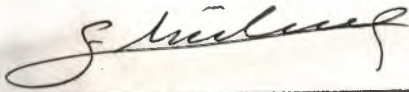


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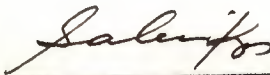


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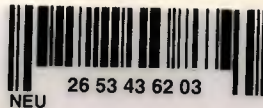


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THE SHI'ITE STRUCTURE
IN IRAN AND ITS IMPACTS ON THE
CONSTITUTIONAL MOVEMENT OF 1905-1909

A Thesis Presented

by

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to

The Institute of Social Sciences in
Partial Fulfillment of the
Requirements for the
Degree of
MASTER OF SCIENCE
in the Subject of
POLITICAL AND ADMINISTRATIVE SCIENCES

METU

September, 1986



ABSTRACT

The Shi'ite structure of Iranian society and its function in the constitutional movement of 1905-1909 is the main point of analysis in this study. Within this framework, firstly, the social structure of Iran in the nineteenth century and the Shi'ite structure with its role in the society are analyzed. Then, interference of the Western countries that took place in the nineteenth century and the changes it introduced into the Iranian society are examined. A historical analytical method is used in the study. The main conclusion is that the influence of the Shi'ite structure increased by the nineteenth century and resulted in a change in the state system.

ACKNOWLEDGEMENTS

I would like to present my gratitude to my supervisor Assist.Prof.Dr. Cem Çakmak for his invaluable help and contributions. I would also like to thank to the members of the Examining Committee, Assoc.Prof.Dr. Erhan Köksal and Assist.Prof.Dr. Muharrem Tünay for their clarifying suggestions.

TABLE OF CONTENTS

ABSTRACT	i
ACKNOWLEDGEMENTS	ii
TABLE OF CONTENTS	iii
INTRODUCTION	1
CHAPTER I: RELIGION IN IRAN: SHIISM	7
A- THE MEANING AND STRUCTURE OF SHIISM	9
B- THE ROLE AND INFLUENCE OF SHIISM ON THE SOCIETY	19
CHAPTER II: IRAN IN THE NINETEENTH CENTURY	28
A- NATURE AND CULTURE IN IRAN	28
1. Geographical Characteristics	28
2. Cultural Characteristics	33
B- SOCIAL STRUCTURE IN NINETEENTH CENTURY IRAN	36
C- THE STATE IN NINETEENTH CENTURY IRAN	42
CHAPTER III: WESTERN INTERFERENCE AND INFLUENCE IN IRAN IN THE NINETEENTH CENTURY	50
A- MODERNIZATION BROUGHT BY THE WEST	51
B- ECONOMIC PRIVILEGES GRANTED TO THE FOREIGNERS AND THE RESULTS OF WESTERN INTERFERENCE	55
CHAPTER IV: THE CONSTITUTIONAL REVOLUTION	63
A- THE ROLE OF THE INTELLECTUALS IN THE CONSTITUTIONAL MOVEMENT	63

INTRODUCTION

Late eighteenth century witnessed new political ideologies and therefore changes in political systems of strong and old empires of the time. The core of these changes was the ideology of the French Revolution that took place in 1789. The Ottoman Empire, due to its geographical and political position in the Balkans, was a vulnerable territory which could easily be influenced by Western ideas. It was the first Eastern country to have adopted the ideology of the French Revolution and as a result, transformed its government into a constitutional system. The National Assembly and the constitution was settled in a period between 1876 and 1908 in the Ottoman Empire.

Iran started experiencing the attacks of new Western ideologies at the end of the nineteenth century and the beginning of the twentieth century. The constitutional movement can be seen as a phase in the political history of Iran which must be considered as forming the roots of the present political structure and the system prevailing in Iran.

Although the neighbouring countries, share some common characteristics, every country must be analyzed within the framework peculiar to it. Because that framework is shaped by certain structures and conditions only that specific country has experienced. Thus, Iran's constitutional movement can be conveniently studied without being compared to any similar movements in other countries. The framework intended to be used in the analysis of Iran's constitutional movement of 1905 to 1909, contains the social structure as well as the religious structure of the country which is a determinant in the political movement in Iran.

Iranian society can be characterized by referring to its almost national religion - Shiism. Shiism is a sect of Islam and the majority of Iranian population adopted it. The basis of the Shi'ite belief is that the societies should be led by a religious leader who is called "the imam". As will be examined in detail in relevant chapters, the imams had traditional functions in Iranian society and because of their traditional role they were able to influence the political power in the society. These religious leaders - with their extensive legal, social and educational functions, molded the limits of power of the ruling class (Floor, 1980:501). The religious leaders acquire most of the power they have through an Islamic concept called "fatwa". "Fatwa" is an instrument used by the Shi'ite religious leaders to lead the society in

application of Islamic rules to the society. Using this right, the religious leaders took an active part in the constitutional movement of Iran during the first decade of the twentieth century.

In the Constitutional Revolution of Iran, as in other political movements of the time, influence of the ideology of the French Revolution cannot be disregarded. At this point, a controversy emerges; although the ideology of the French Revolution called for secularism, in the Iranian Constitutional Revolution there was an attempt to legalize the power of the religious leaders in the society. The crucial difference between the state systems of the European and Islamic countries lie at this point. Christianity aimed to create a "world of conscience" that would be free from the state, thus separate "the kingdom of the earth" and "the kingdom of the heaven". But during the medieval era this aim was disregarded and the two "kingdoms" got closer to each other. Thus, it was easier for the Christian world to secularize the system since this was the original aim of the religion (Soysal, 1969:229). However, in an Islamic society it is just the contrary, and the state cannot be conceived apart from the religion because Islam is a religion that designs and arranges all the aspects of life including a state system and an economic system. Yet, in the Ottoman Empire, the constitutional movements aimed to form a secularized state. On the other hand, just like the Ottoman Empire, Iran was an Islamic state, but ~~neither~~ did the struggles for a constitution in Iran have the

objective of a secular state, nor the outcome of the movement was a secular system. The constitution which was formed after the revolution guaranteed the authority of the imams in decision making process and the National Assembly of the time had a considerable number of members among the religious leaders. This fact, as well as the greatest support and active part of the religious leaders in the Revolution indicates the specific nature of Iranian society. Owing to the adaption of the Shi'ite sect of Islam, Iran can be assumed as a different case from the Ottoman Empire, in analyzing matters related to Islam.

The constitutional movement in the Ottoman Empire was led by the intellectuals with the intention of secularizing the state and it was them who proved to be more influential when "Tanzimat" was realized. But the 1905-1909 constitutional movement in Iran requested just the opposite and granted the "ulama" certain legal rights in controlling the affairs of the Shah. Until the demand for a constitution in the nineteenth century in the Ottoman Empire, a deep-rooted Islamic rule existed, basing on the "Shariah". This is because Islam, as a religion, offers a state system and, thus the king or "the Padeshah" gets his power from the God (Allah). In the Ottoman Empire, he is the representative of Allah and he becomes the caliph to confirm the idea of being the representative. Since the authority of the God cannot be limited through any means, an alternative to limit the God's representative (the Padeshah) could be to introduce the idea of secularism. This is because the Sunni

sect of Islam is not capable of providing any other religious alternatives to the existing monarchy, which is actually what has been aimed in Islamic ideology. The Ottoman Padeshah, being the monarch of a Sunni state fulfils the requirements of an Islamic type of state.

On the contrary, the Shi'ite viewpoint requires the representation of Mahdi through the "mujtahids" and, thus the rule of a single monarch would be against the Shi'ite ideology. But in 1501 the Safavid dynasty had established Shiism in Iran and the presence of a Shah did not cause much conflicts until the eighteenth century when the Qajars took the throne; Iranian Shahs, similar to the Ottoman monarchs, entitled themselves as the shadows of the God in the world. They continuously imposed the idea that anyone who opposed the Shah would be opposing the God as well. So, such ideas served as protectors of the court against the Shi'ite opposition. Safavid Shahs with strong religious images they created of themselves, could rule the country successfully for more than two centuries accompanied by Shi'ite and Islamic elements they imposed to the society. However, the Qajar period witnessed the protests against the court from the "ulama" as well as the people. Misgovernment of the Qajar monarchs, their practices against Islam made the religious group insist on the fact that the Shah did not obey the state system required by the Shi'ite Islamic view.

Thus, establishing the contact between Western ideas and the traditional religious group in Iranian society in the end of the nineteenth century and the beginning of the twentieth century, is intended in this thesis. What made the imams first fight against the Westerners and then, fight for and adapt some of the Western ideas and establish a political structure similar to a Western model, make up the basic question to be answered in this thesis. The answer that will be provided to this question should also be functional in understanding the present. Therefore it may be a useful key in the analysis of the recent revolution that took place in Iran. This is not the aim in this thesis, however, it will perhaps be possible to help provide a link between the two revolutions, Constitutional and Islamic, which have been experienced over a seventy-years period.

CHAPTER I

RELIGION IN IRAN: SHIISM

Religion has played a crucial and in many cases, a determining role in Iran since the adoption of Islam in the sixteenth century. It has not only been a visible cause in political movements, but also a strong factor which served as an organizing and centralizing force in the society. Lack of communication due to various reasons such as geographical barriers or illiteracy could be overcome through the function of religion in the society. In both the Constitutional Revolution of 1905-1909 and 1979 Islamic Revolution, the influence of the religious group and the religious belief referred to as "The Islamic ideology" in the recent Revolution, is obvious. Therefore it is crucial to examine the role and influence of Shiism on Iranian society.

However, there is a critical point in the analysis of the role of the religion in Iran. This critical point is that, it is not convenient to locate Iranian society in the same group as other Islamic Middle Eastern societies, such as Egypt, Turkey or even the Ottoman Empire. The

peculiarity of Iran is that it is a Shi'ite society. Shiism became a separate politico-religious entity when in 1501 it was declared the official religion of the new Persian state being established by Shah Ismail (Jansen, 1981:27). Shiism is a sect which has vitality and a dynamic structure to accept political changes. In this sense it can be regarded as a political sect. The role of the "ulama" or the imams in the Constitutional Revolution provides an evidence for this fact. Although Shiism is a sect based on a protest against an existing rule and, thus bears in itself the fundamentals of a movement to change the society, the Shi'ite "ulama" in Iran is divided into certain groups in their understanding of the application of Islam which was influential in the Constitutional Revolution. However, pro-revolutionary and anti-revolutionary groups among the "ulama" did not form the main contradiction in the society during that period. The main struggle was between the people which consisted of all the groups and classes except the nobility and was led by "ulama", and the government, the Shah's rule. Such a leadership is one of the examples to show the influence in Iranian society which did not exist in the Sunni societies of the period.

In order to clarify this point, it is necessary to analyze the structure of Shiism. After this analysis it is convenient to evaluate its role in the society.

A- THE MEANING AND STRUCTURE OF SHIISM

The word "Shi'a" is "Shi'at Ali" in its complete form and means "Ali's faction". Ali was the cousin and son-in-law of Prophet Muhammad and Shi'ite belief rests on devotion to Ali. According to this belief Ali is the only legitimate successor of the Prophet and the Muslim community must be ruled by Ali's descendants. There are several branches of Shi'ite sect and the central one is called "the Imamiya". The majority of Shi'ite people have adapted this branch and it is the only branch which has a true active role. This branch is also called "Ithna Ashariyya" or "Twelver Shiism" and its belief is based on the "Twelve Imams" that succeed Ali (Kohlberg, 1983:110).

The difference between the Sunnis and the Shi'ite has its roots at the question of who has the right to rule the Muslim community. According to the Shi'ite, Muhammad appointed a specific person as his successor and that this appointment was based on a divine command. Therefore the rule of the first three caliphs that came right after Muhammad was arbitrary and unlawful. Due to this understanding the Shi'ite regard themselves as "victims of injustice" from the very beginning (Kohlberg, 183:111).

Ali became the caliph in the year 656 A.D. However, he was assassinated in 661 A.D. As a result, the Islamic rule was again in the hands of the so called "illegitimate rulers"; "Ummaya" had the Islamic power from 661 to 750 A.D.

The concept of "martyrdom" is one of the branches of the roots of Shiism. Because of this, it is a crucial point that needs clarification. According to the Shi'ite view, after the death of Ali, his son Hasan became the caliph.* But the group against Ali did not accept this and made a war with Hasan which forced Ali's son to hand the caliphate over to Mu'awiyah (Mu'awiya was the first Ummayyad ruler). During this new Islamic rule Shi'ites were under the oppression of the state. Most of the Shi'ites were considered as marked characters and they were under strict control. The leaders of the Shi'ite group of the time were Hasan and Husayn** - the sons of Ali.

The rule of Mu'awiyah lasted for nineteen years; from 661 to 680. When he died, his son Yazid became the caliph and remained so for there years. Husayn, the son of Ali, as the leaders of the Shi'ite community claimed power and wanted to fight against the Ummayyad ruler; Yazid, in October 680. As a result, Husayn, his family and a large number of his relatives and friends wer massacred at Karbala by the army of Yazid. This massacre had a profound impact on Imami consciousness and became a focal point for martyrdom motif which is so characteristic of Imami Shiism (Kohlberg, 1983:111). Since then, the day of Husayn's death has been recognized as the mourning day for Imamis. Annually on

*Hasan is recognized as the second Shi'ite Imam.

**Recognized as the third Shi'ite Imam.

those days there are "ta'ziyah" ceremonies which are fervent lamentations (Enayat, 1982:43). "Ta'ziyah" ceremonies were introduced by the Iranian Safavid dynasty in the sixteenth century and gained a popular character. These lamentations include the ceremony of recitation of the suffering of martyrs and self-flagellation. In addition, people would strike their breasts and backs with chains and knives (Enayat, 1982:27).

The main purpose of these ceremonies was to perform the lamentations in a form which would cause the greatest amount of weeping (Enayat, 1982:182). Hamid Enayat, in his book titled "Modern Islamic Thought" analyzes the concept of martyrdom in Imami view as follows;

"... lamentations for Husayn enable the mourners not only to gain an assurance of divine forgiveness, but also to contribute to the triumph of the Shi'i cause. Accordingly, Husayn's martyrdom makes sense on two levels: first, in terms of a soteriology not dissimilar from the one invoked in the case of Christ's crucifixion: just as Christ sacrificed himself on the altar of the cross to redeem humanity, so did Husayn allow himself to be killed on the plains of Karbala to purify the Muslim community of sins; and second, as an active factor vindicating the Shi'i cause, contributing to its ultimate triumph" (Enayat, 1982:182-183).

In time, the massacre at Karbala attained the function of providing a symbol for the Shi'ite people. In the Shi'ite view, Yazid represents the government which is unjust and brutal. On the other hand, Husayn was regarded the oppressed but at the same time the brave enough to sacrifice himself in this fight against injustice, in the

eyes of the Shi'ite people. Husayn represents the one who would fight for a cause and in addition to this, his cause is Shi'ism. Therefore Shi'ah becomes a cause which has to be fought for, whenever there is injustice concerning the Shi'ah. In the view of Shiism, all governments except the one which is a continuation of Ali's rule are similar to Yazid's rule. Accordingly, any government should be revolted against until the justice is regained. During this fight one should not refrain from sacrificing himself, as Husayn did, as there is an ultimate goal. Moreover, if a person sacrifices himself he will gain a divine character. This understanding of martyrdom is reinforced during annual ceremonies of mourning among the Shi'ite community. It becomes natural for the advocates of Shi'ah to revolt and die for a cause. Indeed, it is not only natural for them, but it is also the reason for their being. Shi'ite community gains unity and power through their belief in martyrdom and its annual reinforcement.

