelī-ye Dār osh-Showrā-ye Mellī*), the first law that the First National Assembly passed (approved on 19 October 1906 [29 Sha'bān 1324 A.H.]), there are detailed regulations regarding the chairman's authority, assembly members' authority, proposal of bills, and the discussion method. In fact, this assembly bylaw was hardly defended. There were serious problems, particularly in the method for discussing the bill and the procedure. In the First National Assembly, in the case of being fixed to the discussion, it was usual to start a definite discussion after reciting the bill. A lot of assembly members pointed out that the point under discussion could not be sufficiently clarified simply by reciting the bill and that the discussion would lack accuracy. For instance, Taqīzāde, who had made a name for himself as an Āzarbāyjānī constitutionalist selected from the state election, made the following point at the meeting on 31 July 1907 (19 Jomādī I 1325 A.H.), about one year after the establishment of the First National Assembly:

<sup>12</sup> Mīrzā Sāleh, *Mozākerāt-e Majles-e Avval*, 126.

<sup>13</sup> *Ibid.*, 209.

Up until now, the assembly bylaw has never been observed. With the start of the assembly of second year, how for defending the assembly bylaw and acting? I propose to arrange various committees according to the bylaw. How about if various bills are printed before the discussion and distributed to everyone? I think it would be better if the discussion matters were arranged by the chairman the day before to stop discussions being stuck repeatedly on an idea.<sup>14</sup>

In addition to the various above-mentioned problems, the remarkable features seen in the First National Assembly's meetings are poor consciousness of each member as the assembly member and a low attendance rate at the meetings. Some representatives presented the following unpleasant but sensible advice:

...We assembly members have not yet understood what the basic responsibilities of assembly members are. People's representatives should forget the profits of their clans, followers, parents, and brothers. They should only serve the people without being concerned by profits in the near future. We come to the meeting for one or two hours a day. On the other hand, there are members who miss as many as 10 or 20 meetings, but nobody is interested in this. What does it become...?

Several days ago, a law was enacted that one person could not take two jobs in two different offices... As for the merchant who can do his own work, but when the meeting is held, he can send his deputy to accomplish his work, and he himself can attend the meeting. Now let's decide to come to meetings five hours before sunset, and make assembly members resign when they miss 10–20 meetings.<sup>15</sup>

One of the causes of the reduction in attendance is that there was no incentive for assembly members to attend. Apart from the reason, the assembly member's poor attendance rate to the meeting was a serious problem in the First National Assembly. In an attempt to encourage attendance, the names of absentees from the previous week were frequently read out at the beginning of the first meeting of the week. For instance, at the meeting on 14 July 1907 (2 Jomādī II 1325 A.H.), after reciting the previous minutes, the previous week's absentees' names and the number of meetings they missed were recited as follows:

Vothūq od-Dowle (three days), Āqā Seyyed Taqīzāde (two days), Amīn oz-Zarb (two days), Sheykh Esmā'īl Borūr Forūsh (three days), Hājj Mīrā

<sup>14</sup> Ibid., 312.

<sup>15</sup> Ibid., 204.

Ebrāhīm Āqā (two days), Dabīr Rasā'el (two days), Mo'zam ol-Molk (four days), Ra'īs ot-Tojjār (two days), Hājj Amjad os-Soltān (three days), Lesān ol-Hokamā (two days), Āqā Sheykh 'Alī (two days), Hasan 'Alī Khān (two days), Āqā Sheykh Yahyā (four days), Āqā Seyyed Bāqer (two days), Mo'āven ot-Tojjār (two days), Āqā Mīrzā Mahmūd Esfahānī (two days), Shams ol-Hokamā (two days), Hājj Seyyed Morteżā (two days), Āqā Seyyed 'Alā od-Dīn (three days), Hājj Seyyed Mahmūd Sarrāf (two days), Hājj 'Abd ol-Vahhāb (two days), Mashhadī Bāqer (four days), Āqā Sheykh Hoseyn 'Alī (two days), Amīn ot-Tojjār (three days).<sup>16</sup>

During this particular week, meetings were held on four days; Saturday, Sunday, Tuesday, and Thursday. This means that there were as many as three assembly members who did not attend any of the meetings. Moreover, at the meeting on 4 August 1907 (23 Jomādī II 1325 A.H.), it was announced that 15 people had been absent on Sunday, 17 on Tuesday, and 21 on Thursday of the previous week.<sup>17</sup> Even at the meeting on 31 August 1907 (21 Rajab 1325 A.H.), it was announced that 24 people were absent on Saturday, 24 people on Sunday, and 25 people on Tuesday.<sup>18</sup>

