

**Public Participation and Constitution-Making Process under Revolutionary
Constitutionalism: A Comparative Case Study of Iran (1979) and Tunisia
(2011)**

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Vienna, 07/07/2025

Kiandokht Masoudi

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Finally, I must acknowledge that I completed the last phase of this thesis at a time when my people were enduring the hardships of war. It is my hope that in the not-too-distant future, we – the people – will be able to shape our destinies freely, and in the way we truly deserve.

Abstract

Participatory constitution-making process has been widely recognized as a crucial process for enhancing the legitimacy, democratic quality, and citizens' sense of ownership of a constitution. Accordingly, this topic has attracted significant scholarly attention from multiple perspectives. On the other hand, revolutionary constitutionalism – a relatively new field within comparative constitutional law studies – focuses on constitutions that emerge directly from political revolutions.

This research attempts to analyze the implications of revolutionary contexts for participatory constitution-making through a comparative study of post-revolutionary Iran (1979) and Tunisia (2011) to make a connection between the participation measurement models and revolutionary constitutionalism.

Key words: participatory constitution-making, revolutionary constitutionalism, Iran 1979 revolution, Tunisia 2011 revolution.

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Chapter 1: Introduction and Theoretical Framework

1.1. Revolutionary Constitutionalism

Iran in 1979 and Tunisia in 2010 went through revolutions, which led to writing and ratifying a new constitution in order to establish a new regime. Examining these types of constitutions as a distinct category is a relatively new field in comparative constitutional studies. The main focus of these studies - revolutionary constitutionalism - is to examine constitution-making process, and its role in institutionalizing power, and founding a new system after revolutions.²

Additionally, the connection between social movements and constitutions has been explored in a broader sense. For instance, Tushnet distinguishes social movements, interest groups, and political parties from each other, and how each of them affects constitutionalism.³ Tushnet characterizes revolutions as a sort of social movement in which many people participate for a significant duration. They are “self-designated and..., fluid leadership; oppositional tactics aimed at those with formal authority.”⁴ In his opinion, the key difference between social movements and interest groups is that social movements are linked to ideological commitments in addition to material interests. Moreover, social movements are less bureaucratic compared to interest groups.⁵

Another prominent scholar who has worked on revolutionary constitutionalism is Bruce Ackerman in a more specific manner. He has constructed three ideal types to describe different paths to constitutionalism: 1) revolutionary; 2) establishmentarian; and 3) elite construction.⁶

2. Gardbaum Stephan (2017), *Revolutionary Constitutionalism*, I.CON, Vol, 15 No. 1, pp. 173-200.

3. Tushnet, M., Levinson S., Graber, M. (2015), *The Oxford Handbook of the U.S. Constitution*, Oxford University Press, p. 241.

4. Ibid.

5. Ibid.

6. Ackerman, Bruce (2019), *Revolutionary Constitutions: Charismatic leadership and the rule of law*, Harvard University Press. pp. 3-6.

Regarding the first ideal type, the constitution is introduced after the experience of long struggles of the revolutionaries against the old government until they become the dominant power.⁷ In examining the revolutionary constitutionalism, he deals with self-consciousness, movement parties, and fundamentality. Considering these factors, he focuses on political revolution and revolution on a human scale. This means that the movement does not need to target the whole oppressive social and economic order and make fundamental changes to be revolutionary. On the contrary, the movement is only concerned with the political order to the extent that would make changes in the constitution and legislative system in response to alterations in social practices and attitudes. Additionally, he emphasizes on self-consciousness for a movement to be considered revolutionary. The movement and its leaders must denounce the existing government as illegitimate and this denouncement must become self-conscious by the activists in order to gain extensive support from the people.⁸

Similarly, Gardbaum believes revolutionary constitutionalism is a scenario in which the constitution is made because of a prior political revolution (the “classic” sense of the term). However, it could be the other way around as well; an electoral victory could lead to constitution-making and this constitutionalism can be used by a revolutionary movement to establish the new system by the victorious group.⁹ In Gardbaum’s opinion, a movement is revolutionary if it involves mass mobilization, relatively sudden change, radical or fundamental changes in the political regime (in contrast to reform), and extra-legal processes such as “overthrow” contrary to amendment or election.¹⁰

7. Ibid. p. 4

8. Ibid. p. 31.

9. Gardbaum, Stephan (2017), *Revolutionary Constitutionalism*, I.CON, Vol, 15 No. 1, p. 176.

10. Ibid. p. 177.

One aspect of revolutionary constitution which is important to our study is that in the context of revolutionary constitutionalism, constitution-making process can be influential in legitimizing the new regime.¹¹ Thus, the revolutionary constitutionalism is different from “evolutionary” and “elite” constitutionalism. This difference is based on the way the constitution is being introduced and its source. Therefore, it is not concerned with whether the content of the constitution is revolutionary or not.¹² This relation between the constitution-making process and legitimacy will be discussed in more detail in the next section.

Based on these definitions of revolutionary movements, what happened in both Iran in 1979 and in Tunisia in 2011 are considered revolutionary. It is beyond dispute that the social movement in Iran in 1979 was a revolution. It is often considered the last classic revolution in the world. There were movements and objections by different groups against the regime for a long time. However, from 1977 the protests became more prominent until 1979 and the overthrow of the Shah. Sixteen months of street protests, five months of strike, and mass rallies for six months¹³ can be considered organized mass mobilization for a significant period. Additionally, it led to the regime change which is a fundamental change and not only a reform.

However, when it comes to Tunisia, some scholars have claimed that the Arab Spring was somewhere between reform and revolution. For instance, Bayat argues that because of the lack of “intellectual visionary”, not being radical in relation to social justice, and no radical change in the structure of the new State, the Arab Spring was not a revolution.¹⁴ However, for the purpose of this essay, Tunisia is considered a revolution based on the criteria set by Ackerman and Gardbaum.

