CHAPTER NINE

WRITING A CONSTITUTION: CONSTITUTIONAL DEBATES IN SYRIA IN THE MANDATE PERIOD

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Introduction: spring in Damascus: is the season changing?

At the height of the winter months of the year 2000 spring weather began to be felt suddenly throughout the city of Damascus, and throughout all of Syria as well. For the first time since the Ba‘th Party seized power in Syria in March 1963 the voices of Syrian intellectuals began to be heard, demanding the establishment of a democratic and liberal government in place of the Ba‘th regime, which had been ruling Syria high-handedly for nearly forty years.¹

All over the country dozens of political and cultural forums sprang up, seeking to advance a reformist—and even liberal and democratic—agenda. However, this “Damascus spring” proved to be quite short-lived. In February 2001, the authorities decided to bring the “political spring” to an end, and “political winter” returned to Syria.

This short “Damascus spring,” which occurred at the beginning of the rule of the young president of Syria, Bashshar al-Asad, and with what seemed to be his clear blessing, aroused a great deal of interest among Syria watchers. Some argued, however, that not much significance should be attributed to this brief interlude. After all, the Syrian regime managed to end the affair in a very short time. Still, one might quite rightly wonder about the roots of this phenomenon. The scope and power with which these roots broke to the surface would seem to indicate the existence of a trend of liberal secular thought in Syria the like of which it would be hard to find in other Arab states. This trend

would seem to be deeply rooted among the Syrian public, even if it raised its head only in recent years.

The events of recent years in Syria indicate, it would seem, the need to reexamine a number of conventional assumptions about the intellectual history of this state. There are many starting points from which one could begin such a reexamination. One of them, without a doubt, is the constitutional experiment experienced by Syria soon after its establishment, when this state was granted a constitution. This constitution contributed a great deal to the formation of the political systems and political life in Syria for many years, and, interestingly enough, it gave expression to liberal attitudes, echoes of which could be heard in Syria in recent years.

*Writing a constitution: where to begin, what to ask?*

In April 1928 elections to a constituent assembly were held in Syria. The elections took place in the shadow of the Great Syrian Revolt of 1925–27 and after the French mandatory power had given up any hopes of preventing the creation of a Syrian-Arab political entity. France now felt compelled to assist in establishing a mechanism that would create this entity, and perhaps even lead it to independence in the future. This mechanism included elections to a constituent assembly, whose task was to formulate a constitution.

The elected assembly held its first meeting in July 1928. In less than a month the delegates formulated a draft constitution for the Syrian state. However, this draft was rejected by the French, who claimed that it vitiated France’s special status as the mandatory power in Syria. Nevertheless, two years later the French became reconciled to the idea and decided to ratify the constitution, although with certain alterations. This document, known as the constitution of 1930, thus became Syria’s first constitution. It also became the basis for the constitutions that followed.2

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