As mentioned previously, although assembly member consists of 156 according to the electoral law of 9 September 1906, the actual meeting attendance had fallen considerably below this because the local election assembly member's arrival was delayed by the stagnation of the provincial elections. As an example of this, at the meeting held on 29 June 1907 (17 Jomādī II 1325 A.H.), there were 44 assenting votes on a certain matter, and 33 objecting votes, with nine abstentions.<sup>19</sup> From these results we can see that at least 86 assembly members attended the meeting on this day. Another case shows a similar situation. In voting on whether to assume Rasht as *velāyat* (standard state) or *eyālat* (large state) at the meeting held on 24 August 1907 (14 Rajab 1325 A.H.), there were 72 votes to make Rasht a *velāyat*, two opposing votes, and two abstentions, a total of 76 votes.<sup>20</sup> In other words, even though at least 76 assembly members attended the meeting, it is assumed that the number did not reach two-thirds of the number of assembly members who could attend at that time.

Of course, although absence was considered an acute problem by the First National Assembly, lateness was another significant problem. At the meeting held on 18 August 1907 (8 Rajab 1325 A.H.), Āqā Seyyed Mohammad Taqī remarked that:

<sup>16</sup> Ibid., 300.

<sup>17</sup> Ibid., 321.

<sup>18</sup> Ibid., 375.

<sup>19</sup> Ibid., 285.

<sup>20</sup> Ibid., 366.

two days earlier it had been decided that assembly members would start discussing bills even though some members had not yet arrived. I demand that assembly members attend at the predetermined time.<sup>21</sup>

In the next meeting, on 20 August 1907 (10 Rajab 1325 A.H.), the situation was such that Taqīzāde could not help making the following remarks:

How about revising the article “the attendance of two-thirds of the total assembly members is required to hold a meeting” of the assembly bylaw to read, “a majority”?<sup>22</sup>

This was a compromise proposed by Taqīzāde, but the assembly members’ reactions were passive. They said that if it is made such a way, not even half of the assembly members would gather. On the basis of a basic meaning of the assembly system that made majority rule an important pillar, the situation was such that the significance of existence was requested. In such a state, which it is not an exaggeration to describe as dysfunctional, a constitutional discussion was advanced, arguably the First National Assembly’s most important duty.

### 3. Political Culture in the Discussion on the Constitutional Enactment of the First National Assembly

Again depending on Fereydūn Ādamīyat, who insists that the history of compilation of the fundamental law (*Qānūn-e Asāsī*) and its supplements (*Motammem-e Qānūn-e Asāsī*) is extremely important and attractive, a general view of the process leading to the constitutional enactment will be taken. The term of fundamental law mentioned here is indicated the First Constitution in the Iranian constitutional history and Fereydūn Ādamīyat also uses this word in the same context. At that time, however, it was expressing this First Constitution as the fundamental law (*qānūn-e asāsī*). Assembly members also named this First Constitution *Nezāmnāme-ye Asāsī*, or simply *Nezāmnāme*. The formal nomenclature of this constitution was *Nezāmnāme-ye Asāsī*.

Once established, the First National Assembly requested the compilation of the fundamental law from the government. With shah’s swift correspondence, it was declared that the legal code of the fundamental law would be examined and considered during this session. Moshīr od-Dowle, the grand vizier, added that the bill would be sent to the assembly by Saturday (the first day of Ramazān of 1324 A.H.)

<sup>21</sup> Ibid., 354.

<sup>22</sup> Ibid., 358.

and if approved by the assembly, it would again be fixed to shah's approval. Afterwards, however, there was no answer from the government. Having run out of patience, at the meeting held on 2 December 1906 (14 Shavvāl 1324 A.H.) the assembly pushed the government, saying that the delay was not appropriate. Eventually, it was not until the end of 1906, 26 December in fact (9 Zī-qa'de 1324 A.H.), that the draft<sup>23</sup> was submitted to the assembly. Substantial discussion had been held on the 26th, 28th, and 30th of December 1906 (9, 11, 13 of Zī-qa'de 1324 A.H.).<sup>24</sup>

Among these three meetings in which, Fereydūn Ādamīyat says, the most heated discussions of a series of meetings of the First National Assembly took place, the meeting on 30 December (13 Zī-qa'de) discussed only the fundamental law. At this meeting, Moshīr os-Saltane, Mohtashem os-Saltane, Mo'ayyed os-Saltane, who were involved in the draft making, also attended and the heated discussion lasted for seven hours or more. The main problems discussed in these three days were the treatment of religious minorities, the Curia's (Senā's) position, and the role in which installation was scheduled besides the House of Representatives (National Consultative Assembly). Finally, following discussions on 30 December, the draft was passed. The signature of shah and the crown prince was received the next day, 31 December. Three days later, the Grand Vizier, Moshīr od-Dowle, appeared at the assembly with the new constitution. The assembly sent greetings to the constitution again.