11. Ibid. p. 175.

12. Ibid.

13. Abrahamian, Ervand (1982), *Iran Between Two Revolutions*, Princeton University Press. P. 520.

14. Bayat, Asef (2017), *Revolutions Without Revolutionaries: making sense of the Arab Spring*, Stanford University Press, p. 8.

Kunznetsov argues that the protests in Tunisia consisted of two phases: the December and January phase. In the first phase the protestors were not looking for toppling the regime and they were mainly unemployed citizens demanding socio-economic reforms and “national dignity”. This phase led to widespread engagement of various regions and groups of the country.¹⁵ On the contrary, the demands became more political in January and the clashes were more fatal. At this point, overthrowing the regime became prominent and the movement turned into a revolution.¹⁶ Finally, Ben Ali fled the country on 14 January 2011.

Therefore, the Arab Spring in Tunisia was a political revolution over a significant period, which led to the overthrow of the government (a fundamental and abrupt change beyond legal frameworks) with the broad participation and organization of people. In conclusion, from a social point of view – such as Bayat’s approach – it might not be considered a revolution. But based on the criteria set by Ackerman and Gardbaum it fits in the category of revolutions.

Moreover, it is notable that the revolution of Iran was a charismatic revolution. Weber explains that there are three different leaderships and legitimate authority: “1) the rational, 2) the traditional, and 3) the charismatic.”¹⁷ The charismatic legitimate authority means that the charismatic grounds rest “on devotion to the specific and exceptional sanctity, heroism, or exemplary character of an individual person, and the normative patterns or order revealed or ordained by his charismatic authority.”¹⁸

Although various social and political forces were involved in the revolution, Ayatollah Khomeini played a significant role as a charismatic leader. On the contrary, Tunisia’s revolution lacked

15. Kunznetsov, Vasily (2022), *Handbook of Revolutions in the 21st Century*, Springer, p. 631.

16. Ibid.

17. Weber, Max (1968), *On Charisma and Institution Building, The Heritage of Society*, p. 46.

18. Ibid.

leadership and was conducted by the youth, trade unions, educated unemployed people, and civil society organizations. The impact of charismatic leadership on the constitution-making process will be examined compared to the leaderless revolution of Tunisia in this research.

In the next section, the other variable of this research – participation in the constitution-making process - will be discussed.

1.2.Public participation and the constitution-making process

Participatory constitution-making process (CMP) has been promoted by international organizations such as UNDP¹⁹ and many scholars. This is because they claim that a participatory CMP is a more democratic process, which leads to a more legitimate constitution. In this section, first, I will explore the importance of participatory CMP, and then I will discuss the definitions of participation, models to measure it, and the model that I am using in this paper.

- The importance of participatory constitution-making process

A participatory CMP has been argued to be more democratic, more legitimate, creating a sense of ownership by the citizens, and many other positive outcomes.

Ginsburg et al have argued that participatory CMP is a substitution for agreement on the highest rules of society – here the constitution – in practice. Therefore, assumably, it guarantees legitimacy, constraints on the process, and effectiveness of the governance.²⁰ Similarly, Hart links participatory CMP and legitimacy, but on the ground of “constitutionalism as conversation. This means that the constitution-making is an ongoing process which includes continuing democratic

19. https://www.undp.org/sites/g/files/zskgke326/files/2022-11/UNDP%20GP_%20Constitutions.pdf

20. Ginsburg, T., Elkins, Z, Blount, Justin (2009), Does the Process of Constitution-Making Matter?, The Annual Review of Law and Social Science, Vol. 5, pp.206.

re-negotiations, and not a moment. Therefore, instead of relying only on the elite, public participation is needed to make it legitimate.²¹

Moreover, participation or inclusivity have been considered to be one of the main elements of formal legitimacy. For instance, Jakab provides a definition as formal legitimacy which is related to “1) the source of authority, 2) the legality and/or, 3) the fairness of the procedure in which the Constitution is adopted.”²² Based on his definition, fairness means transparency and inclusivity of the process.²³

Additionally, public participation has been claimed to play a significant role in education and building democratic habits in the society.²⁴ Ghai and Ghalli consider the participatory CMP as an opportunity to instill democratic interactions in the society. They suggest that during this process, people should become educated about various types of governance, public authority and the framework of the new constitution. On top of this, they get the chance to learn about pluralism and democratic values, and how to overcome conflicts. These practices will contribute to a democratic process.²⁵

Many studies have examined the correlation between participation and the other above-mentioned concepts. But in this thesis, I am going to explore participation in a revolutionary context, and the implications of the revolution for the models that examine participation and inclusivity. In the next

21. Hart, Vivien (2003), *Democratic Constitution Making*, Washington, DC: U.S. Institute of Peace, p. 5.

22. Jakab, Andras (2024), *Constitution-Making Procedure and Legitimacy-Maximization*, Max Planck Institute, No. 2024-13, p. 5.

23. Ibid.

24. Samuels, Kirsti (2006), *Constitution Building Processes and Democratization: A Discussion of Twelve Case Studies*, International IDEA, p. 26.

25. Ghai, Yash, and Galli, Guido (2006), *Constitution Building Process and Democratization*, International Institution for Democracy and Electoral Assistance: Stockholm, p. 14.

section, I will discuss the definitions of participation and models for measuring participation in CMP. In the end, I will explain the model that I have used in this paper in more detail.