After the battle of Karbala, Shi'ite leaders preferred to be passive and encouraged the followers to remain in the same way as they were. Their passivity continued until 730's. Subsequently, Ali's great grandson Muhammad Al-Baqir was the one who encouraged the belief in Shi'ite and tried to increase the number of their followers. His son Jafar al-Sadiq (765) who is accepted as the sixth Imam of Imami belief, built up the Shi'ite doctrine. With efforts of Jafar al-Sadiq as well as his followers', the structure

of the Shi'ite belief was set forth and "The Twelve-Imam Shi'ite School of Law" was founded (Kohlberg, 1983:112).

This belief is mainly based on devotion to a leader. The leader in a Shi'ite community is called the Imam. The leader must be a descendant of Ali. This leadership and the right to rule is not based on the principle of election. There is the principle of succession from father to son in becoming a leader and attaining the right to rule. This is a continuation of the tradition which was applied by Ali and his son Husayn. According to this, the sons and grandsons of Husayn should have the right to continue the successive leadership (Tabataba'i, 1976:9).

Another principle developed by Jafar al-Sadiq and his followers is that in Shiism there is strong rejection of "the opponents". "The opponents" are those who are held responsible for preventing Ali's accession to power, namely, the first three caliphs: Abu Bakr, Omar and Osman, as well as those who fought Ali during his years in power and those who persecuted his adherents after his death. The majority of the first generation of Islam, who are referred to as "The Companions of The Prophet" supported the first three caliphs. Therefore the principle of rejection is extended to include them too (Kohlberg, 1983:115). According to the Sunni belief "the companions" are regarded as witnesses to the second source of Islamic law, which is Muhammad's (the Prophet's) actions and utterances. But in the Shi'ite view, "the Companions" are regarded as "sinners" by

companions" cannot bear the function of being witnesses of the second source of Islamic law anymore. Instead, in their view, the imams have overtaken this function as being descendants of Ali.

In addition, both the Sunni and the Shi'ite belief accept the Qoran as the first source of Islamic law and the Prophet's actions and utterances as the second. However, in the Shi'ite belief, the actions and utterances of the imams are considered as an additional source (Jansen, 1981:27).

Based on the above mentioned rejection, Shi'ite view makes a differentiation between people in terms of their belief. On one hand there is the "Non-Muslims" who are Jews, Christians, Zoroastrians, etc. On the other hand, there is the Muslim people, but a distinction between them is also made as "the believers" and "the unbelievers". As a matter of fact in the Qoran, this distinction is made and these two groups are referred to as "Muminun" and "Muslimun"*. Therefore in the original Islamic view, some people are Muslim, or advocates of Islam, although they are not true believers (Muslimun). The true believers are "muminun". According to Shiism, the true believers are those who

*Believers and Muslims.

follow the Ali's path and accept the "twelve imams": The Shi'ite people (Kohlberg, 1983:116).

One of the most crucial and fundamental concepts that has been developed by Jafar al-Sadiq and introduced as a part of the Shi'ite belief is "taqiyyah". This concept is important in building up the organizational character of the Shi'ite belief. The general meaning of "taqiyyah" is concealment and according to this concept, the Shi'ite person can conceal his true belief in certain conditions. "Taqiyyah", which is also called "expedient dissimulation" means to avoid any kind of danger (Enayat, 1982:175). But in the Shi'ite usage it is the condition under which a Shi'ite person hides his religious belief in situations that would become dangerous because of those who are opposed to his religion or particular religious practices. The Shi'ites justify their practice of "taqiyyah" by referring to the verses of Qoran.* According to Jafar al-Sadiq "taqiyyah" must be practiced only when there is a definite danger which cannot be avoided and against which there is no hope of a successful struggle. The extent of the so called "danger" has been a point of discussion among the Shi'ite religious leaders. In general view, "the practice of "taqiyyah" is permitted if there is definite danger facing one's own life or the life of one's family, or the possibility of the loss of the honor and virtue of one's

*Examples of these verses are III, 28 and XVI, 106 of the Qoran.

wife or of other female members of the family, or the danger of the loss of one's material belongings to such extent as to cause complete destitution and prevent a man from being able to continue to support himself and his family" (Tabataba'i, 1975:225). However, the function of "taqiyyah" among Shi'ite communities extends far more than this. "Taqiyyah" is the most effective element of Shiism in attaching an organizational aspect to the sect. In this, Shiism evolves into a political sect. "Taqiyyah" enables the advocates of the Shi'ite to pretend to be devoted to other beliefs and even behave as if they were against the Shi'ah. Through this way Shi'ite people can easily be in touch with their enemies and can perform activities to increase the influence of Shiism in the society. Thus, just like the activities of advocates of political ideologies, Shi'ites can be active, organized and hide or disguise themselves at the same time, in order to reach to the ultimate goal of a Shi'ite society.

Besides Jafar al-Sadiq's concepts introduced to the Shi'ite thought, Mahdism is one of the core Shi'ite features which has more practical and societal basis. In dealing with this aspect of Shi'ism, disappearance of the twelfth imam, Mahdi, which is the most significant event in the Imami history must be considered.

Shi'ah refers to the twelfth imam as "the Promised Mahdi" (Tabataba'i, 1975:76) and he is given the names of "Imam-i Asr" which means "the Imam of the Period" and "Sahib al-Zaman", meaning "The Lord of the Age" (Enayat, 1982:44).

Mahdi, after the death of his father, the eleventh Imam, became the Imam of the Shi'ite community. He was always kept away from other people and only the elite of the Shi'ite community were able to remain in contact with him. Under these conditions his contact with the Shi'ite people was carried out by the representatives that he appointed. In Shi'ite terminology, this state is called "ghaybat-i-sughra" or "minor occultation". In the Shi'ite belief, "minor occultation" lasted for about seventy years, between 827-939 A.D. "In the year 939 A.D. the "major occultation" or "ghaybat-i-kubra" started. It is believed that "major occultation" will continue as long as God wills it"(Tabataba'i, 1975:221). This means Mahdi, the twelfth imam is no longer present around since 939. At this point the fundamental institution of Shiism, the Imamate is put into an unchanging state, in other words, it is frozen. Shi'ite people think that "greater occultation" was necessary in that the twelfth Imam was not safe at all. There was a danger concerning his life and to save his successors, his occultation was inevitable. This idea is in line with the Shi'ite belief that God kept the number of imams fixed at twelve, Mahdi being the last one.

With the occultation of the twelfth imam, there seems to be a gap formed in the Shi'ite community. However, the absence of the imam does not mean that the Shi'ite community will remain without a leader. Instead of the imam, there is the institution of "mujtahidin" to lead the community according to the Shi'ite thought.

Non-Shi'ite interpretation of the "major occultation" varies from one to another. One of the sources of this kind of interpretation is the one made by E. Kohlberg (1983). According to Kohlberg, the motives which led the Shi'ite leaders to freeze the institution of the imamate are not entirely clear. But he proposes two hypotheses on this point; one is that the leaders wanted to become a part of the Abbasid establishment - The Sunni Islamic rule of the time - and the other is that they wanted to be freed from dependence on the authority of one single person - the imam.

In the Shi'ite belief, because of the inner necessity, in the future there will be a human society full of justice and peace. This will be established by the people with a Divine help. They believe that the leader of that society will be Mahdi. Shi'ite doctrine refers to different religions such as Buddhism, Christianity, Zoroastrianism and Islam, and states that there will be a person to come and save the mankind. Therefore the future arrival of Mahdi and his attempts to save the mankind are justified. Belief in the "major occultation" means that Mahdi, the twelfth Imam is still alive since the year 939 A.D. Although this seems impossible, Shi'ite scholars justify this;

"...such a long life time or a life of a longer period is unlikely. But those who study the hadiths of the Holy Prophet and the Imams will see that they refer to this life as one possessing miraculous qualities. Miracles are certainly not impossible nor can they be negated through scientific arguments. It can never be proved that the causes and agents that are functioning in the world are solely those that we see and know

and that other causes which we do not know or whose effects and actions we have not seen nor understood do not exist. It is, in this way, possible that in one or several members of mankind there can be operating certain causes and agents which bestow upon them a very long life of a thousand or several thousand years" (Tabataba'i, 1975:213-214).

In sum, in the Shi'ite view there is a strong belief in miracles and connected to it, a belief that Mahdi will one day come back, ending his "major occultation" and save the mankind and bring them justice, peace and happiness. But until he comes back, "mujtahidin" or "mujtahids", the Shi'ite religious leaders will represent him and lead the Shi'ite society according to the Imami (Shi'ite) doctrine, therefore will prepare the society for the arrival of Mahdi.

B- THE ROLE AND INFLUENCE OF SHIISM ON THE SOCIETY

Safavid dynasty ruled Iran between the years 1501 and 1524 A.D. Introduction of Shiism in Iran took place with the Safavid dynasty. Shah Ismail was the founder of the Safavid dynasty and started to rule the country in 1501. Shah Ismail was a keen Shi'ite and a descendant of Ali. With his rule, Shiism became the official religion of Iran. In order to have the Shi'ite doctrine coincide - to a certain extent - with the regime of a Shah, Shah Ismail introduced some changes to the Shi'ite belief and reduced the severity of certain aspects of the Shi'ite doctrine. In the beginning, the Safavid rule forced

Iranian people to adapt Shiism and some Sunni religious leaders were either executed or forced to leave the country. After the introduction of Shiism, the Shi'ite culture was imposed on Iranian people by making them familiar with certain Shi'ite elements such as recognition of Shi'ite festivals (e.g. the day of Ashura). Furthermore, some Shi'ite scholars were invited or brought to Iran in order to raise a new generation of Shi'ite scholars in the territories of Safavid rule.

Shah Ismail was very successful in imposing Shiism into the Iranian society. One reason for his success was that he was able to associate Shiism with Iranian nationalism which was a deep-rooted characteristic of the Iranian society. There is an Iranian legend which claims that Husayn who was the son of Ali, married the daughter of Yazdigird III, who was the last Persian Sasanid Shah (Borthwich, 1980:200). The daughter of Yazdigird is known throughout Iran as "Shahr-banu" or the "Queen". The following verses appear in traditional Iranian plays:

"Born of the race of Yezdigird the King
From Noshirwan my origin I trace.
What time kind fortune naught but joy did bring.
In Rei's proud city was my home and place.
There in my father's place once at night
In sleep to me came Fatima "The Bright";
"O Shahr-banu" - thus the vision cried -
"I give thee to Husayn to be his bride!"
(Sykes, 1969:I,542).

In this way, Iranian national tradition was attached to their religious tradition. Another factor that strengthened this attachment was the enmity between Safavid Iran and

the Ottoman Empire. According to E. Kohlberg, deep enmity prevailed between Safavid Iran and the Ottoman Empire. The Ottoman state in the sixteenth century was strongly against the Shi'ite sect due to various reasons. Kohlberg (1983) presents these reasons as accusation made by the Ottoman Empire against the Shi'ite sect (Imammiya) as follows; "the Imamis have falsified the Qoran, they defame "the companions" and the wives of the Prophet, condemn all non-Islamic to hell, had an immoral life, and so on". Kohlberg points to a highly developed identification between Shiism and Iranian nationalism caused by the struggle between two neighbouring countries. Savory has an almost similar approach; "by making Shiism the official religion of the Safavid state, Shah Ismail gave it territorial and political identity and clearly differentiated it from the powerful Sunni states on its borders, namely the Ottoman Empire in the West and the Uzbek state to the East" (Savory, 1979:8). Thus, Shiism was identified with "nationalism" in Iran on purpose, to serve the aims of Safavid dynasty and as a result, a society was created which would attach its nationality to its religion. Iranians, remaining as a Zoroastrian society for a very long time, with Shah Ismail became a Shii'te society. Although what Shah Ismail did appears to be an artificial act performed on political purposes, the outcomes show that the imposed religion could be incorporated in the society.

Since the new religion itself was an imposed unit to the society, its elements were also brought artificially. One of the basic elements of Shiism is the group named "the ulama", in other words, "mujtahids". "Mujtahid" is the person who deduces a religious ordinance (hukm-i Shar'i) on the basis of the authentic arguments of the Shari'a (Moussavi, 1985:37). These are specially trained religious leaders whose training provide them with a knowledge of "feqh"; social, economic, cultural and political principles brought by the Qoran and the Prophet to the Islamic society. One of the specifications of these leaders is that, they have the right of "fetwa" and "ijtihad". This means that members of the "ulama" - "mujtahids" can take decisions in order to lead the society in the application of Islamic rules to the society. The leader who has the right of "ijtihad" already has the right of "fatwa" and if he has the right of "ijtihad", he can call the Muslims for a Holy War. Thus, the "mujtahids" are independent authorities in matters of the Islamic Law (Shariat) and they are able to exercise independent judgement (ijtihad) in public affairs (Tabataba'i, 1975:45).

Thus, the religious group, "ulama", which was particularly called "mujtahids", had somewhat different functions and status in Iranian society, than the "ulama" in a Sunni society such as the Ottoman Empire. The Shi'ite "ulama" had the functions that made them different from the Sunni "ulama" because of the representative role granted

to them. Due to the institution of "Imamate" the Shi'ite "ulama" had to represent God's order in the society (as they were functioning in place of Mahdi) and, therefore were kept responsible of not only Divine matters, but also of world matters i.e. the government. More clearly, they were to function as intermediaries until the return of Mahdi who would establish an Islamic order. So, the "ulama" of Iran is considered quite different from the "ulama" in Sunni societies.

This religious group was trained by the religious leaders that had come to Iran from the Shi'ite regions of Arabic countries during the rule of Shah Ismail. This means that the Shah was the founder of the group of "ulama" in Iran. In the early Safavid period their presence and status in the society could be maintained only by the Shah's rule. Therefore they depended on Shah's government and collaborated with it. There were no conflicts between the Shah and the "ulama". Since Shiism rejects all kinds of rules except for the God's rule (God is represented by Mahdi, the Hidden Imam, so Mahdi's government is the only legitimate rule), a contradiction appears in the "ulama"'s collaboration with the Shah's rule. But favourable relations with Shah's rule meant maintenance of the "ulama"'s position. So, "ulama" agreed on legitimacy of the Shah and it was stated by prominent religious leaders that the Shah had the right to rule due to his status; he presented some specialities of the God because of his position.

By establishing Shiism, the group of "ulama" was provided with an important role in the society. The institution of "mujtahids" carried with itself the function of approval and leadership in affairs of the society as well as the government. The government, in order to have the legitimacy, needed the approval of the "ulama". However, in the earlier times, when Shiism was first imposed, i.e. the early Safavid period, the "ulama" also depended on the government to guarantee its ascribed status. Things began to change with the decline of the Safavids (Kohlberg, 1983:125). During the whole Safavid period, position of the "ulama" had been strengthened and its decline brought about changes to the attitude of the "ulama" towards the government; a general understanding that the "ulama" had a greater right to rule than the Shah,, had begun to be spread among the "mujtahids". This attitude was strengthened during the rule of the Qajar period at the end of the eighteenth century with the assertion that the only legitimate rule belonged to Mahdi and could only be represented by the "ulama" until his return (Kohlberg, 1983:125). Therefore the "ulama" declared that the Shah's regime - the Qajar rule - was illegitimate. taking into consideration the fact that "mujtahids" were ascribed an important role and respect in the society during the Safavid period, it would be clear that the "ulama"'s disapproval of the regime helped a negative approach to be formed against the Shah's rule in the society. In the eyes of the people who strongly trusted the "ulama", the Shah started

to be viewed as an illegitimate ruler, preventing God's representation in the society.