The first constitution consisted of 51 articles. As already mentioned, most of the articles of the first constitution concern the composition of the National Assembly and the range of its management, the method of presenting bills, the method of discussions, and the appointment of the curia. Therefore, some assembly members, especially Sa'd od-Dowle, a stern constitutionalist, insisted that the Fundamental Law was not complete. In response, on 4 February 1907 (19 Zī-hajje 1324 A.H.) a committee was set up to compile the draft of Supplementary Fundamental Law, consisting of seven members with Sa'd od-Dowle as chairman.<sup>25</sup> According to Fereydūn Ādamīyat, this committee finished the draft by the middle of April, so it seems that it only took about two months. This seems to have been quite a short period of time, but Fereydūn Ādamīyat points out that it was not nec-

<sup>23</sup> According to Fereydūn Ādamīyat, the same committee that undertook the drafting of the first constitution had undertaken the electoral law and the assembly bylaw (Ādamīyat, *Īde'olozhī-ye Nahzat-e Mashrūṭīyat-e Īrān*, 1:385).

<sup>24</sup> Mīrzā Sāleh, *Mozākerāt-e Majles-e Avval*, 79–83.

<sup>25</sup> According to Fereydūn Ādamīyat, the lineup was comprised of Sa'd od-Dowle (chairman), Mohaqeq od-Dowle (elected in place of Mokhber ol-Molk, who had refused the position), Sadīq Hazrat (elected in place of Moshāber ol-Molk, who had refused the position), Amīn oz-Zarb, Seyyed Nasrollāh Taqvī, Taqīzāde, and Mostashār od-Dowle (Ādamīyat, *Īde'olozhī-ye Nahzat-e Mashrūṭīyat-e Īrān*, 1:408).

essarily so. All members of this committee were not only progressive thinkers, but Saḍīq Hazrat (who also cooperated in making the electoral law) and Moḥaqeq od-Dowle were teachers at the academy of political sciences. They were well versed in various principles of the fundamental laws of Western Europe. Needless to say, the committee referred to not only the Declaration of the Rights of Man and the constitution of France, but also to various constitutions of other countries. They paid particular attention to the Belgian Constitution and made it the model of the constitution's compilation.<sup>26</sup> Proceeding to the committee for compiling the draft of supplementary law, another committee for the collection and translation of regulations on foreign countries was organized. This committee, which was set up by the First National Assembly in October 1906 (Shavvāl 1325 A.H.), comprised 15 translators, with Sa'd od-Dowle as the chairman. This committee was largely engaged in the translation of laws of various foreign countries. Two months later, this committee was divided into two; the committee for collection and translation of the nation's regulations, and the committee for the intelligent people's committee for correction of various regulations.<sup>27</sup> Thus, with the aim of the constitution's compilation, careful and honest groundwork was laid.

Incidentally, as previously pointed out, this First National Assembly was a constitution enactment assembly. However, detailed examination of the discussion process of the draft constitution in the First National Assembly makes it difficult to say that sufficient discussion actually took place. The minutes of the assembly are basic materials for constitutional history. In the minutes of the First National Assembly, a description appears concerning discussion of the second constitution (the supplementary fundamental law) for the first time at the meeting held on 28 April 1907 (14 Rabī' I 1325 A.H.). The minutes of this day were recorded very concisely, as follows:

Today, the meeting was held as usual, but it was not open to the public. All of the assembly members gathered in another room and were engaged in the careful reading of the draft of the supplementary fundamental law in the chairman's company.<sup>28</sup>

Needless to say, the fundamental law is a law that provides the basis of the

<sup>26</sup> A. Arjomand, further to the research of Fereydūn Ādamīyat, makes the following point: "The constitutional law of 1906...at least six [articles] of which (Arts. 12, 31-32, 34, 46, 48) corresponded, fully or in part, to articles in the Belgian constitution; at least five (Arts. 13, 18, 23, 25, 42) corresponded to provisions in the Bulgarian constitution of 1879, though none was a verbatim translation." Amir Arjomand, "Constitutional Revolution (The Constitution)," in *Encyclopaedia Iranica*, ed. Ehsan Yarshater, vol. 6 (Costa Mesa: Mazda, 1993), 188.