- Models for measuring participation in constitution-making process

Before reviewing the models that evaluate participation, we need to clarify that when it comes to constitution-making process, it seems that researchers widely use the terms “participation” and “inclusivity” interchangeably. In what follows, I will introduce three different models for examining participation in CMP and their definition of participation or inclusivity. In what follows, I will explain three of the most relevant models for examining participation in constitution-making process.

Eisenstadt, Levan, and Maboudi have constructed a model for examining the effect of between participatory constitution-making on democracy. This model evaluates participation in three stages of the process: convening, debating, and ratifying. Additionally, the level of participation is categorized into imposed, mixed modalities, and popular.²⁶

Eyzaguiire and Charlin have studied inclusiveness in Latin America (1917-2016).²⁷ They argue that “procedural inclusive process” means that constituent assemblies and bodies the mechanisms of adoption of the constitution are inclusive. They add that for a CMP to be “effectively inclusive”, the “democratic conditions” should be present as well.²⁸ They have examined the procedural inclusiveness in deliberation and ratification phases, which is ranked from non-inclusive process

26. Eisenstadt, T., Levan, C., Maboudi, T. (2017), *Constituents before Assembly: Participation, Deliberation, and Representation in Crafting of New Constitutions*, New York: Cambridge University Press, pp. 26-30.

27. Eyzaguirre C., Charlin, V. (2021), *A Century of Constitution-Making in Latin America: an inclusiveness-based comparative analysis (1917-2016)*, *Latin American Law Review*, no. 06.

28. *Ibid*, p. 3.

to hybrid process, low inclusiveness, moderate inclusiveness, moderately-high inclusiveness, and high inclusiveness.²⁹

Lastly, Saati introduces a model – which is used in the current paper – that examines participation concerning four factors: 1) the initiators of the process; 2) forms of communication; 3) degree of inclusion; and 4) question of final authority.

The initiators can be “outsiders” including international, regional, or foreign states or “insiders” which means national actors.³⁰ Forms of communication includes the one-way model in which the drafters inform the citizens about the content of the constitution and the constitution-making process without receiving any output from the public. In a two-way model of communication, the feedback will be collected from the citizens but the effectiveness of the feedbacks is questionable because there is no education available about the constitution and the process. If the education is provided by the constituent assembly, the communication takes the form of the two-way model with integrated proactive measures. Additionally, If the education is broad, comprehensive, and in multiple spoken languages of the country, it will lead to a consultation.³¹

The third factor in the degree of inclusion which concerns including different groups of the society and different political parties in the process. Based on her model, all the social and political groups should be invited and allowed to participate in the process for it to be considered inclusive and participatory.³²

29. Ibid, p. 6.

30. Saati, Abrak (2018), Participation: To Unveil a Myth, in T. Abbiate, M. Böckenförde, & V. Federico (Eds), Public Participation in African Constitutionalism (pp. 13-25), Routledge. Pp. 25-26.

31. Ibid, p. 32.

32. Ibid. p. 33.

And the last factor in the question of final authority. The constitution can be adopted through a popular referendum – direct authority- or it can be adopted by the executive body or the elected constituent assembly – indirect authority.³³

According to these four factors, she has constructed five typologies of public participation as the following – from the lowest level of participation to the highest: 1) false participation; 2) symbolic participation; 3) limited participation; 4) consultative participation; and 5) substantial participation.³⁴

You can see the details of each category in the table below.

	False participation	Symbolic participation	Limited participation	Consultative participation	Substantial participation
Initiators of the process	Outside actor (determines the content of the constitution <i>or</i> the process)	Outside actor (determines the constitution building process), <i>or</i> different types of inside actors	National elites (political or military)	National elites (political or military)	Civil society organizations, <i>or</i> broad array of national actors
Forms of communication	One-way model of communication	One-way model of communication	Two-way model of communication, <i>or</i> two-way model of communication with integrated proactive measures	Consultation	Two-way model of communication with integrated proactive measures
Degree of inclusion	Certain groups banned from participation	All segments of the population/political parties allowed to participate, but some choose to boycott the process	All segments of the population/political parties allowed to participate, but certain choose to boycott the process	All segments of the population/political parties allowed to participate, and all interested in doing so participate	All segments of the population/political parties allowed to participate, but certain choose to boycott the process
Final authority	Final authority rests with the executive <i>or</i> indirectly in the hands of the public	Final authority rests with the executive <i>or</i> indirectly in the hands of the public	Final authority indirectly vested in the hands of the people	Final authority indirectly vested in the hands of the people	Final authority directly vested in the hands of the people through a referendum

Figure 1- Typology of different forms of participation in constitution building³⁵

33. Ibid, p. 34.

34. Ibid, p. 37.

35. Ibid, p. 37.

In the following chapters, I will evaluate the participatory nature of the constitution-making process in Iran (1979) and Tunisia (2011) using this model.

In the next section, I will explain the logic of my case selection for this essay.

1.3. Case selection

The studies on participation and constitution-making process are mostly based on general conceptions and models of participation without considering the context. In this paper, since I am focused on the revolutionary context, I have chosen two constitutions that have been emerged from political revolutions – which have been discussed in the previous section.

On the other hand, the major works on revolutionary constitutionalism have mainly focused on charismatic revolutions. In my case selection, I have decided to choose two different types of revolutions – charismatic revolution of Iran and leaderless revolution of Tunisia – in order to analyze the differences in these two contexts.

Lastly, Tunisia's constitution-making process (CMP) has been often praised for its participatory nature. This makes Tunisia's case a good reference for examining Iran's CMP to identify its shortcomings and strengths compared to a participatory process.