The members of the group of the "ulama", the "mujtahids" were religious scholars and could derive legal norms from the sources of the Islamic law. "Imam"'s duty was to guide the Muslim community after the death of the Prophet. The function of the "ulama" was to continue this guidance after the last imam (in this case, after the disappearance of the last imam). Therefore "mujtahids", the makers of "ijtihad", could give "fatwa" and take very important decisions concerning the society. In addition to this, since they were the representatives of the "Hidden Imam", they had the charisma of the imams and received great sympathy in the society. The respect that "mujtahids" received in the society was not solely due to their roles as representatives of the "Imam". In order to become a leading "mujtahid" there are three criteria to be fulfilled;

"First, he must be learned and knowledgeable in the traditional sciences... The candidate is required to take an extensive examination administered by other "ayatollahs". If he passes, the candidate receives his "ejaze" (permit) and, thus satisfies the first criterion for "ayatollahhood". Second, the aspiring cleric had to be a person of proven integrity. In Persian terms, he must be "pak" or clean, in every aspect of his life. Third, the candidate has to have a constituency. In other words, he must have a group of followers who look to him as a model for behavior and who pray behind him. The greater the number of believers who pray behind any given "mujtahid", the greater the standing and power of that particular cleric." (Bill, 1982:23).

"Mujtahids" lived among people in the society and they were economically supported by them. Faithful people, having strong religious beliefs would present religious payments to "mujtahids" in several ways. Means to support the "mujtahids" were "zakat", "khoms" which is one fifth of the annual income of a Muslim, and "Shahm-i imam" which is the additional amount that can be given optionally to support certain institutions like schools, mosques, shrines. The "mujtahid" had to dispense the payments and could not make use of the money for individual purposes (Bill, 1982:24).

Even though the "ulama" gained an important role in the society due to its function as a religious leader and a "social welfare agent who received and distributed wealth as needed throughout the lower reaches of society" (Bill, 1982:23), its opposition with the Shah's rule had never been over. Whatever the dynasty was or whoever the ruler was did not make much difference; the conflict between the two parties grew bigger as time passed and reached its highest levels after the reign of the Safavid dynasty. The period of the Safavid dynasty presented mostly a balance between the ruler - the Shah, and religious leaders - the "ulama", because both were forming supports for each other's existence.

"The Shah was considered to have the responsibility for defending the Shi'ite people (...). As long as he effectively protected the Shi'ite kingdom, the various communal heads were morally obliged to serve him faithfully. If, however, he failed to provide this guardianship, they could seek another wardship" (Abrahamian, 1975:153).

As long as the Shah proved to be strong conflicts remained silent and the "mujtahids" were ready to keep the two powers in balance in the society. As soon as the Shah showed signs of weakness in ruling the country, conflicts and protests from the "mujtahids" started. Therefore as the Shah's authority began to diminish, the "ulama" managed to take this advantage. In the last years of Safavid dynasty, in the end of the seventeenth century and the beginning of the eighteenth century, the "ulama", realizing the strong position it held in the society started to claim that right to rule belonged to the representatives of Mahdi - the "mujtahids". Due to the growing dissatisfaction among the "ulama", the struggle began to be seen in practical terms. The constitutional movement, in which the "ulama" had active participation, was the reflection of the Shah - "mujtahid" struggle initiated in the end of the Safavid period. After the analysis of the Iranian state and religious structure, the struggle between the two powers of the society: the "ulama" and the Shah will be made clear in Chapter IV.

CHAPTER II

IRAN IN THE NINETEENTH CENTURY

A- NATURE AND CULTURE IN IRAN

1) Geographical Characteristics

Geographical characteristics have always been very influential in a country's history, as well as its culture. An island or a peninsula has always been vulnerable to external attacks throughout the history and this characteristic brings a flexible nature to people of that piece of land in addition to a variety of norms and values existent in that society. On the other hand, a land surrounded by high mountains and with a limited access to the sea would usually bring an unchanged, long lasted cultural values without much variety, in which case, the country has been protected from external attacks; external influences. One of the examples of such countries is Iran.

Iran is a country that rests on a high plateau and this plateau is surrounded by high mountains. The mountains form natural borders with Turkey and the Soviet Union in

the northwest. Elburz Mountains stretch from the northwest of Iran along the south of the Caspian Sea and continue along the southern side of the border of the Soviet Union upto Afghanistan in the east. This line of mountains resemble a high wall from the northwest to the central east of Iran. In this, a clear division is formed by the nature between Iran and Turkey and the Soviet Union. Furthermore, Iran has such a wall along the southern section, too. This wall is formed by the Zagros Mountains which are rooted in the west and continue along the border with Iraq and run down to the east of the Persian Gulf. The eastern part of Iran is a desert. This empty region is in the borders of Afghanistan and Pakistan and is almost uninhabited. Population is located at valleys and slopes of the mountains where water is available.

The mountains have functioned as natural barriers all through the Iranian history. The mountains in the west, northwest and southwest protected Iran from the Ottoman Empire and Russia. The large desert that extends along the eastern border as well as the central part keeps Afghanistan and Pakistan away from Iran. This natural formation as a guard may be considered as one of the reasons for a very long lasting empire. The Iranian Empire, with its more than two thousand years of history, could protect its unity with the help of the mountains and deserts along its borders. This, of course, was very influential in maintaining the national identity of Iran, as well. Despite

ethnic minorities and the Mongol invasion in the thirteenth and the fourteenth centuries - which could protrude Iran through the only opening between the mountains and deserts in the east of Tehran - the country could remain the land of Iranian people.

However, the natural conditions restricted communication and transportation in the country. Since it was hard to pass through the mountains and wide deserts, transportation and communication remained primitive for a long time and with the Qajar dynasty (in the end of the nineteenth century) a limited development was attained in means of communication, while transportation was still backward and the country was still without railroads and roads until the nineteenth century. Lack of communication and backwardness in development of facilities of transportation had determining implications over the society. First of all, the country had a centralized rule. It was ruled in Tehran - the capital - and regions around it, to where transportation could be carried out relatively easily from Tehran, were considerably developed (Abrahamian, 1975:189). Moreover, these regions were prosperous in agricultural products. Especially the north of Iran which is the southern end of the Caspian Sea had a humid climate and therefore a wide variety of crops were produced there. Climate gave an additional advantage to regions which were closer to the capital and, thus receiving the interest and service of the central government. On the other hand, the regions

which were not easy to get to suffered neglect of the state to a great extent. In addition to less productive soil and less favourable climate, these regions never received much service and an amount of share from the revenues of the country. So, most parts of Iran were considerably underdeveloped and poor due to geographical conditions which made them farther than they really were to the center.

Moreover, the natural division between the regions of Iran caused lack of organization in the country. This enabled the "mujtahids" to have a more important role. Under these conditions, the "mujtahids" had to function as messengers to the people. The mujtahids would make the public be aware of the affairs of the government by visiting remote localities individually. They would preach to people and get them involved with the Shi'ite point of view. The "mujtahids" thereby, could make people think about the Shah's rule and criticize it and remind them that Mahdi was the expected Imam.

Although geographical conditions in Iran had considerable disadvantages like inhibiting development of certain regions, it also had advantages which enabled the country to remain in a unity for over two thousand years and to establish a national identity: being "Iranian".

This is because the natural borders inhibited foreign intrusion and, therefore protected the country as

well as its traditions and values. In this way, Iran's culture and the location of its people remained untouched for hundreds of years and this deep-rooted state becomes the cause of the formation of a picture of an "Iranian" although these people belong to different ethnic groups, thus cultures. However, this was not the only factor to create such an identity. An old Iranian poet, Ferdowsi wrote a long epic poem called "Shah nameh" about the legendary past of Iran, in the tenth century A.D. In the old times, there were people who read the "Shah nameh" to illiterate people. The "Shah nameh" readers would travel all the country - just like the "mujtahids" - visit remote districts and have people get familiar with the Iranian legend. The readers, called "naqqals" or "Shah nameh khuns" would read the poem in such an influential way that even some of the Shahs had special readers to have the "Shah nameh" read for them (Wilber, 1976:78). Thus, they were able to arouse feelings of nationalism long before the nineteenth century. Nationalistic elements were initiated as early as the tenth century in Iran in spite of its diverse character. Banani notes:

"Few nations can boast as eloquent an expression of intense patriotism and proud nationalism as the "Shah nameh" of Ferdowsi, the epic poem of Iran, written in the tenth century A.D." (Banani: 1961:14).

On the other hand, since geographical conditions were the reasons of a disorganized society, this encouraged the "mujtahids" to be more active in the society and made

it possible for them to transmit their belief and ideas. It was quite easy for them to build up a society which, most of the time, would criticize the affairs of the government and would remain in an expectant manner for Mahdi. So, a disorganized society could become a structurally organized one with the efforts of the "mujtahids" who took the advantage of the geographical situation of the country successfully and, associated with it, neglect of the state.

2) Cultural Characteristic

Iran's population is made up of diverse ethnic groups with different languages, ranging from Persians, Kurds, Azaris to Arabs and Baluchis. However, this is not just the case of the present: Iran has had this characteristic ever since the ancient times. Therefore nineteenth century Iran was a country of cultural diversities and there has always been geographical separation between the ethnic groups of the society. For example, Kurds mostly live in the west and the northwest of Iran while Azaris in the north and the northwest regions, called "Azarbaijan". Arabs are situated in the south and Persians populate mainly the central Iran, specifically cities like Tehran, Qom, Esfahan, Shiraz, Kerman and Yazd.

"Through the history of Iran these various ethnic groups have lived in geographically distinct regions and provinces. Along with this residential separation, social and economic distance persisted among ethnic communities" (Aghajanian, 1983:211).

Of the ethnic communities, Persians cover the majority by as much as two-thirds of Iranian population. These people speak Persian and their original area of settlement is the north of the Caspian Sea. In the ancient times, they migrated into central Iran. The ethnic group that follows Persians in majority is Turks or Azaris. From the nineteenth century onwards they migrated from Central Asia. The next group is Arabs who are concentrated in the southwest around Khuzistan and along the coast of the Persian Gulf. The Kurds comprise the next largest group. They live in the Zagros Mountains which form a line from the northwest upto the Soviet border (Borthwick, 1980: 189-190).

In general, Iran can be divided into geographical regions in terms of settlements of the ethnic groups. In the nineteenth century, the northwestern parts of Iran were inhabited by Azaris and Kurds, as well as Armenians and Assyrians. The Western part - the Zagros mountains were inhabited by Kurds, Afshars, Mamesenis and Lurs. The northern part of Iran; the coastline of the Caspian Sea was the area of settlement of Mazandarani, Taleshi, Gilaki. Persians, Turkomans, Jamshidis, Tajiks, Baluchis, Timurs, Kurds, Afshars dwelled in the northeast. The southern regions were inhabited by Arabs, Baluchis and Afshars and the central Iran was the province of Persians, Bakhtiari, Qashqayis, Arabs and Lurs. All these groups spoke twenty-three languages of their own* (Abrahamian

*It still is the case in the present.

(1979:389). Thus, the natural geographical barriers and insufficiency of communication and transportation in the country was emphasized by linguistic diversity. This was an additional factor contributing to the characteristic disorganization of Iran. However, geographic and linguistic separation between the people was even more strengthened by religious differences.

"Social barriers were complicated by religious cleavages, which in some areas reinforced existing communal differences, while in others they caused new ones." (Abrahamian, 1979:389).

The majority of Iranians were composed of the Shi'ites, although they were further divided into sects. On the other hand, Kurds generally belonged to the Sunni sect.* Turks of Iran adhered to the Shi'a, while Turkomans held the Sunni belief, just like the Arabs and Baluchis. Furthermore, there was a non-Muslim population of Zoroastrians, Assyrians, Jews and Armenians which cause additional major diversity.

All the facts mentioned above present another fact; ethnic communities in Iran were naturally separated by geographical borders. Moreover, they were different from each other in their languages and religion. This created a cultural characteristic specific to Iran and Iran became the country of multi-cultures. But this presents one more fact to the scene; difficulty in obtaining unification in the country. When this case is taken into consideration,

*Some of the Kurds settled in Kirmanshah are Shi'ites.

it seems very difficult to make the Iranian population accept any concepts indicating change in the system, such as "a constitution" or "a parliament". However, as mentioned in the previous section, the services provided for the regions away from the center were always insufficient and those locations mostly remained neglected to a wide extent. Therefore partly by efforts of the "mujtahids", there was distrust in the Shah's rule, especially during the period of the Qajar rule in the nineteenth century. One reason for "mujtahids" to be successful in forming opposition was that most of the ethnic communities had their own religious leaders whom in turn contributed to unification of the Muslim communities.

B- SOCIAL STRUCTURE IN NINETEENTH CENTURY IRAN

Iran, was a country of 9.8 million population at the end of the nineteenth century (Abrahamian, 1975:138). Ervand Abrahamian (1979) describes the classes that existed in nineteenth century Iran and uses the term "class" as a sociological category to rank individuals with similar sources of income, similar degrees of influence, and similar styles of life. Abrahamian refers to K. Marx and characterizes the classes as corresponding to a class "in itself" but not yet "for itself". With this description, he continues by categorizing Iranian population into four major classes; "the landed upper class", "the propertied middle class",

"urban wage earners" and the "rural population" (Abrahamian, 1979:388). According to Abrahamian's description of classes, in nineteenth century Iran, the landed upper class is conveniently divided into two groups as "the central elite" and "the local elites". In the nineteenth century, "the central elite" was formed by the members of the Qajar dynasty as well as those people who were in cooperation with the royal family such as the royal ministers, the large fief-holders and the hereditary accountants. "The local elites", on the other hand, are regional notables (ayans), the provincial noblemen (ashrafs), the tribal chiefs (khans), local administrators (mirzas) and all the propertied individuals. Furthermore, there was a group in the society formed by those who were closely tied to landed upper class. In this sense, this group can be considered as a subdivision of "the landed upper class" and includes "the qadis" who were in charge of the state courts, "the imam jum'ehs", in charge of the Friday Mosques in the major cities and "the shaykh al-Islams", regulating the main religious courts.

The second major class in nineteenth century Iran was "the propertied middle class". This class consisted of urban merchants (tujjar), small landowners (malek), bazaar shopkeepers and workshop owners (pishivaran). This class had a prominent role in religious affairs of the society since its members were the financiers of the bazaar mosques, religious shools (madresehs) and religious foundations (vaqfs). Furthermore, some members of the bazaar population

claimed to be descendants of the Prophet and bore the title of "sayyid". Due to these two factors, this class had strong ties to the "ulama" and was their supporters in most of the affairs.

The third class, "urban wage-earners" consisted of hired artisans, apprentices, journeymen, household servants, porters, laborers and building workers. The next class was formed by the rural population as well as the tribal masses and landless peasantry. Within this framework, of the population of Iran fifty-five percent were peasants, twenty-four percent were nomads and twenty-one percent were the urban population (Abrahamian, 1975:138).