<sup>27</sup> Ādamīyat, *Īde'olozhī-ye Nahzat-e Mashrūṭīyat-e Īrān*, 1:409.

<sup>28</sup> Mīrzā Sāleh, *Mozākerāt-e Majles-e Avval*, 224.

nation. Therefore, it is necessary to give it priority over any other laws and to discuss it first of all. It is also easy to imagine that such recognition might be shared by many members of the First National Assembly. However, confusion always seemed to overshadow discussion on the draft of the supplementary fundamental law. The bill to be discussed is not sequentially fixed to the features of the discussion process of the First National Assembly that can be determined from the minutes. The discussion on some bills was advanced simultaneously and concurrently. In such a situation, the meeting held on 15 July 1907 (3 Jomādī II 1325 A.H.), in which the discussion on the publication law started, initiated the problem of whether it was necessary to give priority to discuss the supplementary fundamental law. Morteżā Qolī Khān's remarks that, after passing the draft of the supplementary fundamental law that contains articles concerning the freedom of publication, this bill might be discussed, the chairman objected as follows:

It is exactly the opposite. First of all, punishment [of violations] should be examined. After that, we may examine the chapter [of the supplementary fundamental law] concerned.<sup>29</sup>

On the other hand, the idea that it was necessary to prioritize the supplementary fundamental law discussion seemed to have been shared by many assembly members and it gathered strength, together with the expectation that it was necessary to enact the supplementary fundamental law as soon as possible. The two following remarks typified such a tone of argument. The first was made by Hājj Sheykh Hasan at the meeting held on 17 July 1907 (5 Jomādī II 1325 A.H.):

Why has the fundamental law (*Qānūn-e Asāsī*) not been recited? The cause of all confusion is the absence of the law (*qānūn*). If the law [the Fundamental Law as indicated] is recited and sent to shah in order to sign it, such undesirable confusion will be swept away.<sup>30</sup>

The other speech was given by Āqā Sheykh Hoseyn at the meeting held on 15 September 1907 (6 Sha'bán 1325 A.H.):

Although it is still imperfect, the fundamental law is a target of people's concern. The people will not offer the capital (for establishment of the national bank) with pleasure without the end of the discussion nor without shah's signature.<sup>31</sup>

<sup>29</sup> Ibid., 302.

<sup>30</sup> Ibid., 305.

<sup>31</sup> Ibid., 402.

On the other hand, warnings against a rough and ready discussion were also seen. One such remark is the following, made by Āqā Seyyed Mohammad Taqī on 15 May 1907 (1 Rabī' II 1325 A.H.):

As you know, the fundamental law (*Nezāmnāme-ye Asāsī*) is a source of concern for people. The reason is that, for a certain period, every aspect of the country is based on it. In order to avoid confronting the issue in the future, it is necessary to examine such a law carefully. Each chapter [of the bill] should be discussed at the meeting several times. It is necessary to take time to advance the discussion.<sup>32</sup>

The following contrary opinion insisted on careful consideration:

The reason for not reaching the end of the discussion of the draft of the supplementary fundamental law originates in the fact that our law (*qānūn*) is the holy law of the road of Prophet Muhammad. So that there is not a trifling difference, it is necessary to pay attention to the discussion. The reason why we should do so is to prevent confusion based on just a part of items.<sup>33</sup>

Despite such caution, assembly members who insisted on discussing the matter as soon as possible formed the majority of the assembly. One of them was Āqā Mīrzā Mahmūd Khānsārī, who made the following comment (15 June 1907 [3 Jomādī II 1325A.H.]), which was a positive opinion expected to rouse assembly members further:

We come to gather one hour before sunset and engage in discussion until one hour after sunset. But, if we entrust one or two chapters of the draft of the supplementary fundamental law to a special examination, it takes a great amount of time. Then, we gather in the morning and spend several hours examining the draft. And how about taking up other problems in the afternoon?<sup>34</sup>

Such an opinion of the discussion at an early stage became a claim of the assembly's negligence and led to comments such as the following:

What they say unanimously—that the assembly does not work enough—is correct. Let think logically. The assembly is not working more than one hour per day. It is necessary to spend at least five hours or more a day at work.<sup>35</sup>

<sup>32</sup> Ibid., 240.

<sup>33</sup> Ibid., 235.

<sup>34</sup> Ibid., 270.

<sup>35</sup> Ibid., 203.