1.4. The importance of this research

There is a great deal of literature on Iran's revolution and Arab Spring from various perspectives: the roots, the incidents, the results. There are considerable studies on their constitutionalism as well. However, some topics are missing. First of all, the revolutionary constitutionalism as a distinct category is still a new area of constitutional studies which needs to be pursued. But more importantly, regarding my selected cases, it goes beyond the novelty of the field. Regarding Iran,

although there are several works on its constitution, legal system, and rule of law, there is no specific detailed focus on the constitution-making process and participation in the context of revolution . Additionally, when it comes to Tunisia, the constitution-building has been studied closely. However, I will attempt to put it in the context of a leaderless revolution, which is missing from Ackerman's project as well. Here I need to clarify that this is not an attempt to examine Tunisia's experience based on the four-stage path that Ackerman suggests. In this thesis, Tunisia's constitutionalism will be explored only at the moment of writing and ratifying the constitution. But it will be examined in the context of revolutionary constitutionalism as has been introduced in the previous sections. Moreover, it is notable that the constitution-making process of Iran has not been explored in detail in most of the works. Thus, I will try to provide a more detailed narrative of this process based on my selected model.

In what follows, I will frame these concerns as my research questions in this essay.

1.5. Research questions

1. How did the constitution-making processes in post-revolutionary Iran and Tunisia differ in terms of participation, as analyzed through Saati's model?

Sub-questions:

- To what extent did the constitution-making process in post-revolutionary Iran (1979) include participatory mechanisms and practices?
- To what extent did the constitution-making process in post-revolutionary Tunisia (2011) include participatory mechanisms and practices?

- In what ways did charismatic leadership during Iran's 1979 revolution versus the leaderless revolution in Tunisia (2011), affect the inclusiveness and participatory character of their constitution-making processes?
2. Based on the case studies of Iran and Tunisia, what are the implications of revolutionary context for Saati's model of participatory constitution-making?

In what follows, first I will examine participation in constitution-making process (CMP) in Iran after the 1979 revolution in chapter 2. While constitution-making process in Tunisia has been examined in many studies, this is not the case for Iran's experience. Therefore, I will provide a narrative of Iran's constitution-making process in 1979 based on the selected model. Then, I will move to Tunisia's case after the Arab Spring and the 2011 revolution in chapter 3. Although the constitution-making process in Tunisia has been studied before, I will examine this process on the ground of Saati's model and in connection to a revolutionary context. Finally, chapter 4 is dedicated to the comparative analysis of these two cases regarding participation and the effects of the style of leadership in these two revolutions. Additionally, I will analyze what the revolutionary context implies for Saati's model of participation measurement.

Chapter 2 – Participation and Constitution-Making Process in Post-Revolutionary Iran (1979)

As explained in the first chapter, the participation in the constitution-making process is evaluated in this thesis according to Saati's model. This chapter, and chapter 3, are structured based on the four factors that were explained in the previous chapter: 1) the initiators of the process; 2) forms of communication; 3) degree of inclusion; and 4) question of final authority.³⁶ Each of these variables will be explained in the respective section in relation to the historical facts of the case.

2.1. The initiators of the process

The constitution-making process can either be initiated by outsiders such as foreign states, and international or regional bodies, or by insiders. Generally, insiders are comprised of civil society organizations, national elites, or a mixture of them.³⁷

In case of Iran, first of all, it should be considered that the constitution-making process stemmed from a revolution. It is not easy to identify a certain moment that people and organizations decided to replace the constitution in the case of Iran. Furthermore, the demand for a new regime does not necessarily mean demanding a new constitution either – like what we will see in the case of Tunisia at the beginning of the state building process. If by “initiating” it is meant the demand and tendency, the public will could be added to the above-mentioned categories.

In case of Iran, various groups were proposing alternative charters and constitutions after the overthrow of the Pahlavi regime. This made it necessary for Ayatollah Khomeini to propose a constitution.³⁸ Therefore, he commissioned Hassan Habibi to write a draft of the constitution.

36. Saati, Abrak (2018), Participation: To Unveil a Myth, in T. Abbiate, M. Böckenförde, & V. Federico (Eds), Public Participation in African Constitutionalism (pp. 13-25), Routledge.

37. Ibid.

38. <https://www.shora-gc.ir/fa/news/9072/-%D8%AF%D8%A7%D9%86%D8%B4%D9%85%D9%86%D8%AF-%D9%BE%D8%A7%D8%B1%D8%B3%D8%A7-%D9%88-%D8%AE%D8%AF%D9%88%D9%85->

Habibi was a lawyer and a member of the National Front when he was a university student. Moreover, he had connections to the members of the Liberation Movement. While he was doing his PhD in Paris, he was part of the Liberation Movement organization in Europe and had ties with Khomeini's son, Ahmad.³⁹ He became a member of the Revolution Council and the education minister of the interim government after the revolution. Habibi's draft was written using the French and Belgian constitutions and with references to Islamic principles.⁴⁰ However, it did not contain any references to the jurist guardianship.⁴¹ Khomeini brought back the draft with him when he came back to Iran on February 1st of 1979. A committee was formed in Iran to review and revise the draft. Main members of the Committee were the following lawyers: Nasser Katouzian, Abdolkarim Lahiji, Mohammad-Jafar Langroudi, and Hasan Habibi. The Committee was supervised by Ahmad Sadr Haj-Seyed-Javadi who was the Minister of Interior of the interim government. This commission had a professional characteristic. Lahiji was a Lawyer who was a member of the Second National Front and later founded the Iranian Lawyers Association and the Iranian Association for Freedom and Human Rights in 1977.⁴² Langroudi was one of the first lawyers who obtained his PhD, and he was a jurist, and philosopher. Seyed-Javadi was a Lawyer and politician who studied his PhD in France. He was one the founders of the Liberation Movement of Iran. Seyed-Javadi was active in the revolution and was in charge of communication with active

[%D9%86%DA%AF%D8%A7%D9%87%DB%8C-%D8%A8%D9%87-%D8%B2%D9%86%D8%AF%DA%AF%DB%8C-%D9%85%D8%B1%D8%AD%D9%88%D9%85-%D8%AF%DA%A9%D8%AA%D8%B1-%D8%AD%D8%B3%D9%86-%D8%AD%D8%A8%DB%8C%D8%A8%DB%8C](#)

39. Sajedi, Tahmures (2014), Hassan Habibi: A Man of Religion and Knowledge, p. 144

40. Ibid, p.145

41. Shirazi, Asghar (1997), The Constitution of Iran: Politics and the State in the Islamic Republic, Bloomsbury Academic. P. 29.