Of the pre-capitalist type of economic system, craft production was one of the characteristics of the economy until the end of the nineteenth century in Iran (Afshari, 1983:135). In the nineteenth century, there was not any division of labor between craft and agricultural production among the rural population in real terms; a peasant could as well be a craftsman. The situation of the urban population, however, was different than the rural population. Since there was "the bazaar" a complete division of labor existed in the city. So, artisans had their apprentices, yet there was a unity between the labor and the ownership because the masters worked in the shops they owned and apprentices' goal was to establish their own shops. Therefore a similar world view was established between the masters and their apprentices. Because of this identical

world view, employers and their workers could unite at guilds. Master artisans owning shops were called "the pishivaran" who were the members of "the propertied middle class". The sons of the pishivaran were usually recruited to become apprentices. In the guilds there was a hierarchical division based on skill and an artisan had always a strong sense of craft identity. His craft name followed his name as a sort of his surname (See: Afshari, 1983). This identification was the main reason of solidarity that developed among the artisans.

Developed commodity production necessarily gave rise to merchantile relations in the society. Due to natural difficulties in travel and transportation bazaars in urban centers constituted the main form of the merchantile tradition. These commercial relationships were carried out and productions were marketed at three levels; firstly there were rich merchants, then "pishivaran"; merchants who produced commodities and also owned shops in the bazaar. The lowest level of the bazaar was constituted by sellers like vendors who used to sell their commodities on primitive vehicles like animals or trays (Afshari, 1983:136).

The rural population was made up of peasants and tribal masses. The peasants were almost always landless. Afshari points to a similarity between the situation of the peasant in nineteenth century Iran and landlord - tenant production relations (Afshari, 1983:138). The peasants were involved in small units of agricultural

production. Tribes, on the other hand, were involved in cattle-breeding in the countryside. The role of the tribes in the society brings forth the importance of tribal khans (tribal leaders) in nineteenth century Iran. Tribal khans were the only recognized authority of the tribal people and were considered "the king" within their own tribes. Moreover, they had their own laws and any other law was regarded unbinding for tribal masses. Owing to his status in his tribe, a tribal khan had a strong military power which gave him a voice in national politics. The ordinary tribesman would obey his khan and was ready to use violence (Binder, 1962:167). One reason for the tribes to gain such a status is their way of production. Tribes were not attached to the land and cattle-breeding was the only way they carried out their production. As a result of this, they were able to gain spatial fluidity which made them so mobile that it was quite possible for the tribes to be involved in constant military action. A very little amount of time was allotted for production among the men of a tribe. There was an intensive use of women in production and cattle-breeding did not necessitate an extensive work for most of the year. This channelled the energy of tribesmen into different fields;

"The tribesmen's mastery over the horse and their marksmanship, the relatively good tribal organization, and the spirit of tribal solidarity could make a tribal confederacy under a dynamic leadership, a formidable military unit. In fact, it was through the use of the tribe as a military force that the khans entered the political arena of Iran and wielded considerable influence" (Afshari, 1983:138).

In this way tribes formed organizations which turned out to be a major influence in Iran. Unless a tribal khan considered a city in his domain, that city would feel unsafe. One reason for this influential position was that in non-modern, pre-industrial societies in Iran there is a non-rational system which allows the followers to be loyal to the person (Afshari, 1983). With his military force, the tribal leader is strong in the society. Moreover, there was strong rivalry between the tribes so as to gain control in the country. A good state could be evaluated on the basis of whether or not it could prevail over the tribes. Indeed, the throne was one of the objectives of tribal struggles all over the Iranian history. The Qajars were also a strong tribe having a Central Asian origin that came into Iran in the fourteenth century (Fasa'i's, 1972:1-5). As a result, they were successful in their struggle against the Safavid dynasty. In this sense, tribal organizations can be regarded as sources of instability in Iran, as the state was confronted with another authority; the tribal power. Especially in the nineteenth century, during the Qajar period the strong tribal leader could demand all kinds of goods and merchandise from the merchants (See: Afshari, 1983). However, the tribes during the Qajar period could not ask for a change in the whole system; could not directly demand a change of the monarch. The only thing that tribes were capable of doing against the Shah's rule was to threaten the rule and they thereby could control the state to a certain extent, whereas, the "pishivaran" and the merchants

could become a voice in enforcing their interests and demand a change in the situation, due to their close contact with the rest of the groups in the society.

Despite the physical strength of the tribes which none of the other groups in the society had, it is clear that their activities were limited by an outer force. The reason for this is discussed by Abrahamian;

"When a community (a tribe) overcame its internal dissensions and threatened the central government, the Shah could neutralize it by rallying its rivals. The traditional enemies of a rebel immediately became the natural but temporary allies of the king." (Abrahamian, 1974:27).

Abrahamian (1974) continues by referring to Lambton who claims that the Qajars were able to survive so long because "ilkhans" showed a "constitutional inability" to combine against them. He also adds Kinneir's observations of the monarch who was able to "insure his own safety" by continually "fomenting" and "nicely balancing" the "mutually jealous" tribal magnates against each other.

C- THE STATE IN NINETEENTH CENTURY IRAN

Just like the contemporary Eastern rulers, Qajars were absolutist kings. The Ottoman Empire was ruled by Sultans who claimed to own all the lands under their territory and had extensive rights having divine bases in ruling the country. Similarly, Qajar Shahs had extensive

rights that equipped them to rule the country in an absolute way. The Shah bore titles emphasizing his despotism in various ways. Some of those titles were "Padeshah" (the sovereign), "Keble-i Alem" (The Pivot of the Universe), "Shah-an-Shah" (The King of the Kings), "Alâ Hazret-e Humayuni" (His Auspicious Majesty), "Alâ Hazret-e Shahriyari" (His Royal Majesty), "Alâ Hazret-e Molukhane" (The Royal Possessor of Kingdoms), "Alâ Hazret-e Zellullah" (His Majesty The Shadow of Allah), "Khakan" (The Ruler) (Sykes, 1969: II, 38).

The power of the Shah included the ownership of the lands. Moreover,

"...he could reclaim the property of those he disgraced. He had the right to give concessions, privileges and monopolies. He summoned his people to arms whenever he deemed it necessary. He intervened directly in the market, fixing prices, buying, selling and stockpiling food. He had the power of life and death over his subjects. And he appeared to make and unmake the main officials of the realm." (Abrahamian, 1974:9-10).

The above mentioned rights had their bases in the law of the country and in most cases remained in theory, rather than becoming practical. Iran was ruled by the law of "Urf" and "Shariah" in the nineteenth century. The Shah basically depended on "Urf" which was the law of social values and customs of Iran. The orders (ferman) of the Shah were also a part of "Urf". On the other hand, "Shariah" was the Islamic law and regulated the civil matters like inheritance, marriage, divorce, etc. In this way, it was

similar to a civil law. "Shariah" was conducted by the "ulama" who, in addition, had the right of "fetwa" which in most cases proved to be much more influential than the orders of the Shah (Banani, 1961:68). The "Urf" or the common law was unwritten and it was the law that Shah made use of in his conducts. Depending on "Urf" he could give orders, "ferman", to undertake any kind of action he wished. So, although "Urf" was a very old customary law, rooted in the actions of the ancestors of Iranians, it was functioning more like an arbitrary law for the Shah's decisions.

Unlimited usage of the "Urf" and the titles that the Shah had, would present a picture of a very strong despot in Iran. But all these were only the side that was seen at the first glance. Practically, the situation was quite different and the Shah was not as strong as he seemed to be. The Qajar kings were under strong opposition. The people and various groups of the society were strongly against them due to various reasons. As presented in detail in the following chapters, the arbitrary rule of the Shah made it possible for the Western capital to enter Iran. Economic privileges were given to Western countries, creating trade difficulties for the local merchants with the result of unfavourable economic conditions. This ended with antagonism in the society against the rulers; the Shah and the nobility in touch with him. However, the Shah without a large, strong army did not have any instrument to control the opposition. The standing army was no larger than a

contingent of Qajar tribesmen and a body guard of 4000 Georgian slaves (Malcolm, 1829:356). Because of the weak defense system of the state, cities and towns had to form wards to protect themselves from attacks that would come from opposing tribes or other groups in conflict with the provincial administration of the Shah. Most regions were under the control of tribes which protected them from the attacks of other tribes, as well. The additional fact that the tribal chiefs contributed to the royal treasury in various ways, indicates the status of tribal chiefs in the society, as a constant power existing against the state.

In cities people lived in provinces called "mahallahs" with their own wards to protect them and administrators called "kadhuda" with the functions described by Abrahamian as follows;

"He, like his namesake in the village and the tribe, often mediated disputes, enforced decisions, mostly through persuasion, and represented the interests of his community in the general affairs of the whole city."
(Abrahamian, 1974:23).

However, classes had chances to voice their interests. One means was the representatives each group in the city had. In every city each group, like the merchants, "pishivaran" and workers had an informal representative who functioned in organizing groups in cases of similar interests and being active in realizing the group objectives.

The state bureaucracy, on the other hand, is described by Abrahamian as a "haphazard collection of hereditary accountants (mustawfis) and secretaries (mirzas) in the central and provincial capitals." (Abrahamian, 1974:11). Provinces were ruled by Governors (hakim) who were appointed by the Shah. Sykes (1969:II,383) notes that "the administrators in the Provinces had to be an accepted person and he paid the Shah a large "pishkash" or present and a smaller one for the "Grand Vizier"". He continues by pointing to "terrible acts of tyranny" due to the Governor's right to sell every post in the Province and the fact that so long as the revenue and the "pishkash" were duly paid, questions were not asked. Abrahamian (1974) refers to Curzon, "in many regions the monarch was practically compelled to choose a governor from the ruling houses." Abrahamian claims that the Qajars did not have the instruments for enforcing their will and so they were forced to retreat whenever confronted by dangerous opposition. He presents the following situation;

"When a Shah sent an unpopular governor to Kashan without consulting the city notables, the local "mujtahid" immediately caused a popular uproar and was deported to the capital where he continued to oppose the government and openly denounced the Shah as an "oppressor of the people". The monarch, now faced with the real possibility of religious riots and demonstrations in his own capital, was forced to pardon the mujtahid and appoint a new governor." (Abrahamian, 1974:12).

This is one of the cases that illustrate the importance of the "ulama" in the society. During the Qajar

period, such cases were the evidence for the influence of the "ulama" in the society. Thus, the state remained weak in controlling the religion as well. "Shaykh al-Islams" and "Imam Jum'ahs" (Binder, 1962:271), the religious leaders appointed by the government were not much influential in the society. Instead, "mujtahids" constituted a basic force that controlled the affairs of the state although did not have any physical means against the state. The people in Iran were closer to the "mujtahids" than they were to the Court. Education in schools called "maktab" and "maktabiyye" was carried out by the "ulama". Secular type of education was confined to the nobility in the capital, Tehran. The rest was able to receive Islamic education from the "mujtahids" called "mullah" or "mullahbaji". Furthermore, mosques, where the "mujtahids" served as preachers were places Iranian people frequently visited. The religious law, "Shariah" which controlled the daily matters of the people, like marriage and inheritance was conducted by the religious class and people had to be in direct contact with the "ulama", for "Shar'i" matters. Thus, it was not difficult for the Iranian people to ally with the "ulama" against the Shah whenever the Shah proved to be weak or wrong.

Yet, the Qajar dynasty was able to rule the country between 1792 and 1925. Although unsuccessfully, they were able to maintain their reign for a long time despite the strong opposition prevailing against them. This brings

forth the fact that Iran was a country of conflicts. In Iran, most of the villages, towns and cities were against each other with communal struggles. The tribal element served as a separating factor that existed in the natural and geographical characteristics of Iran. As mentioned in the Previous parts, there was disunity in Iran due to ethnic, cultural, linguistic and religious differences and geographical barriers. This was stressed by the conflicts existing among different tribes. These conflicts and struggles among communities made it possible for the Qajars to continue their reign for a long time. Therefore such conflicts were further kindled by the Qajar Shahs who were aware of the fact that internal struggles would help their power although they lacked an established, working bureaucracy and a standing army to control the country and keep the state power. Abrahamian (1975:150) refers to Malcolm in regard to Qajars;

"They consciously took advantage of sectarianism in the towns to weaken potential challenges from the guilds and the religious authorities. As Malcolm observed, Iranian cities, unlike medieval European towns, were incapable of resisting the central government because of the sharp rivalries between the various wards."

The Qajar Shahs were aware of the fact that they were ruling a country of diversity with regional, sectarian and tribal conflicts. The period of the Qajar reign witnessed the Shahs' abuses of inner conflict. The conflict between Haydari and Nimati factions was mostly made use of in appointing governors to remote localities. A specific

case which provides an evidence to the politics of keeping the balance in the society carried out by Qajar Shahs, is the creation of "Khamsak" confederation in the beginning of nineteenth century. Faced with the threat of Qashqayi tribe, Qajars had to counterbalance them. So, five small tribes - the Persian Bassari, Ainalu, Nafar, Baharlu and an Arabic group - were united and given the name "Khamsak" with a tribal chief appointed by the Shah (Abrahamian, 1974:29). Having prior enmities with Qashqayis, this artificially formed tribe served as a force against Qashqayis until the end of the Qajar rule. Qashqayis were forced to fight with "Khamsak" and, thereby their opposition to the Shah was weakened.

Abrahamian provides another case to illustrate the type of rule undertaken by the Qajars;

"During the early part of the reign, Nasir al-Din Shah carefully balanced his conservative adviser Mustawfi al-Mamalik versus his reformist minister Mushir al-Dowlah. The two antagonists, with their supporters, fought continually in the court, in the cabinet, in the ministries, and even in the provincial capitals, until the Shah became wary of reform and dismissed Mushir al-Dawlah. But since he was anxious not to leave the field wide open for Mustawfi al-Mamalik, he promptly raised others to fill Mushir al-Dawlah's point of equilibrium." (Abrahamian, 1974:30).

Thus, the Qajars, with the policy of "divide and rule", were able to control the whole nineteenth century Iran until 1920 when Reza Khan (Pahlavi) overthrew the last Qajar Shah.



CHAPTER III

WESTERN INTERFERENCE AND INFLUENCE IN IRAN IN THE NINETEENTH CENTURY

The discontent of Iranian people with the Shah's rule was brought to the climax with Western interference in Iran. concessions granted to Westerners, accompanied by "ulama"'s agitation in the society made people revolt against the prevailing conditions. However, it must be clearly pointed out that Western interference had some positive consequences as well as negative ones. Thus, a certain rate of modernizataion can be regarded as positive contributions of the West. By modernization, developments in foundation investments are implied. These are such improvements as the establishment of the first railway, the introduction of electricity plants and the development of modern communication systems. In addition, it was due to the interference of the West that Iran had its first state newspaper published and modern schools were established.

The weak Qajar state had to accept the Western countries' interference into Iran in order to cope with the economic difficulties, the country was suffering in

the nineteenth century. The Qajar Shahs granted considerable concessions to foreign governments and individual businessmen.

Due to the reasons mentioned above, Western interference and influence in Iran in the nineteenth century will be dealt with in two subsections; "Modernization Brought By The West" and "Economic Privileges Granted to the Foreigners and the Results of Western Interference". In this way it will be possible to elucidate all the aspects of Western interference in nineteenth century Iran.

A- MODERNIZATION BROUGHT BY THE WEST

Western interference in Iran started in the nineteenth century during the Qajar rule. The rule of Naser al-Din Shah (1848-1896) was a period of extensive modernization and interference attempted by Western countries (Browne, 1966:24-25).