The remark that pointed out pushing up from the province was heard in a speech by Āqā Seyyed Mohammad Ja'far at the meeting held on 15 August 1907 (5 Rajab 1325 A.H.). He said that residents of Sāve were organizing various groups and some were demanding the fundamental law (*Qānūn-e Asāsī*).<sup>36</sup>

The paper will now actually confirm the meetings at which the draft of the supplementary fundamental law was discussed. As already described, it was at the meeting on 28 April 1907 that the draft was first submitted to the assembly. Afterwards, according to the minutes of the First National Assembly, reciting and discussion on the draft was held only at the following meetings.

Meeting on 12 June 1907 (29 Rabī' II 1325 A.H.)

Meeting on 13 June 1907 (1 Jomādī I 1325 A.H.)

Meeting on 15 June 1907 (3 Jomādī I 1325 A.H.)

Meeting on 20 June 1907 (8 Jomādī I 1325 A.H.)

Meeting on 15 July 1907 (3 Jomādī II 1325 A.H.)

Meeting on 17 September 1907 (8 Sha'bān 1325 A.H.)

Meeting on 26 September 1907 (17 Sha'bān 1325 A.H.)

Meeting on 3 October 1907 (24 Sha'bān 1325 A.H.)

It is clear from this schedule that discussion took place less than ten times in all. It was an intermittent schedule and ultimately appeared to be a hurried discussion. Moreover, at the meeting held on 23 June 1907 (11 Jomādī I 1325 A.H.), as soon as the draft started being recited, Mohtashem od-Dowle, the secretary of the Foreign Ministry, came to the meeting place. He announced a telegraph stating that Sālār od-Dowle, with his own colleague, had taken *bast* at the British Consulate in Kermānshāh.<sup>37</sup> The discussion was therefore obliged to cease. In addition to this case, at the meeting held on 17 September 1907 (8 Sha'bān 1325 A.H.), when several articles were recited, a telegraph from the court concerning Sepahsālār was received.<sup>38</sup> It was read out immediately, meaning that there was another interrup-

<sup>36</sup> Ibid., 346.

<sup>37</sup> The third child of Mozaffar od-Dīn Shāh. When Mohammad 'Alī Shāh, his brother, ascended the throne as the king, he rose the standard of revolt against him and planned to go to Tehrān, and ascend the throne in place of his brother. However, he was defeated at the fight of Nahāvand, and fled to the British Legation in Kermānshāh, fearing arrest. Mehdī Bāmdād, *Sharh-e Hāl-e Rejāl-e Irān* (A dictionary of national biography of Iran from 1700 to 1960), 4th ed., 6 vols. (Tehrān: Zavvār, 1992/3 [1371]), 1:48–50.

<sup>38</sup> Sardār-e A'zam is famous for surrendering Tehrān in support of the constitutionalists with Sardār-e As'ad in 1909. At the assembly elections of the First National Assembly, his son, the governor of Tonekābon, obstructed the election of an assembly member, punished an ākhond who was actively promoting the election by shaving the ākhond's beard. Therefore, Sardār-e A'zam himself also aroused the concern of the First National Assembly and was criticized (ibid., 4:17–24).

tion to the reciting of the draft. This kind of situation, where another matter took the place of discussion of the draft, arose frequently throughout the First National Assembly. Consequently, it was a serious factor in the weakening of the First National Assembly.

## Conclusion

Examination of the minutes of the First National Assembly, and detailed analysis of the actual attendance at the assembly meetings in Iran, has clarified an aspect of political culture that characterized parliamentary politics at that time. If we accept the fact that it is a mechanism of the assembly as the system that secures parliamentarianism, then the question of whether assembly as a system functions sufficiently is a critical one. From such a viewpoint, examination of the First National Assembly brings various problems to the surface. Firstly, there is a problem over the quorum, which was an important assumption of the assembly's decision making (approval). Article 7 of the first constitution said that the attendance of at least two-thirds of the assembly members was required to hold a meeting. Despite this, the First National Assembly, which opened its meetings without waiting for the arrival of local assembly members, never filled its quorum. Moreover, the problem cannot be overlooked in terms of the proceeding and the proceedings management. In this respect, as examined in this paper above, the proceeding and the proceedings management were not necessarily performed in order.

The matter of paramount importance is whether assembly members recognized in common that the constitution discussion was the most important discussion matter of the enactment assembly. Besides this, if we assume that the assembly system fundamentally secures democracy, isn't it so important how to have been discussed as what discussed in the assembly.

For the first time, the real meaning of the assembly in the constitutional history of Iran can now be clarified. The significance of this paper is that it may now be possible to examine an issue that has not yet been dealt with and was not reflected at all in past constitutional histories of Iran.

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