42. Lahidji, A. (1984), Interview by Z. Sadghi, Iran Oral History Project. <https://iranhistory.net/lahidji0/>

forces abroad. Later he became a member of the Revolution Council and the minister of justice of the interim government.⁴³

The Committee finished its work in one month and turned it in to Khomeini on February 28th. He took the draft to Ulema in Qom for review and afterwards asked for new revisions from the same Committee. The draft was sent to the government and the Revolution Council. Another committee was made to revise the draft which was supervised by Yadollah Sahabi – the consultant of the interim government. The members of the new committee were Yadollah Shabi, Abolhasan Banisadr, Karim Sanjabi (the minister of foreign affairs of the interim government), Morteza Motahari (prime minister), and Sehat (member of the Nation Party of Iran). The draft produced by them was passed in the Revolution Council and accepted as the draft of the Islamic Republic Constitution.⁴⁴

If we only consider the official action to write a new constitution, Khomeini can be considered the initiator of the process. However, if we take into account the prior attempts, a constellation of actors including political parties, civil society organizations, and Khomeini were the initiators of the process subsequent to the public will.

In the next section, we will explore the forms of communication in order to examine the mechanisms for collecting people's input, education about constitution, and public consultation.

2.2. Forms of communication:

43. **Hamshahrionline.** (2013, April 1). Biography: Ahmad Sadr Haj-Seyyed Javadi. *Hamshahrionline*. <https://www.hamshahrionline.ir/news/206753/۱۲۹۶-۱۳۹۲-زندگینامه-احمد-صدر-حاج-سیدجوادی>

44. Shirazi, Asghar (1997), *The Constitution of Iran: Politics and the State in the Islamic Republic*, Bloomsbury Academic. P.30.

From a formal point of view, there were no mechanisms provided in the decrees of the Revolutionary Council and the interim government to collect inputs from the citizens or providing them with educations regarding the constitution. The debates of the Council were published by television, radio, and newspapers, which can be considered a mere one-way model of communication.

In order to examine the informal mechanisms by the opposition or civil society organizations, a study of historical documents is needed which, unfortunately, is not possible for the current research.

In the following section, I will study the degree of inclusion in the constitution-making process.

2.3. Degree of Inclusion in the Constitution-Making Process

As Saati explains it, the degree of inclusion means to what extend it has been accepted or allowed for all social and political groups to take part in the process. If some of these groups are banned or have boycotted the process, it will degrade their effectiveness on the content of the constitution,⁴⁵ the democratic aspect of the process, and its legitimacy. In what follows I will assess this in respect to the constituent institutions. However, in order to understand the composition of the constituent institutions and the dominant ideologies and groups, it is necessary to explore the political groups involved in the revolution and their ideologies.

Revolutionary parties and their ideologies:

The revolution ended on 11 February 1979, which triggered the constitution-making process. Although different social and political forces were involved in the revolution, this process was not

45. Ibid.

as inclusive. Major revolutionary groups and parties consisted of Tudeh Party and its breakaways, the National Front, the Liberation Movement, the clerical opposition, and guerrilla organizations.⁴⁶ As you can see in figure 1, their goals and ideas varied from secular to religious, and from radical left to radical right.

	Religious		secular
Right wing	Fundamentalist		Liberal
	parties and groups		democratic parties
left wing	Radical		Parties and
	Islamic parties and groups		groups advocating socialism

Figure 2 ideology of the political forces and parties at the beginning of the revolution⁴⁷

The fundamentalist parties and groups were pursuing combining religion and politics and establishing a religious state or thorough implementation of Islamic rules through the political regime. They advocated Khomeini's ideas about jurist guardianship and the Islamic Republic Party

46. Abrahamian, Ervand (1982), *Iran Between Two Revolutions*, Princeton University Press, p. 450.

47. Bashiriye, Hossein (2002), *Iran's Political Sociology: the Islamic Republic Era*, Negah Moaser Publication, p. 27.

– the most important Islamic party – was founded by them in 1979.⁴⁸ In the next section we will see this party's dominance in the constitution-making institutes and drafting process. Another important party in this category was the Combatant Clergy Society which similarly played a crucial role in the Revolution Council and the constitution-making process.

Liberal parties and groups were mostly old oppositions against shah and their main demands were political and social freedom through limiting the political power structures and creating a republic. They were advocating a republican state and parliamentary democracy. Major political parties in this category were the National Front and the Liberation Movement. National Liberation had more tendencies towards religion and their main leaders secured positions in the interim government by making alliances with Islamist groups.

Islamic leftist parties were a result of the spread of political Islam ideology among the intellectuals and the educated middle class. They had quasi socialist and anti-west tendencies and interpreted Islamic traditions as a revolutionary force. Their principal ideas were “consultative democracy” and establishing “Islamic Councils” in governmental institutions and organizations. In addition, some of the parties were advocating labor councils in factories, nationalization of industries, and land reform. One of the prominent parties in this group was the People's Mojahedin Organization of Iran which became of the opponents of power after the revolution.