The first telegraph line was established in 1864 by British officers (Sykes, 1969:II, 368). Before electrical communication was founded, only the regions close to the center were under effective control of the state. Distant regions were under the influence of tribal chiefs and revolts carried out by them were out of control of the state. With the establishment of the first telegraph line in 1864, these problems were solved but their implications

had partly been overcome, for news of local events could reach the government daily. The establishment of telegram lines had a more important implication; with the introduction of electrical communication, Iran was not an isolated territory anymore and foreign impact found a path to the country.

Thus, Western ideas, as well as ideas of reform gradually penetrated Iran. Furthermore, since telegraph offices were considered as Royal offices (offices of the Shah), they turned out to serve as sanctuaries to defend people against tribal oppressions that existed then (Sykes, 1969:II, 369).

During the reign of Naser al-Din Shah, in 1879, a small Cossack brigade was established. The brigade was patterned on the Russian model and instructed and commanded by Russians officers. The Cossack forces were first established at Tehran and then, at the other northern towns (Wilber, 1976:68).

Introduction of electricity plants for the main cities with establishment of telegraph lines were mainly the foundation investments made by the Western countries in Iran. The Cossack brigade was formed to fill an important gap in the defense system of the state. But there were other important changes that made the country become similar to the Western countries. These changes for the purpose of modernization were mostly at intellectual levels. Amir

Kabir, the Prime Minister of Naser al-Din Shah's government, cleared the path for the Westerners and helped the intrusion of Western ideas and institutions into the country. Amir Kabir had the opportunity to visit foreign countries and following his visits to Russia and the Ottoman Empire, he became keen on implanting a modern system in Iran. He founded the first university, "Dar al-Funun", in Iran in 1852. The professors of the university were from Western European countries and therefore Western languages like English, French and German were being taught as well as subjects like medicine, mining, engineering, pharmacy, geography, mathematics and literature (Abbasi, 1979:27). Due to the fact that education was carried out in Western languages, the students of "Dar al-Funun" became familiar with Western ideologies and ideas. The most influential among them was the French Revolution of 1789. Thus, concepts of change in the state and constitutionalism have their roots at the establishment and education carried out by "Dar al-Funun". After the foundation of "Dar al-Funun", the first Ministry of Education was founded in 1855. With the establishment of the organization of an Educational Council in 1897, the decision was taken to adapt the French system of education as a model (Wilber, 1976:202).

During the period when Amir Kabir was the Prime Minister of Naser al-Din Shah's government the first state newspaper was published. The newspaper "Roozname-ye-vaqayeh Ettafagayeh" was published weekly in 1871. But this was

not the only newspaper in Iran. Most popular Iranian newspapers were actually "underground" ones published in major cities of other countries like Istanbul, Baqu, Tiflis, Paris and London (Abbasi, 1979:33). Newspapers published in these cities were sent to Iran through various means. Their basic influence in the society was in imposing the notions of human rights, parliamentarianism and the Republic. One example of the newspapers is "al-'Urwtu'l-Wuthqa" published in Paris in Arabic by two anti-Shah personalities of the country; Sayyid Jamalu'd-Din al-Afghan (Afghani) and Sheikh Muhammad Abduh (Browne, 1966:9). The newspaper "Akhtar" was published between the years 1896 and 1920 in Istanbul by Mirza Najaf Ali Khan Tabrizi. Publication of this newspaper which lasted for more than twenty years was stopped by the Ottoman state since it was propagating against prevailing regimes and was promoting Constitutionalism and introducing ideas of liberty and equality. Mirza Agha Khan Kermani, considered as one of the intellectual leaders of Iranian constitutional movement of 1950 with Sayyid Jamalu'd-Din Afghani, edited the newspaper "Qanun" in London in the 1890's (Mushir al-Dowleh and Eghbal, 1983:848).

To conclude, Western countries brought modernization elements not only in economic terms, but also into the society and way of thought as well. Thus, introduction of electricity plants, modern communication, railroads, etc. constitute one part of modernization, while establishment

of modern schools, newspapers (including the ones published abroad in terms of bringing Western ideas into the society), scientific journals and the like. Western countries, while providing certain advantages in return to concessions granted to them had intruded the country at the level of thought which the constitutional movement obtained a branch of its origin and the spirit.

B- ECONOMIC PRIVILEGES GRANTED TO THE FOREIGNERS AND THE RESULTS OF WESTERN INTERFERENCE

Naser al-Din Shah's reign (1848-1896) was a period of concessions granted to the Western countries and attempts of modernization. Both of them caused profound changes in economic and social structures of Iran. The reasons for the concessions to be granted to foreign companies or states lie at the economic policies of the Shah. Naser al-Din Shah's visits to European countries as well as his demands for luxury goods required a large amount of expenditures which made the revenue of the country fall far below the expenditures. This period of unfavourable economic conditions is described by Fasa'i's;

"In 1872, hunger and epidemics spread among the inhabitants of several parts of Fars. The price of 1 mann of wheat weighing 720 miskal (3.322 kilograms) reached the sum of 2 reyls..." (Fasa'i's, 1972:376).

One example of economic privileges given to Westerners was the Reuter Concession of 1872. It was the most striking

one of all the concessions of the period. Monopoly of railway construction and street car lines, to exploit mineral and oil for seventy years, to manage the custom service for twenty-four years and establishment of a national bank were given to a British citizen named Baron de Reuter (Wilber, 1976:67). However, on realizing that this concession extended to a very large domain, the Shah had to annul the concession soon after it was signed.

1888 was the year when River Karun was opened to commerce. Although British people were not satisfied with the extent of the concession, since only the lower part of the river which was in the South of Iran was opened, this privilege disturbed the tribes and tribal chiefs actively opposed it (Sykes, 1969:II,370-371).

Depending on the Reuter Concession, "The Imperial Bank of Persia" as a British enterprise was started with a large amount of capital in 1889. This bank had the right to issue banknotes in addition to the right to exploit all the mineral resources of Iran except of precious stones, silver and gold (Browne, 1966:31).

The Tobacco Concession of March 1890 is the one that received severe public protests and, therefore the one that started the uprisings in the Iranian society. This was a concession of fifty-year full control over the production, sale and export of all tobacco in Iran. The English company was going to give fifteen thousand pounds annually, with

a quarter of the profit to the Shah, in return to the privilege (Sykes, 1969:II, 372).

In November 1890 an article about the Tobacco Concession took place in the Turkish newspaper "Sabah", claiming that the concession was too extensive and,

"...the tobacco growers are left helpless and defenceless in the hands of the company, and will be unable to sell the produce of their toil at a remunerative price, or to profit by trade competition. Consequently, a large number of Persians whose earnings and livelihood are exclusively derived from this source will be injured, and extraordinary damage will accrue to the merchantile interests of the country." (Browne, 1966:48).

Such an exclusive concession of such a long duration caused public indignation especially on the part of the "ulama". One of the leading "mujtahids", Haji Mirza Hasan Shirazi, with a "fetwa" or an interdict, prohibited smoking. Therefore tobacco became a substance forbidden by religion and it would be violation of Islamic rules for a Muslim to consume it. Iranian people with strong Shi'ite belief obeyed the call of Haji Mirza Hasan Shirazi and refused to smoke and consume tobacco. Browne (1966:52) refers to Dr. Feuvrier,

"all the tobacco merchants have closed their shops, all the "qalyans" (water pipers) have been put aside, and no one smokes any longer, either in the city or in the Shah's "entourage" or even in the women's apartments. What discipline, what obedience, when it is a question of submission to the counsels- or rather the orders- of an influential "mulla", or of a "mujtahid" of some celebrity."

As a result, the Shah cancelled the concession but had to pay five hundred thousand pounds as a compensation to the company. Due to the poor condition of the treasury, the Shah was unable to pay the compensation, so he had to borrow the money from "The Imperial Bank of Persia". Since the bank was a British enterprise, payment of five hundred thousand pounds as a compensation was the beginning of the first national debt of Iran (Sykes, 1969:II, 373).

With the assassination of Naser al-Din Shah in 1896, Muzaffer al-Din became the Shah in Iran. The reign of Muzaffar al-Din Shah was not much different than Naser al-Din Shah's reign in terms of Iran's economic situation and economic relations with other countries. During Muzaffar al-Din Shah's period the Russian Bank named "Banque d'Escompte de Perse" was established. It was a branch of the Russian Ministry of Finance and was used as a political instrument (Sykes, 1969:II, 375). According to Sykes' description of the Russian Bank,

"Its operations are not conducted on business lines. Consequently, the annual deficit must be great, not only from losses due to its operations but also from the extravagant scale of its buildings and the huge salaries paid to its managers. However, by lending large sums on real estate and by other methods the financial grip of Russia has been riveted on Persia; and the results are held to justify the expenditure of a few million Roubles" (Sykes, 1969:II, 275).

The Russian interest in Iran continued by giving loans one after the other. The second loan given by Russia

led to the New Customs Tariff in 1901. Russia asked for an increase in the general tariff in return to the new loan. Thus, low tariffs were provided for Russian goods and high tariffs for the goods of other countries (Wilber, 1976:69). Change in the tariff is not only an implication of Russian interference in Iran but it also presents the fact that Iran had become a battle field for the economic struggle between Russia and England. Because in this way Russia was able to put a barrier against the export product of England to Iran. For instance, in the end of the nineteenth century, Russian imports from Iran were sugar and petroleum which were affected by the new tariff only a few percent. However, the duty on tea, which was the basic import England made from Iran, was ninety-five percent increased (Sykes, 1969: II, 377-378).

The basis of these concessions can be traced back to the treaties of Turkoman Chai and Paris, signed in 1827 and 1857. As a result of being defeated in the war with Russia in 1826, Iran had to sign the treaty of Turkoman Chai in 1827. With this treaty Iran had to give certain parts of the country to Russia in addition to a large indemnity, reserved military navigation on the Caspian Sea to Russian ships and capitulations in favour of Russia (Wilber, 1976:66). Similarly, the treaty of Paris was signed with England as a result of Iran's interference into Afghanistan. With this treaty Iran recognized the independence of Afghanistan and granted capitulations and special economic privileges to England (Wilber, 1976:67).

These treaties made Iran a country where foreign capital was exempt from certain limitations such as laws and tariffs. This was the time when Europe was in the period of Industrial Revolution and therefore the era of the production of mass-manufactured goods. Western countries had found a new market for their new products. Thus, foreign trade caused some negative results in the country by destroying many handicraft industries, such as textiles. On the other hand, modern communications were established, agriculture was commercialized and export oriented industries like handwoven carpets were expanded. Incorporation of Iran into European world-system transformed the precapitalist economy into a market economy (Abrahamian, 1979:391).

Due to the disintegration of precapitalist commodity production the situation of artisans changed to a great extent. In nineteenth century Iran, raw materials for commodity production were supplied by the countryside. On the other hand, merchants handled the market. By producing the commodities, artisans had an intermediary role between the countryside and the market. With the Western interference, however, the artisans were taken out of this process and replaced by industrialized factories of the Western countries (Afshari, 1983:148). Therefore breaking up of the guilds, which were one of the characteristic elements of nineteenth century Iranian economics, was an inevitable result.

Situation of "pishivaran" (small shopkeepers) and merchants had changed by the twentieth century with the

Western impact. "Pishivaran" were faced with the problem of high prices that occurred with concessions granted to Western countries as well as initiation of national debts. So, "pishivaran" were gradually giving up their trade or surviving under severe conditions. The situation was almost the same for some merchants; being unable to cope with foreign merchants furnished with concessions, some merchants had to stop their activities and gave up trade. There were some other merchants who preferred to go abroad, settle there and continue their trading activities in those centres. Some merchants, on the other hand, chose to become British or Russian citizens by buying the passports of those countries. In this way, it was possible for them to carry out trading in Iran (Afshari, 1983:148). In brief, Western interference changed the economic situation of the "pishivaran" and the merchants in a negative way. But Western interference created new fields for economic activities in Iran. The leading, rich merchants constituted the only group that could take advantage of this aspect of Western interference. Hence, favourable conditions were created for the leading merchants of the nineteenth century Iran who then became richer.

The outline of Western interference in Iran presents that Iran went under a very quick and efficient period of transformation, especially in terms of modernization at various levels. Prominently, modern communication and transportation means altered the fate of the country; the

dynasties were no longer to rule a diverse country out of which great advantages had been taken by the Shahs. A platform to evaluate the power of the Qajar Shahs as absolutist monarchs was created by granting concessions to foreigners. Especially the "Tobacco Protest" of 1891 served as a balance to judge the degree of power of the Shah. Thus, the power of "mujtahids" in the society was clearly observed and "mujtahids" showed that they were more influential over the groups of the society than the rulers. The Shi'ite Muslims had a chance to prove that they still did not accept the Shah's rule as a legitimate one and were supporting Mahdi's representatives; the "mujtahids". Changes brought to the economic situation of the country flashed a light on the stagnant nature of Iranian economics, although they had certain negative consequences. At the level of thought, Western impact brought new lines of thinking especially with the introduction of telegraph system and newspapers as well as the presence of the foreigners in the country. The ideas that belong to Western political thought such as "constitution", "equality" and "National Assembly" were introduced in Iran in a considerably short period. However, the notion of law brought by Western ideological interference had proved to be the most impressive of all the impacts, since the beginning of the twentieth century witnessed the Constitutional Revolution.

CHAPTER IV

THE CONSTITUTIONAL REVOLUTION

A- THE ROLE OF THE INTELLECTUALS IN THE CONSTITUTIONAL MOVEMENT

1905 Constitutional Movement in Iran had two aspects; it was a nationalistic movement as well as an Islamic one. In this sense, not only the class of "ulama", but an intellectual group was also an influential element of the movement. For centuries, the learned group of Iranian society was essentially the religious people; the "ulama". Intellectuals in the Western sense did not actually exist. Access to the Western type of education was limited to the members of the ruling dynasty; a few people fortunate enough to visit European countries. Because upto the middle of the nineteenth century, education in Iran was carried out by the "ulama". This means that Islamic education was prevailing in Iran, until the foundation of "Dar al-Funun" in 1852. Thus, the situation gradually changed in the nineteenth century. Non-religious ideas and intellectuals of those Western ideas were the outcomes of the Western interference as well as the dispersing

character of the ideology of the French Revolution. As a result, a small intellectual group developed in Iran in the twentieth century. This group, on the other hand, lacked the necessary power base, therefore did not receive much popular support. The main reason for this was that the only means intellectuals had in order to communicate their ideas with was their publications; mostly illegal newspapers. In conservative Iranian society, strictly involved in religious matters, with a very low rate of literacy this was a very inconvenient media to influence the masses and get popular support. Nevertheless, they continued their publications, mostly from other countries for many years.

Amir Kabir, who was the Prime Minister of Naser al-Din Shah's government, was one of the first to lead the society in attempts of modernization. Since he was a high ranking official, he was capable of initiating reforms at the state level. He brought changes to military organization and it was during his office that Iran had an organized army. Changes in finance and jurisdiction were also made in his time. But he was merely a reformist at machinery of the state and did not have the capacity to ask for deep-rooted changes in the system.