Socialist and Marxist parties were formed from the student movements and they demanded nationalization of industries and banks, cutting ties with the “American Imperialism”, creating a popular military, and ethnic and minority autonomy. However, different leftist groups had differing strategies. Some showed sympathy with fundamentalists and some with the liberals or

48. Ibid.

even radical Islamists. Some of the major parties in this category were, Tudeh party, Organization of Iranian People's Fedaei Guerrillas, Peykar Organization.⁴⁹

After this brief review of the political parties involved in the revolution, I will examine their inclusion in the constituent institutions and drafting process of the constitution after the 1979 revolution.

Constituent institutions:

Three institutions were involved in the CMP: the Islamic Revolution Council, the interim government, and the Assembly for the Final Review of the Constitution. I will examine each of them chronologically. In respect to each institution the source of their authority, their authorities, and their compositions will be discussed.

- The Islamic Revolution Council

On 12 January 1979, the Revolution Council was established by Khomeini's command. After the ratification of the constitution, and election of the president and the parliament, the Council was dissolved on 17 July 1980.⁵⁰ By virtue of Ayatollah Khomeini's decree, the Council was made to review the conditions of establishment of the interim government and provide the preliminary arrangements.⁵¹

Article 2 of the statute of the Council enumerates the responsibilities and authorities of the Council;

49. Ibid, pp. 30-33.

50. The Archive of the Documents of the Islamic Revolution (1979), Formation of The Revolution Council: <https://web.archive.org/web/20111108230546/http://irdc.ir/fa/calendar/77/default.aspx> accessed 6 July 2025.

51. The Center of Historical Documents Survey. (n.d.). <https://historydocuments.ir/?page=post&id=3263>. Retrieved July 6, 2025, from <https://historydocuments.ir/?page=post&id=3263>

- a) The Revolution Council has the same authorities and responsibilities of the amendment of the constitution had recognized for the King and the parliament representatives....;
- b) Proposing the president of the interim government to Imam [Khomeini];
- c) Announcing referenda to determine the type of state...
- d) Providing the constitution of the democratic Islamic republic to present to the constituent assembly after Imam's approval.
- e) Review, design, and prepare fundamental and executive plans regarding administration, economy, production, culture, political affairs and other affairs of the country;
- f) Reviewing and providing reformative and executive laws and regulations regarding judicial and legal affair.
- g) Representing Imam in international and domestic governmental and public affairs until the establishment of the interim government.⁵²

Based on this article, the Council had extensive legislative and executive authorities and responsibilities. Moreover, Article 3 of the statute establishes that the main members of the Council are eleven people who are appointed by Imam who should meet the requirements. This number could be extended to fifteen members upon the Council's suggestion and approval of Imam.⁵³

52. Beheshti Foundation. (2025, June 29), The constitution of the Revolutionary Council was written by Martyr Dr. Beheshti. <https://www.beheshti.org/?p=2866>

53. Ibid.

It is evident that this institution had crucial responsibilities and authorities. This Council was generally the legislative branch of the transitional system. Additionally, it had the responsibility of deciding on the form of the new state and designing its constitution which made it the most powerful institution at that moment.

Although the Council was the most crucial institution in the process of making the state and the constitution, only certain political parties and groups were included as its members. Members of this Council were mostly fundamentalist Islamist parties and liberals at the second rank.

The Composition of the Council:

If we look at the members of the Council, it is obvious that the majority of the members were from the Islamic Republic Party (IRP). This political party was established by Ayatollah Khomeini's implicit approval, seven days after the victory of the revolution. The founders of the party were Mohammad Beheshti, Mohamad-Javad Bahonar, Seyyed Ali Khamenei, Seyyed Abdolkarim Mousavi Ardebili, and Akbar Hashemi Rafsanjani.⁵⁴ This party was mostly advocating Jurists Guardianship, complete implementation of the rules of Sharia, parliamentarism, justice, and Islamic solidarity.⁵⁵

After IRP, the Freedom Movement of Iran (or the Liberation Movement) had the most members in the Council. The Freedom Movement of Iran (or the Liberation Movement of Iran) was a breakaway of the National Front party which was founded by Mohammad Mosaddeq and others. The main ideas of the Liberation movement were a mélange of Islamism, liberal democracy, and

54. Ashrafi, Akbar (2018), Examining the Philosophy behind the Foundation and the Dissolvment of Islamic Republic Party, Iranian Political Sociology Journal, p.78.

55. Abbasi, Ebrahim (2014), Islamic Republic Party as the Most Significant Political Community of Revolutionary Islam in Iran: origins and roots, Research Letter of Political Science, Vol. 9, No. 4, p. 184.

nationalism.⁵⁶ Until 1978 they were still trying to revive the constitution of 1906 and at the end of the Pahlavi regime they were tightly tied with the Islamic discourse under Khomeini. They believed in the important social role of Islam and were suspicious toward leftists. However, on the eve of the victory of the revolution, they advocated a pluralist democratic system. They claimed that democracy, partisanship, and partisan government were the most important goals of the revolution.⁵⁷ This party's position was a mixture of advocating pluralism and democracy and suspicion against leftist parties. They believed that leftists are counter-revolutionary and they are waiting for an opportunity to change the trajectory of the revolution by strategically infiltrate the more influential revolutionary forces.⁵⁸ In one of their statements the party establishes that the leftists should be allowed to participate in the government and decision-making, proportionate to their status in the society and as much as the public opinion accept them.⁵⁹ But they continued to say that the leftists' record is empty and destructive, and they are only pursuing accumulation of power. To conclude, they believed that the leftist parties should be allowed to continue their political work as long as they accept that Iranians are mostly Muslims and they should not defy the Islamic revolution.⁶⁰

In addition, some of the most influential members of the Council were members of the Combatant Clergy Society. The Statute of this organization was written in 1978 and sent to Ayatollah Khomeini to get his approval. This society played a crucial role in consolidating the leadership of the clergy during the revolution. Their goal was to advocate Jurist's Guardianship (Velayat-E-

56. Shahedi, Mozaffar (2021), *The Position of the Freedom Movement of Iran Towards Pluralism and Political Tolerance; from the victory of the revolution until the adoption of the constitution of the Islamic Republic of Iran* (February – December 1979), *Historical Sociology*, vol. 13, no. 1, p. 170.

57. *Ibid*, p. 171.

58. *Ibid*, p. 173.

59. *Ibid*, p. 174.

60. *Ibid*, p. 175.

Faqih), Islamic rules, the Constitution, the Islamic republic, and the integration of religion in the state.⁶¹

As it was mentioned, the majority of the members were from the Islamic Republic Party (IRP) which was supported by Ayatollah Khomeini. As Bashiriyeh puts it, this party was one of the most prominent parties among the fundamentalist Islamist groups and parties.⁶² Combatant Clergy Society was at the same category. Similar to the IRP, they believed that the sovereignty belongs to God and all the laws and regulations should be based on Shari'a and Fuqaha (the clergy) should lead the country.⁶³ On the other hand, the Liberation Movement was a religious liberal party. Although they were Islamists and closer to other Islamist parties compared to other liberal parties, they believed in democratic parliamentary system and opposed theocracy.⁶⁴

The composition of the Council makes it evident that the socialist groups and parties were completely excluded from this institution and the dominant power was the fundamentalist Islamist parties.

- The Interim Government

From the moment Ayatollah Khomeini came back to Iran, establishing the revolutionary government was the main point of debate. Subsequently, the Revolution Council suggested Mehdi Bazargan for the prime minister position of the interim government to Khomeini.⁶⁵

61. Damavandi Konari, Ali (2020), Examining the Role of the Combatant Clergy Society and the Combatant Clerics Association in Iran's Political Scene until 2009, International Journal of Nations Research, Vol. 5, No.54, p. 106.

62. Bashiriyeh, Hossein (2002), Iran's Political Sociology: The Islamic Republic Era, Negah Moaser Publication, p. 28.

63. Ibid.

64. Ibid. p. 30.

65. Hashemi Rafsanjani, Akbar (2004), Revolution and Victory, p. 170.

He accepted this suggestion under the condition that this appointment was only concerning Bazargan without considering his partisan activities to clarify that he is not approving and supporting the Liberation Movement party as a whole.⁶⁶ On 5 February 1979, Bazargan was appointed as the prime minister of the interim government. Based on this command, he was ordered to form the interim government to govern the country's affairs and especially conduct the referendum to change the regime to the Islamic Republic and set up the constituent assembly.⁶⁷

On 8 February 1979, Bazargan established the foreign affairs ministry, appointed the ambassador, and asked for international recognition. Simultaneously, he continued negotiations with the senior officers of the military. At the same day, people organized demonstrations in support of Bazargan. In this demonstration a statement was read from the Combatant Clergy Society calling the demonstration the "confidence vote" to Bazargan and people asked the military to support Bazargan's government. The Supreme Council of military made a statement on 11 February which established that the monarchy is over and there is the opportunity for the Islamic Republic to be established.⁶⁸

The interim government had four responsibilities: executing the country's affairs, holding the referendum on changing the regime, establishing the constituent assembly to ratify the constitution, and holding the parliament's election. It was supposed to be dissolved after the establishment of the official government.⁶⁹

66. Ibid.

67. Ibid.

68. Saei A, Asadollahnejad M. Study on the State-formation in the era of the Islamic Republic (1979-1989), with emphasis on agency of Ayatollah Khomeini. JHS 2022; 14 (1) :339-380. p. 349.

69. Soori I, Beheshtiseresht M (2017), The Process of Creating a Revolution in the Interim Government Agencies and the Revolutionary Council and Imam Khomeini's Emphasis on Islamic Patterns, Islamic Awakening Studies Journal. Vol. 6, Issue 11, pp 42-62.

Regarding the composition of the government, Mehdi Bazargan and 26 out of 34 members (almost 80 percent) of the cabinet and the consultants of the interim government were members of the Freedom Movement of Iran – which we have mentioned before that they were advocates of democracy and liberalism combined with Islam. Others were mostly members of the National Front, independent individuals or engineers.

Considering this, liberals were the majority of the interim government in contrast to the Revolution Council. However, the Council's authorities were more crucial since the interim government had mostly an executive power. In the next sections, the conflicts between these two institutions will be discussed. Moreover, none of the socialist parties were part of this institution either.

Regarding the public participation, similar to the Council, the members were not chosen by an election. Bazargan was suggested by the Council and approved by Khomeini. Additionally, the cabinet was suggested by Bazargan and approved by Khomeini. However, the demonstration to support Bazargan took place which could be considered an informal form of public participation in the process. Although it cannot be considered as transparent and calculatable as an election.