"Amir Kabir reduced useless ceremonial, he fought bribery and corruption, he credited all the bad debts of the previous administration, he tried to centralize control of the administration, to regularize the military organization, and to provide modern educational facilities. He also

reorganized the financial administration. However, he does not seem to have attempted to fashion the cabinet into an efficient instrument of policy making nor into an administrative coordinating board, for he tightly controlled all governmental activities himself; he made the "mustaufi al-mamalik" directly responsible to himself, he held the ministry of war himself, and he was in direct charge of the intelligence agency." (Binder, 1962:104).

Instead of initiating changes in the system, Amir Kabir, only reorganized it. Thus, desire for deep-rooted changes in the system was articulated by the intellectuals of the time.

The most popular "propagandist" and intellectual of the nineteenth century Iran was Sayyid Jamalu'd Din "al-Afghan", or "Afghani". He was born in 1838 and was an advocate of Pan-Islamic ideas. On this line, he is considered to be one of the founders of the Constitutional Revolution.

"It is a matter still open to discussion whether great men give rise to great movements, or great movements to great men, but at least two are inseparable, and in this movement towards the unity and freedom of the Muslim peoples none played so conspicuous a role "Sayyid Jamalu'd Din, a man of enormous force of character, a prodigious learning, untiring activity, dauntless courage, extra-ordinary eloquence both in speech and writing, and an appearance equally striking and majestic." (Browne, 1966:3).

Although he was known as a person against the Shah's government, he kept in close contact with Naser al-Din Shah. He was expelled from Iran by the Shah several times due

to his anti-Shah activities but was again invited to Iran owing to Shah's worry that he could be more influential in other countries since he was not under control when he was away from the country. Sayyid Jamalu'd-Din, known as "Afghani" spent most of his life travelling in Islamic regions and he carried out Pan-Islamic activities in India, Egypt and the Ottoman Empire (Sykes, 1969:396).

He was against Naser al-Din Shah and was continuously criticizing him for initiating Western interference in Iran and wanted to preserve an Islamic society as well as providing modernization and technology in the society (Binder, 1962:74). Afghani collaborated with the "ulama" as well as the intellectuals of Iran in changing the existing government. In the "Tobacco Protest" Afghani cooperated with Mirza Agha Khan Kermani, a poet and an author, and Sheikh Ahmad Ruhi, a religious leader in the city of Kerman were active in arousing the Shi'ite religious leaders who banned the use of tobacco (Fathi, 1980:94). Moreover, Afghani edited a newspaper named "Qanun" in London with Mirza Malkom Khan. In this newspaper, the basic idea was recommendation of a fixed code of laws and a parliament. Mirza Malkom Khan started publishing "Qanun" in 1890 in London. (Mushir al-Dowleh and Eghbal, 1983:848). In this way, he obtained a chance to publicize his views about law and parliament in Iran from London. The newspaper became quite popular among the new intellectuals in Tehran. As a result, the government banned the newspaper.

According to Fathi (1980:94), the prominent Iranian intellectuals of the time, Sayyid Jamal'u'd Din Afghani, Mirza Malkom Khan, Mirza Agha Khan Kermani and Sheikh Ahmad Ruhi* were the reformers who did not believe in Islam, but presented their ideas in a religious form of writing and they eventually contributed to the awakening of the future Constitutionalists. Apart from the newspaper "Qanun" edited by Afghani and Mirza Malkom Khan, Mirza Agha Khan Kermani and Sheikh Ahmad Ruhi published the newspaper "Akhtar" in Istanbul. This was a very popular newspaper among Iranian intellectuals contributing to the implantation of constitutionalist ideas in Iran.

Mirza Malkom Khan, who was an Armenian in origin, born in 1833, became a convert to Islam and was educated in the Western countries. He was a prominent intellectual of Iran in the end of the nineteenth century. He was significant especially in terms of his way of thinking but above all, because he was the founder of Freemasonry, called the "Faramush Khane" in Iran (Banani, 1962:9). According to Abrahamian, he converted to Islam because he probably aimed to further his public career, at the faculty of "Dar al-Funun". Most probably due to the wish to be accepted

* Sheikh Ahmad Ruhi: although a religious leader, later became interested in translating books from English and French into Persian. He was a friend of Mirza Agha Khan and both of them later on became "Babis", a new religious group developed out of Islam but with a secular viewpoint, persecuted by both the "ulama" and the government at that time (See: Browne, 1966).

in the society, intellectuals on the constitutionalist line of thought, preferred to be seen as advocates of Islam. In this way, they could possibly have more chance to influence the masses and further, get in closer contact with the "ulama" who the intellectuals were aware held the strongest power in the country (Abrahamian, 1979:396).

In addition to his apparent religious aspect, Mirza Malkom Khan had managed to have contacts with the Shah before he started his constitutionalist activities outside the country (Browne, 1966:35). Inspired by the "Tanzimat Movement" in the Ottoman Empire, Mirza Malkom Khan prepared a "Book of Reform", (Daftar-i Tanzimat) for the court (Abrahamian, 1979:396). In that book, he suggested that the Shah had to decree new laws if damage from foreign countries was to be minimized. In this sense, it was a warning to the Shah. To Iran, ruled by the religious law (Shariah) and the common law (Urf), the new term "qanun" was introduced meaning the new type of law proposed by Mirza Malkom Khan. According to Malkom Khan, the new law must be based on two fundamental principles: the improvement of public welfare and the equality of all citizens. The book then concluded with a list of specific recommendations: the separation of the government into a legislative council and an executive cabinet, both to be appointed by the Shah; the acceptance of public opinion; the codification of the previous laws; the formation of a professional army; the creation of an independent tax department; the introduction of a comprehensive

educational system; the building of new highways between the main towns and the establishment of a state bank to finance economic development (Abrahamian, 1979:396). However, since the Masonic Lodge he founded was accused of having connections with the "atheistic republican", free masons in Europe, "Daftar-i Tanzimat" was not used and Malkom Khan was exiled to the Ottoman Empire after which he concentrated on publishing books and a newspaper to spread his constitutionalist ideas. After his exile to the Ottoman Empire, he was appointed as an ambassador in London and then he started having contacts with Sayyid Jamal'u'd Din Afghani who had a similar way of thinking with him. (See: Browne, 1966). As Mirza Malkom Khan later admitted, his main intention was to make the political philosophy of the West acceptable by clothing it in the terminology of the Qoran, the Hadits and the Shi'ite. Imams (Abrahamian, 1979:397).

B- THE ROLE OF THE "ULAMA" IN THE CONSTITUTIONAL MOVEMENT

Although the intellectuals carried out their activities through their secret societies and newspapers, they were able to introduce and impose Western ideas about the state system only to a limited community in Tehran. They were not popularly supported, thus did not have any means to initiate any kind of mass movement. However, the "ulama", as a very influential group of the society could

legitimize the demand for a constitution and transformed it into a mass movement. When religious leaders joined the intellectuals, the constitutional movement gained an Islamic aspect and turned out to be a double-edged movement with nationalistic as well as Islamic approaches. One of the key points in analyzing the Constitutional Revolution of 1905-1906 of Iran is the reason for the "ulama" to support the movement. In order to gain popular support prominent religious leaders claimed that the constitutional government was in accord with Islam and Qoran. Several reasons can be suggested for understanding the motivation of the "mujtahids" to support an originally Western, non-Islamic system. Many viewpoints have been proposed on this subject matter. According to Enayat, a characteristic of the political thought of Qajar Iran does not exist in the Ottoman Empire and Egypt. This missing element is the Iranian "ulama" supporting the constitutional movement which led to the Constitutional Revolution of 1906. He refers to Ahmad Kasravi to explain the support of the "ulama" in the movement;

"...the Shi'i "ulama", by virtue of their belief in the exclusive legitimacy of the rule of the Imams, have always been opposed to the very notion of state and political order." (Enayat, 1982:165).

Enayat claims that available information to analyze the reasons more specifically, is limited. Thus he continues as,

"Whatever the case, the fact that during the revolution the urban masses, who were surely not less religious-minded then than they are now, responded so enthusiastically to the call for a constitutional government, should be proof enough that the opinion of the "freedom-seeking" "ulama" held great sway over them." (Enayat, 1982:165).

Fathi (1980) presents a more detailed viewpoint on the subject matter. According to Fathi, one cause can be traced to the Shi'ite way of thought; the belief in Mahdi and his return. Because of this belief the existing state does not have a legitimate authority. Although only the "mujtahids" have the right to undertake the role of leadership in a society, with the existing conditions these religious leaders do not clearly represent Mahdi's authority. Therefore tension always existed between the "mujtahids" and the Shah's government throughout the history of Iran after the sixteenth century. Whenever there was a weak ruler or general discontent, the religious leaders were there to act as opposition parties. The period before the Constitutional Revolution can be characterized as a phase of misgovernment, corruption, foreign influence and rivalry between Great Britain and Russia. Furthermore, it was the time when an intellectual group demanding to liberate and modernize Iran had emerged. In general terms, it was a period of unrest and general dissatisfaction among the Iranians. Thus, the support of the religious leaders was because they wanted to gain more influence.

Fathi continues by claiming that another reason could possibly be that religious leaders were forced into action by public opinion and expectations held of them by their followers. According to him, even the foreign powers used these leaders; especially in the case of tobacco concession granted to British subjects, Russians helped the uprising. Fathi concludes that, in addition to these reasons many of the religious leaders feared that Iran was falling under the influence of the foreigners and became involved in the movement in order to save Islam.

Fathi presents one of the most elaborate studies in discussing the reasons of the religious group to get involved in collaboration with intellectuals for the Constitutional Revolution. All the reasons he provides might have relevance to the fact and can be important clues to reveal the underlying causes. An overall study brings a more specific conclusion; the desire of the "ulama" to gain even more influence in the society can be considered as the most important motive. This approach can be further supported with the fact that, some of the "mujtahids" -although constituting a small minority among the "ulama"- were against the establishment of the constitution and the parliament. These anti-constitutionalist "mujtahids" were mainly led by the prominent "mullah", Shaikh Fazlallah Nuri. Against constitutionalists, they took "bast" in the shrine of Shah Abd al-Azim in June 1907 (Martin, 1986:182).

"...the most powerful argument Shaikh Fazlallah brought against the constitutionalists was that of establishing an institution that had no legitimate basis in "Shari'a" law, and creating thereby a conflict in the sources of legal authority." (Martin, 1986:183).

The opposition of the leading "mujtahid" and his followers was once again articulated in December 1907 when the constitutionalists went under conflict with the Shah and after the bombardment of the National Assembly in June 1908. Thus, it was quite natural for the leader, Shaikh Fazlallah Nuri to become allies with the Shah since they had almost similar concerns.

On the other hand, Iran had been a country of absolute monarchy with despotic Shahs coming one after the other for more than a thousand years when Islam was introduced by Shah Ismail. However, the nature of Shiism was against all the governments and discontent and desire to change the situation started during the last years of Safavid dynasty among Shi'ite leaders of Iran. The "ulama" needed to gain control in order to fulfill all the requirements of Shiite Islam. This need of the religious group increased gradually in time and was kept under considerable control during the times when the ruling Shah was powerful enough. Whenever there was a decline in Shah's influence, religious leaders were on the scene. The end of the nineteenth century was a period of this nature; a weak government of Naser al-Din Shah with a strong Western impact arousing negative reactions and opposition in the country increased the

influence of the religious group and reminded them the fact that a Shi'ite society had to be ruled by the "mujtahids". Intellectuals' proposal for a parliamentary system, thus reducing the influence of the Shah coincided with this critical period. Since the monarchy was a deep-rooted institution in Iran, "mujtahids" were aware of the difficulty-perhaps impossibility- of removing the existing system. Rather, they preferred or had to take a slower but a more efficient course of action in the long run; they started by initiating changes in the power of the Shah instead of completely overthrowing the whole system. While reducing the power of the Shah in legal terms, they aimed to increase their power and when the constitution was accepted, the influence of the "mujtahids" was approved in the new state system of Iran. In the document prepared for the acceptance of a parliamentary system the following are mentioned:

"...we do enact that an Assembly of delegates elected by the Princes, the "mujtahids", the Qajar family, the nobles and notables, the landowners, the merchants and the guilds shall be formed and constituted, by election of the classes above mentioned, in the capital Teheran..." (Sykes, 1969:II, 403).

Furthermore, in the constitution of 1906, the "mujtahids" were granted the right to ratify every action of the state. The only means of the time to attain this was to cooperate with the intellectuals and to make use of their demand to change the state system for most probably "ends justified the means" for the "mujtahids". In the

same way, knowing that they would remain ineffective without their support, intellectuals encouraged the "mujtahids" to join them.

C- THE ROLE OF THE TRIBES, "PISHIVARAN" AND MERCHANTS IN THE CONSTITUTIONAL MOVEMENT

A solution for the discontent among Iranian people aroused by the misgovernment of the Shah was led by the religious leaders with support of intellectuals in various ways. However, those who were actually involved in performing the revolution were not only the "mujtahids" and intellectuals. The roles of the tribes -especially the tribal leaders, the "pishivaran" and merchants in the movement were at least as functional as the role of the "mujtahids". These groups were successful in forming dynamic forces in the movement.

The tribes were involved with the revolution when tribal chiefs supported the movement. Involvement of the tribes meant military forces and armed men in the struggle. Characteristically, in tribes followers were loyal to the leader himself in a non-rational way. On the other hand, Iran was a country of tribal rivalry and struggle. The dynasty ruling the country, the Qajars, had been one of the prominent tribes and took the possession of the throne as a result of violent struggle with other tribes. Therefore enmity prevailing between the Qajars and the other tribes

was a reason to motivate the tribes to act against the Shah's rule. The most striking tribal enmity of the time was between the Qajars and the Bakhtiyari tribe.

After opening of the National Assembly in October 1906, in January 1907 Muhammad Ali Shah* refused to ratify the Supplementary Fundamental Laws. He did this because he was afraid of losing all his royal authority (Sykes, 1969:II,406). However, this started mass protests and a civil war which lasted between June 1908 and July 1909 and resulted with forcing the Shah to accept the Parliamentary Constitutionalism. One of the most significant events of the civil war was the bombardment of the Parliament building by the Persian Cossack brigade commanded by the Russian Colonel Liakhoff in June 1908. This resulted in swift public response (Wilber, 1976:71). In this mass movement the Bakhtiyari tribe had formed a strong military power against the Shah and on their attack to Tehran in July 1909, Muhammad Ali Shah had to reestablish the parliamentary system. The reason for the Bakhtiyari tribe to support such a movement and the groups in the society was basically the fact that the Bakhtiyari chief Sardar-i Asad's personal enmity to the Shah's family (Busse, 1972: 23-26). Since his father had been murdered by Qajars, the

*W. Morgan Shuster described Muhammad Ali Shah as "perhaps the most perverted, cowardly, and vice-ridden monster that had disgraced the throne of Persia in many generations" (Wilber, 1976:70).

Bakhtiyari chief found an opportunity to weaken the Qajar rule. The fundamental objective of the constitutional movement did not mean too much for the Bakhtiyari chief; it was important for him to diminish the Qajar influence in Iran. For this purpose, he used his tribe as a much stronger army than the army of the Shah. In other words, it was the Bakhtiyari tribe's attack that brought the struggles for a constitution to an end. Thus, the tribal forces proved their strength - and the weakness of the Shah and the Persian Cossack brigade ruled by the Russians - and established constitutionalism in Iran.

On the other hand, the "pishiveran" and the merchants who were put into unfavourable economic conditions with the Western economic interference, had growing enmity against the prevailing rule. With such negative feeling, they were influential in providing the main forces in the movement. The Tobacco Protest of 1891-1892 which is regarded as a preamble to the Constitutional Revolution was a significant event in pointing out to the power of the "pishivaran" and the merchants in forming an opposition against the Shah. In Shiraz, the main tobacco producing region, a local strike among tobacco producers led to a general strike in bazaars all over the country. Almost all the shops in bazaars were closed as a protest to fifty-year monopoly over the production, distribution and exportation of tobacco granted to an English company. Leading "mujtahids" encouraging the Protest by banning the use of tobacco in

religious terms, the bazaar strike initiated by the "pishivaran" and the merchants affected the consumers who stopped using tobacco. This protest made a distinctive use of the new telegraph system in order to become a coordinated movement. Consequently, the mass demonstration forced the Shah to annul the monopoly in 1892. In later years similar types of protests in bazaars of the country provided an element to provoke mass movements against the rule, despite the presence of soldiers posted in the bazaars to avoid closed shops.

According to Abrahamian, "the modern intellectuals were advisers to the revolutionaries, but the traditional guild members of the bazaars were the actual revolutionaries." (Abrahamian, 1979:413).

D- THE CONSTITUTION AND ITS CONSEQUENCES

The economic crisis and high rate of inflation* in Iran in 1905, with countrywide public protests resulted in the Constitutional Revolution in August 1906. In the continuous public protests, people were complaining about the government loans and foreign officials working in Iran.

*During the first three months of 1905, the price of sugar rose 33 percent and that of wheat by 90 percent (Abrahamian, 1979:404).

People demanded the dismissal of the Belgian customhouse officials and of the chief of them, M. Naus, who was the Minister of Customs and Posts, as well (Browne, 1966:114). In the end of 1905, another public protest was aroused due to high sugar prices. When the prominent sugar importers were punished in a harsh way by the governor of Tehran the mass movement started;

"Stores and workshops closed; guild elders organized a mass meeting in the central mosque; and two thousand merchants, guild leaders, theology students, and members of the "ulama", headed by the two "mujtahids" Tabatabai and Behbehani, took sanctuary at Shah Abdul Azim. From there, they sent to the government the four main demands: replacement of the governor; dismissal of Naus; enforcement of the "Shari'ah"; and formation of a House of Justice. At first the court replied that such an institution would destroy all ranks... But after trying unsuccessfully to break the strike for a full month, the Shah finally agreed to all the demands." (Abrahamian, 1979:405).

As the public protests continued, the Cossack brigade was trying to stop them. When the protests started to turn out to be struggles with serious injuries, some of the "ulama" began to compare the Qajars to Yazid who had killed Imam Husayn. The final action was initiated by the guild elders and they demanded a House of Justice and a Constituent National Assembly to draft a written constitution. On the general strike in Tehran and continuous telegrams from provinces, Muzaffer al-Din Shah proposed an Islamic Assembly. But revolutionaries continued to insist on an elected "National Assembly" (Browne, 1966:112-119). As a result, Muzaffar al-Din Shah had to accept this demand legally in

August 5, 1906. With the purpose of making an electorate law for the future National Assembly, the Constituent Assembly was formed a year later, in 1907 by the merchants, the "mujtahids" and the guild elders. The electorates were listed as follows, princes and Qajars; "ulama" and theology students; notables and aristocrats; merchants with a definite place of business; landowners with at least a thousand tomans of property; craftsmen; tradesmen from recognized guilds and with a shop whose rent was equivalent to the average rent of the locality (Abrahamian, 1979:408). The National assembly was opened in October 1906, with twenty-six percent of its members as guild elders, twenty percent "mujtahids" and fifteen percent merchants, and the rest representing the nobility (Shaji'i, 1965:176).

The subsequent Shah, Muhammad Ali Shah, encouraged his ministers not to obey the National Assembly and his Governors to ignore the Provincial Assemblies. Moreover, with the aim to weaken the revolutionaries, the Shah aroused communal conflicts. However, with severe mass protests and a civil war ending with Bakhtiyari attack, the Parliamentary Constitutionalism was established in Iran in 1909.

With the 1906 constitution the election of a National Assembly was made possible. In 1907 Supplementary Laws were added which admitted the importance of the "mujtahids" in the society by legalizing their right to decide whether an action of the government was in accord with Islam. In the Supplementary Laws, governmental functions were divided

into executive, legislative and judicial powers. The other sections of 1907 supplement presented the civil rights and the rights of the Shah. According to Binder,

"...the foundations of Iranian constitutionalism are: the three principles of Shi'ite Islam, the monarchy, and the separation of powers. Neither civil rights nor the independence of the judiciary have become great issues, nor have been realized in any approximation of the manner developed in Western constitutional countries." (Binder, 1962:83).

After the establishment of the constitutional monarchy, it can hardly be claimed that the system worked as it was intended. Free or fair elections were never made after the establishment of the constitution, even in the later years (Binder, 1962:84). The National Assembly, had never continued more than three years and after 1924, it was more like an instrument of the Shah. Thus, rather than limiting the power of the Shah, the National Assembly functioned to increase the extent of the Shah's rights. Turning out to be a complete failure, the new system did not satisfy the discontented groups who fought for the constitution but further motivated them to initiate another movement with the objective of establishing the system they sought for.

CONCLUSIONS

Eighteenth century started an era of change in the political structure of the European countries. The main change offered to the political structures of the European countries was to limit the extensive power of absolutist regimes. This limitation was brought by the new political concept; the Constitution.

The neighbouring Ottoman Empire which served as an agent between the West and the East, was quite influential on Iranian politics, especially in terms of adopting Western systems. Similar to the Ottoman Empire, Iran was under an absolutist rule in the nineteenth Century. The Shah was a despotic king, ruling the country in an arbitrary manner. Therefore the people in Iran found themselves obliged to change this situation and bring at least certain limitations to the arbitrary rule. The Western influence that came along with increased education opportunities in the Western countries resulted in the growth of a small group of intellectuals. Since these people had gained a wider scope in analyzing the society they lived in, they became much more critical of the existing political system. Therefore the unsatisfied group of intellectuals with the

Western influence on their way of thinking, initiated alternative ideas to the prevailing conditions in the nineteenth century Iran. Merchants, "mujtahids" and tribal leaders supported the proposal made by the intellectuals and accepted to get involved in a struggle to limit the powers of the monarch. One reason for this was the fact that the merchants had been deprived of their old favourable economic conditions due to the economic concessions given to the Western merchants. The situation for the merchants was so bad that some of them had to give up trading. Thus, due to their strong enmity with the Shah rule, the merchants were ready to accept any proposal aiming to limit the powers of the Shah and fight for this reason. On the other hand, there were tribes whose military forces were almost as strong as the Shah's army. Iran was a country of everlasting tribal conflicts and being one of the prominent tribes, the Qajars had certain conflicts with the other tribes caused by different reasons. Moreover, owing to their policy of "divide and rule", "Qajars were involved in creating conflicts and abusing existing conflicts among various groups and, therefore gained the enmity of some groups and tribes, as well. The "mujtahids" were against the whole system since the Shi'ite sect of Islam totally rejects the rule of any authority other than that of Mahdi - the expected Imam - and his representatives - the "mujtahids" - until his return. However, the status of the "ulama" was much more different than the status of intellectuals, merchants or tribal chiefs. The "mujtahids" were in close contact with the people,

involved in all their matters as being the educators of the common people in the society, in addition to their judiciary functions concerning the Islamic law (Shariah) that served as the Civil Law of the country after the sixteenth century. The "mujtahids" kept their close relations with people and created unity between themselves and the people against the Shah by the help of the preachers who were constant travellers even to the farthest and smallest villages, providing Islamic guidance as well as imposing antagonistic ideas about the Shah in cases of misgovernment. It seemed quite acceptable for the "ulama" to adopt a new concept to limit the powers of the Shah, since they hoped to legalize their influence in the society through a constitution.

The opponents could have required the abolition of the whole system of monarchy claiming that it was against Islam. However, Iranian society with its double-facet structure was not ready to give a complete end to the existence of its monarchy which was more than 2000 years old. It is quite probable that because Islam, although seemed to be very strong, had not yet become an alternative to the traditional system. However, it was clear that Islam, in the nineteenth century, had become a very strong opposition bearing the means to motivate the masses in the society. Thus, the intellectuals of the nineteenth century Iran, hoping that they could find a solution to their dissatisfaction to a certain degree, had to support the

religious group because they knew they could not arouse a mass movement without the "mujtahids". The "ulama" could limit the powers of the Shah in the legal sense but most probably found out that Iranians had not yet been ready for the Shi'ite government and, therefore the constitution granted during the period of 1906-1909 was not what they actually wanted to get. Yet, although in the Ottoman Empire a path towards secularism was cleared with the constitution, in Iran barriers were presented against a secular system. In the Ottoman Empire the executive and judiciary powers were concentrated in the "padeshah", based on the Islamic Law. But the Iranian monarch was basically concerned about the unIslamic law "Urf", while the "ulama" held the judiciary power of Islamic law "Shariah"; indicating that Iran was closer to secularism than the Ottoman Empire, before 1909 constitution was granted. After the 1909 constitution, the "ulama" gained a ratified voice in the execution; combining "Shariah" and execution.

The struggle of the religious group continued after the Qajar rule, during the Pahlavi rule, the period which helped the "mujtahids" to increase their power. Therefore it seems that, if the monarchs of the Qajar and Pahlavi dynasties had not misgoverned, the "ulama" could never have made the people feel the necessity to overthrow a two thousand year-old system and establish an Islamic rule.

To sum up, the Shi'ite structure and the two thousand year-old monarchy had been two main powers of Iran since the

sixteenth century. The delicate balance between the two parties was disturbed as the monarchs increased their arbitrary rule and became unable to cope with unfavourable economic conditions. Therefore the period of conflicts started when the Shah's misgovernment disturbed the masses. Moreover, Western interference initiated changes in the economic system which in turn had the effect on the social structure. This social change necessitated political change and the people started articulating their desire for a change in the system through mass movements. The "ulama", as elements of the Shi'ite structure proved their strength based on popular support, through various occasions. Yet, they proved a much more critical point during the constitutional movement; until their demand and struggle for a written code of laws, the "mujtahids" had remained in a weaker position than the monarch. Since they were an imposed unit to the Iranian society, it took them almost four hundred years to become an established part of the society. Their part in the Constitutional Revolution made it clear that by the nineteenth century their status in the society had got stronger, due to their close and functional relationships with the people. They had got so stronger in status that, they were able to arouse mass movements and challenge the Shah. However, they were not strong enough to demand the establishment of an Islamic system in accord with the Shi'ite thought. Indeed, they made such a demand as soon as they realized that the "ulama" had become an alternative to the Shah, seventy years later.

Thus, the two-partied structure was overbalanced firstly prior to the constitutional movement and with the revolution of 1979 the "ulama" achieved the sole power in Iran, by overthrowing the monarchy. This indicates that from 1501 to 1979 Iran went under a long-lasting power conflict owing to Shah Ismail, who invited the "ulama" into the country.

APPENDIX I

THE FUNDAMENTAL LAWS OF

DECEMBER 30, 1906

On the Constitution of the Assembly

ART.1. The National Consultative Assembly is founded and established in conformity with the Farman, founded on justice, dated the fourteenth of the Second Jumada, A.H. 1324(=Aug.5, 1906).

ART.2. The National Consultative Assembly represents the whole of the people of Persia, who (thus) participate in the economic and political affairs of the country.

ART.3. The National Consultative Assembly shall consist of the Members elected in Tihran and the provinces, and shall be held in Tihran.

ART.4. The number of elected Members has been fixed, in accordance with the Electoral Law separately promulgated, at one hundred and sixty-two, but in case of necessity the number above-mentioned may be increased to two hundred.

ART.5. The Members shall be elected for two whole years. This period shall begin on the day when all the representatives from the provinces shall have arrived in Tihran. On the conclusion of this period of two years, fresh representatives shall be elected, but the people shall have the option of re-electing any of their former representatives whom they wish and with whom they are satisfied.

ART.6. The Members elected to represent Tihran shall, so soon as they meet, have the right to constitute the Assembly, and to begin their discussions and deliberations. During the period preceding the arrival of the provincial delegates, their decisions shall depend for their validity and due execution on the majority (by which they are carried).

ART.7. On the opening of the debates, at least two thirds of the Members of the Assembly shall be present, and, when the vote is taken, at least three quarters. A majority shall be obtained only when more than half of those present in the Assembly record their votes.

ART.8. The periods of session and recess of the National Consultative Assembly shall be determined by the Assembly itself, in accordance with such internal regulations as itself shall formulate. after the summer recess, the Assembly must continue open and in session from the fourteenth day of the Balance (Oct.7), which corresponds with the festival of the opening of the First Assembly.

ART.9. The National Consultative Assembly can sit on occasions of extraordinary public holidays.

ART.10. On the opening of the Assembly, an Address shall be presented by it to His Imperial Majesty, and it shall afterwards have the honour of receiving an answer from that Royal and August quarter.

ART 11. Members of the Assembly, on taking their seats, shall take and subscribe to the following form of oath:

(Form of the Oath.)

"We the undersigned take God to witness, and swear on the Qur'an, that, so long as the rights of the Assembly and its Members are observed and respected, in conformity with these Regulations, we will, so far as possible, discharge, with the utmost truth, uprightness, diligence and endeavour, the duties confided to us; that we will act loyally and truthfully towards our just and honoured Sovereign, commit no treason in respect of either the foundations of the Throne or the Rights of the People, and will consider only the advantage and well-being of Persia."

ART.12. No one, on any pretext or excuse, shall have any right, without the knowledge and approval of the National Consultative Assembly, to molest its Members. Even in case of the Members committing some crime or misdemeanour, and being arrested flagrante delicto, any punishment inflicted upon him must be with the cognizance of the Assembly.

ART.13. The deliberations of the National Consultative Assembly, in order that effect may be given to their results, must be public. According to the Internal Regulations of the Assembly, Journalists and spectators have the right to be present and listen, but not to speak. Newspapers may print and publish all the debates of the Assembly, provided they do not change or pervert their meaning, so that the public may be informed of the subjects of discussion and the detail of what takes place. Everyone, subject to his paying due regard to the public good, may discuss them in the public Press, so that no matter may be veiled or hidden from any person. Therefore all newspapers, provided that their contents be not injurious to any one of the fundamental principles of the Government or the Nation, are authorized and allowed to print and publish all matters advantageous to the public interest, such as the debates of the Assembly, and the opinions of the people on these debates. But if anyone, actuated by interested motives, shall print in the newspapers or in other publications anything contrary to what has been mentioned, or inspired by slander or calumny, he will render himself liable to cross-examination, judgement and punishment, according to law.

ART.14. The National Consultative Assembly shall organize and arrange, in accordance with separate and distinct Regulations called "the Internal Code of Rules," its own affairs, such as the election of a President, Vice-presidents, Secretaries, and other officers, the arrangements of the debates and divisions, etc.

On the Duties of the Assembly and its Limitations and Rights

ART.15. The National Consultative Assembly has the right in all questions to propose any measure which it regards as conductive to the well-being of the Government and the People, after due discussion and deliberation thereof in all sincerity and truth; and, having due regard to the majority of votes, to submit such measure, in complete confidence and security, after it has received the approval of the Senate, by means of the First Minister of the State, so that it may receive the Royal Approval and be duly carried out.

ART.16. All laws necessary to strengthen the foundations of the State and Throne and to set in order the affairs of the Realm and the establishment of the Ministries, must be submitted for approval to the National Consultative Assembly.

ART.17. The National Consultative Assembly shall, when occasion arises, bring forward such measures as shall be necessary for the creation, modification, completion or abrogation of any Law, and, subject to the approval of the Senate, shall submit it for the Royal Sanction, so that due effect may thereafter be given to it.

ART.18. The regulation of all financial matters, the construction and regulation of the Budget, all changes in fiscal arrangements, the acceptance or rejection of all incidental and subordinate expenditure, as also the new Inspectorships (of Finance) which will be founded by the Government, shall be subject to the approval of the Assembly.

ART.19. The Assembly has the right, after the Senate has given its approval, to demand from the Ministers of State that effect shall be given to the measures thus approved for the reform of the finances and the facilitation of co-operation between the different departments of the Government by division of the departments and provinces of Persia and their governments.

ART.20. The Budget of each Ministry shall be concluded during the latter half of each year for the following year, and shall be ready fifteen days before the Festival of the Nawruz¹.

ART.21. Should it at any time be necessary to introduce, modify or abrogate any Fundamental Law regulating the (functions of the) Ministries, such change shall be made only with the approval of the Assembly, irrespective of whether the necessity for such action has been declared by the Assembly or enunciated by the responsible Ministers.

ART.22. Any proposal to transfer or sell any portion of the (National) resources, or of the control exercised by the Government or the Throne, or to effect any change in the boundaries and frontiers of the Kingdom, shall be subject to the approval of the National Consultative Assembly.

ART.23. Without the approval of the National Council, no concession for the formation of any public Company of any sort shall, under any plea soever, be granted by the State.

¹The Nawruz, or Persian New Year's Day, falls about March 21 in each year.

ART.24. The conclusion of treaties and covenants, the granting of commercial, industrial agricultural and other concessions, irrespective of whether they be to Persian or foreign subjects, shall be subject to the approval of the National Consultative Assembly, with the exception of treaties which, for reasons of State and the public advantage, must be kept secret.

ART.25. State loans, under whatever title, whether internal or external, must be contracted only with the cognizance and approval of the National Consultative Assembly.

ART.26. The construction of railroads or "chaussees", at the expense of the Government, or of any Company, whether Persian or foreign depends on the approval of the National Consultative Assembly.

ART.27. Wherever the Assembly observes any defect in the laws, or any neglect in giving effect to them, it shall notify the same to the Minister responsible for that department, who shall furnish all necessary explanations.

ART.28. Should any Minister, acting under misapprehension, issue on the Royal Authority, whether in writing or by word of mouth, orders conflicting with one of the laws which have been enacted and have received the Royal Sanction, he shall admit his negligence and lack of attention, and shall, according to the Law, be personally responsible to His Imperial and Most Sacred Majesty.

ART.29. Should a Minister fail to give a satisfactory account of any affair conformably to the laws which have received the Royal Sanction, and should it appear in his case that a violation of such law has been committed, or that he has transgressed the limits imposed (on him), the Assembly shall demand his dismissal from the Royal Presence, and should his treason be clearly established in the Court of Cassation, he shall not again be employed in the service of the State.

ART.30. The Assembly shall, at any time when it considers it necessary have the right to make direct representations to be Royal Presence by means of a committee consisting of the President and six of its Members chosen by the Six Classes. This Committee must ask permission, and the appointment of a time for approaching the Royal Presence through the Master of the Ceremonies (Wazir-i Darbar).

ART.31. Ministers have the right to be present at the Sessions of the national consultative Assembly, to sit in the places appointed for them, and to listen to the debates of the Assembly. If they consider it necessary, they may ask the President of the Assembly for permission to speak, and may give such explanations as may be necessary for purposes of discussion and investigation.

**On the representation of affairs to the National
Consultative Assembly**

ART.32. Any individual may submit in writing to the Petition Department of the Archives of the Assembly a statement of his own case or of any criticisms or complaints. If the matter concerns the Assembly itself, it will give him a satisfactory answer; but if it concerns one of the Ministries, it will refer it to that Ministry, which will enquire into the matter and return a sufficient answer.

ART.33. New laws which are needed shall be drafted and revised in the Ministries which are respectively responsible, and shall then be laid before the Assembly by the responsible Ministers, or by the Prime Minister. After being approved by the Assembly, and ratified by the Royal signature, they shall be duly put into force.

ART.34. The President of the Assembly can, in case of necessity, either personally, or on the demand of ten Members of the Assembly, hold a private conference, consisting of a selected number of Members of the Assembly, with any Minister, from which private meeting newspaper correspondents and spectators shall be excluded, and at which other Members of the Assembly shall not have the right to be present. The result of the deliberations of such secret conference shall, however, only be confirmed when it has been deliberated in the said conference in presence of three quarters of those selected (to serve on it), and carried by a majority

of votes. Should the proposition (in question) not be accepted in the private conference, it shall not be brought forward in the Assembly, but shall be passed over in silence.

ART.35. If such private conference shall have been held at the demand of the President of the Assembly, he has the right to inform the public of so much of the deliberations as he shall deem expedient; but if the private conference has been held at the demand of a Minister, the disclosure of the deliberations depends on the permission of that Minister.

ART.36. Any Minister can withdraw any matter which he has proposed to the Assembly at any point in the discussion, unless his statement has been made at the instance of the Assembly, in which case the withdrawal of the matter depends on the consent of the Assembly.

ART.37. If a measure introduced by any Minister is not accepted by the Assembly, it shall be returned supplemented by the observations of the Assembly; and the responsible Minister, after rejecting or accepting the criticisms of the Assembly, can propose the aforesaid measure a second time to the Assembly.

ART.38. The Members of the National Consultative Assembly must clearly and plainly signify their rejection or acceptance of measures, and no one has the right to persuade or threaten them in recording their votes. The signification by the Members of the Assembly of such rejection or acceptance must be effected in such manner that newspaper correspondents

and spectators also may perceive it, that is to say their intention must be signified by some outward sign such as (the employment of) blue and white voting-papers, or the like.

The proposal of measures on the part of the Assembly

ART.39. Whenever any measure is proposed on the part of one of the Members of the Assembly, it can only be discussed when at least fifteen Members of the Assembly shall approve the discussion of that measure. In such case the proposal in question shall be forwarded in writing to the President of the Assembly, who has the right to arrange that it shall be subjected to a preliminary investigation in a Committee of Enquiry.

ART.40. On the occasion of the discussion and investigation of such measure as is mentioned in Art.39, whether in the Assembly or in the Committee of Enquiry, notice shall be given by the Assembly to the Responsible Minister, if any, concerned in the measure, that if possible he himself, or if not, his assistant Minister, shall be present in the Assembly, so that the debate may take place in the presence of one or other of them.

The draft of the (proposed) measure, with its additions, must be sent from ten days to a month before the time (with the exception of matters added at the last moment) to the responsible Minister; and so likewise the

day of its discussion must be determined beforehand. After the measure has been discussed in the presence of the responsible Minister, and in case it should, by a majority of votes, receive the approval of the Assembly, it shall be officially transmitted in writing to the responsible Minister, so that he may take the necessary steps (to put it in force).

ART.41. If the responsible Minister cannot, for any reason, agree with the Assembly about a measure proposed by it, he must offer his excuses to it and give it satisfaction.

ART.42. Should the National Consultative Assembly demand explanations on any matter from the responsible Minister, the Minister in question must give an answer, which answer must not be postponed unnecessarily or without plausible reason, save in the case of secret measures, the secrecy of which for some definite period is to the advantage of the State and the People. In such cases, on the lapse of the definite period the responsible Minister is bound to disclose this measure in the Assembly.

On the Conditions regulating the formation of the Senate

ART.43. There shall be constituted another Assembly, entitled the Senate, consisting of sixty Members, the sessions of which, after its constitution, shall be complementary to the sessions of the National Consultative Assembly.

ART.44. The Regulations of the Senate must be approved by National Consultative Assembly.

ART.45. The Members of this Assembly shall be chosen from amongst the well-informed, discerning, pious and respected persons of the Realm. Thirty of them shall be nominated on the part of His Imperial Majesty (fifteen of the people of Tihiran, and fifteen of the people of the Provinces), and thirty by the Nation (fifteen elected by the people of Tihiran, and fifteen by the people of the Provinces).

ART.46. After the constitution of the Senate, all proposals must be approved by both Assemblies. If those proposals shall have been originated in the Senate, or by the Cabinet of Ministers, they must first be amended and corrected in the Senate and accepted by a majority of votes, and must then be approved by the National Consultative Assembly. But proposals brought forward by the National Consultative Assembly must, on the contrary, go from this Assembly to the Senate, except in the case of financial matters, which belong exclusively to the National Consultative Assembly. The decision of the Assembly, in respect to the above-mentioned proposals, shall be made known to the Senate, so that it in turn may communicate its observations to the National Assembly, but the latter, after due discussion, is free to accept or reject these observations of the Senate.

ART.47. So long as the Senate has not been convoked, proposals shall, after being approved by the National Consultative Assembly, receive the Royal assent, and shall then have the force of Law.

ART.48. If any proposal, after undergoing criticism and revision in the Senate, be referred by a Minister to the National Consultative Assembly, and be not accepted, such disputed proposal shall, in case of its being of importance, be reconsidered by a third Assembly composed of Members of the Senate and Members of the National Consultative Assembly elected in moieties by Members of the two Assemblies. The decision of this (third) Assembly shall be read out in the National Council. If it be then accepted, well and good. If not, a full account of the matter shall be submitted to the Royal Presence, and should the Royal judgement support the view of the National Consultative Assembly, it shall become effective; but if not, orders will be issued for a fresh discussion and investigation. If again no agreement of opinion results, and the Senate, by a majority of two thirds, approves the dissolution of the National Consultative Assembly, this approval being separately affirmed by the Cabinet of Ministers, then the Imperial Command will be issued for the dissolution of the national Consultative Assembly, and at the same time orders shall be given for the holding of fresh elections, the people, however, having the right to re-elect their former representatives.

ART.49. The new representatives of Tihran must present themselves within the space of one month, and the representative of the provinces within the space of three months. When the representatives of the Capital are present, the Assembly shall be opened, and shall begin its labours, but they shall

not discuss disputed proposals until the provincial representatives shall arrive. If, after the arrival of all its Members, the new Assembly shall by a clear majority confirm the first decision. His Most Sacred and Imperial Majesty shall approve that decision of the national Consultative Assembly, and shall order it to be carried into effect.

ART.50. In each electoral period, which consists of two years, orders for the renewal of representatives shall not be given more than once.

ART.51. It is agreed that the kings of our successors and posterity shall regard as a duty of their sovereign state and an obligation incumbent upon them the maintenance of these laws and principles, which we have established and put into force for the strengthening of the edifice of the State, the consolidation of the foundations of the Throne, the superintendence of the machinery of Justice, and the tranquility of the Nation.

Dhu'l-Qa'da 14, A.H. 1324

(=December 30, 1906).

"These Fundamental Laws of the National Consultative Assembly and the Senate, containing fifty-one Articles, are correct.

"Duh'l-Qa'da 14, A.H. 1324"

(=December 30, 1906).

(Underneath the concluding words is the signature of the late Shah, Muzaffaru'd-Din, and on the back of the page are the seals of the then Crown Prince or Wali-ahd (the deposed Shah, Muhammad 'Ali), and of the late Mushiru'd-Dawla).

APPENDIX II

THE SUPPLEMENTARY FUNDAMENTAL LAWS

OF OCTOBER 7, 1907

General Dispositions

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

ART.2. At no time must any legal enactment of the Sacred National Consultative Assembly, established by the favor and assistance of His Holiness the Imam of the Age (may God hasten his glad Advent!)¹, the favour of His Majesty the Shahinshah of Islam (may God immortalize his reign!), the care of the Proofs of Islam² (may God multiply the

¹ i.e. the Twelfth Imam, or Imam Mahdi, who is believed to have disappeared in the year A.H.260 (=A.D.873-4) and who is expected to return at the end of time, "to fill the earth with justice after it has been filled with iniquity".

² i.e. the 'ulama, or doctors of theology, especially the mujtahids.

like of them!), and the whole people of the Persian nation, be at variance with the sacred principles of Islam or the laws established by His Holiness the Best of Mankind¹ (on whom and on whose household be the Blessings of God and His Peace!)).

It is hereby declared that it is for the learned doctors of theology (the 'ulama')-may God prolong the blessing of their existence!-to determine whether such laws as may be proposed are or are not conformable to the principles of Islam; and it is therefore officially enacted that there shall at all times exist a Committee composed of not less than five "mujtahids" or other devout theologians, cognizant also of the requirements of the age, (which committee shall be elected) in this manner. The 'ulama' and Proofs of Islam shall present to the National Consultative Assembly the names of twenty of the 'ulama' possessing the attributes mentioned above; and the Members of the National Consultative Assembly shall, either by unanimous acclamation, or by vote, designate five or more of these, according to the exigencies of the time, and recognize these as Members, so that they may carefully discuss and consider all matters proposed in the Assembly, and reject and repudiate, wholly or in part, any such proposal which is at variance with the Sacred Laws of Islam, so that it shall not obtain the title of legality. In such matters the decision of this Ecclesiastical Committee shall be followed and obeyed, and this article shall

¹ i.e. the Prophet Muhammad.

continue unchanged until the appearance of His Holiness the Proof of the Age (may God hasten his glad Advent!)¹.

ART.3. The principles of the Constitution cannot be suspended either wholly or in part.

ART.4. The people of the Persian Empire are to enjoy equal rights before the Law.

ART.5. No one can be summarily arrested, save flagrante delicto in the commission of some crime or misdemeanour, except on the written authority of the President of the Tribunal of Justice, given in conformity with the Law. Even in such case the accused must immediately, or at latest in the course of the next twenty-four hours, be informed and notified of the nature of his offence.

ART.6. No Persian can be exiled from the country, or prevented from residing in any part thereof, or compelled to reside in any specified part thereof, save in such cases as the Law may explicitly determine.

ART.7. All publications, except heretical books and matters hurtful to the perspicuous religion (of Islam) are free, and are exempt from the censorship. If, however, anything should be discovered in them contrary to the Press law, the publisher or writer is liable to punishment according to that law. If the writer be known, and be resident in Persia, then the publisher, printer and distributor shall not be liable to prosecution.

ART.8. The powers of the Realm are divided into three categories.

First, the legislative power, which is specially concerned with the making or amelioration of laws. This power is derived from His Imperial Majesty, the National Consultative Assembly, and the Senate, of which three sources each has the right to introduce laws, provided that the continuance thereof be dependent on their not being at variance with the standards of the ecclesiastical law, and on their approval by the Members of the two Assemblies, and the Royal ratification. The enacting and approval of laws connected with the revenue and expenditure of the kingdom are, however, specially assigned to the National Consultative Assembly. The explanation and interpretation of the laws are, moreover, amongst the special functions of the above-mentioned Assembly.

ART.9. The sovereignty is a trust confided (as a Divine gift) by the people to the person of the King.

ART.10. The Constitutional Monarchy of Persia is vested in the person of His Imperial Majesty Sultan Muhammad 'Ali Shah Qajar (may God prolong his sovereignty') and in his heirs, generation.

ART.11. No one can attain the rank of Minister unless he be a Musulman by religion, a Persian by birth, and a Persian subject.

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