- Assembly for the Final Review of the Constitution

Khomeini, while appointing Bazargan as the prime minister of the interim government, stated that establishing a constituent assembly from the representatives elected by the people is one of the responsibilities of the interim government.⁷⁰ Despite promising to establish this assembly by Khomeini for several times, he started to reconsider this idea. After writing the draft was finished,

70. Shirazi, Asghar (1997), *The Constitution of Iran: Politics and the State in the Islamic Republic*, Bloomsbury Academic, p.34.

he suggested submitting the draft for referendum.⁷¹ This gave rise to objections and disagreements. One group was behind this idea that the referendum should be held as soon as possible considering the issues of the country, and having a constituent assembly would lead to contradicting opinions and prolonging the process of ratifying the constitution. To the contrast, the other group believed that they should keep their promise, firstly because Imam had promised it and it is beneath him to break it. Secondly, it is a more democratic process. Eventually, they took the matter to Imam to decide on a solution and he was against establishing a constituent assembly. Ultimately, Ayatollah Taleghani put forward the idea that they could establish an assembly to do a final review of the constitution before the referendum with limited number of representatives. He argued that a smaller number of representatives would prevent the issues with the constituent assembly. However, since they were going to be elected by the people, it would be democratic.⁷² The responsibilities of this assembly were to review the draft and prepare it for the referendum. It was initially suggested that the members of the assembly should be 40. However, because of the objections by the groups outside of the Revolution Council and the interim government, this number was increased to 73.⁷³

Furthermore, they used different mechanisms and strategies to intervene in the election of the Assembly in a way to dominate the composition and the result of the election. These interventions included breaking down the election to provinces which was in favor of the clergy, spreading misinformation, and distorting the number of the votes in their favor. Consequently, 55

71. Ibid.

72. Sasani, S. and Beheshti Seresht, M (2023), Investigating the Political Positions of Ayatollah Beheshti in the Developments of 1979, Scientific Journal of Documentary Researches of the Islamic Revolution, Vol 4, No. 8, p. 127.

73. Shirazi, Asghar (1997), The Constitution of Iran: Politics and the State in the Islamic Republic, Bloomsbury Academic, p. 35.

representatives among 72 members of the Assembly were clerics.⁷⁴ Eventually, despite objections within and outside of the Assembly, the new draft based on jurist guardianship and its authorities over other branches of the government was passed in the Assembly and put to referendum.

Conclusion:

We started the section by introducing the main revolutionary parties classified in four categories. From these groups, only the fundamentalists and liberals (especially the parties such as National Liberation who were closer to Islamists) had the opportunity to participate in the negotiations and decision-making about the establishing the institutions and their compositions. Moreover, the members of these institutions were composed of the same two categories. The Revolution Council, as the most powerful institution in the process, was mostly consisted of the Islamic Republic Party and the Liberation Movement members.

Regarding the source of authority, the charismatic aspect of the leadership of the revolution, played a major role. From what we have discussed in this section, it can be concluded that firstly, the groups and individuals who were close to Khomeini and the ideology he was representing managed to attain positions in these three institutions. Furthermore, in respect to establishing the institutions, it happened by Khomeini's decree without referring to the public in forms of election or agreeing on a convention at the beginning of the process.

2.4. Question of final authority

The last variable to evaluate public participation is deciding on accepting and implementing the final draft. here two scenarios are possible; either the public exercises its authority by the elected

74. Shirazi, Asghar (1997), *The Constitution of Iran: Politics and the State in the Islamic Republic*, Bloomsbury Academic.

constitutional assembly (indirect), or they approve or disapprove the draft through referendum (direct). Although it is disputable whether referendum is the best criterion to show the public's authority, it is still a mechanism to include the people. Additionally, it is considered together with the other three factors.⁷⁷

The referendum of the constitution was held on 2 and 3 December 1979. It was the duty of the interim government to hold the referendum but Bazargan – the vice president of the interim government – resigned in protest to including the jurist guardianship in the constitution. Thus, this responsibility was transferred to the Revolution Council by Khomeini.⁷⁸ 75.56 percent of eligible people to vote participated in the referendum and 99.5 percent voted “yes” to the final draft of the constitution.

77. Ibid.

78. Saei, A., & Asadollahnejad, M. (2022). Study on the state-formation in the era of the Islamic Republic (1979–1989), with emphasis on agency of Ayatollah Khomeini. *Journal of Historical Sociology (JHS)*, 14(1), 339–380.

3.1. Background and the initiators

Arab Spring was an upheaval started from Egypt and spread in many Arab countries. In Tunisia the movement led to the ouster of Ben Ali, the authoritarian president, on 14 January 2011. Scholars have provided various explanations for the reasons of this uprising. However, what is important for this essay is that who were the main actors in this movement.

Clearly the historic, political, and social context of Arab Spring is different from Iran's 1979 revolution. In respect to the political parties and social forces who were involved in the Arab Spring, it is important to consider that most of the political parties were banned in Tunisia under Ben Ali's governance. Therefore, except for the UGTT (Union Générale Tunisienne du Travail) – which is the most powerful and historic labor union in Tunisia – political parties did not play a significant role in the movement. While students, laborers, and different social forces were participating in the revolution in Iran together with the political parties, the role of the civil society organizations and the youth and unemployed graduates was more prominent than the political parties in the Arab Spring. Thus, when it comes to examining inclusivity in Tunisia's case, the factors are somewhat different from the Iranian context. Some of the political parties that conducted the constitution-making process were existent from before the Arab Spring. However, many other parties were created during the movement.

Considering this background, in addition to examining the inclusiveness of the political parties and their ideology, I will examine the inclusion of the youth and civil society in the process of constitution-making as well.

Regarding the reasons of the uprising, the main reason for participating in the revolution was the demand for economic improvement (58%). Civil and political freedom was at the second place (21% of the responses). Despite the fact that the main reason for the protests was the economic situation, 30 percent of the protestors were from the middle-class (twice the number of the other occupational groups).⁷⁹ However, the class-background of the protestors was diverse: 17 percent of the revolutionaries were workers, 19 percent students, and 22 percent the unemployed. Another important factor is that the youth were overrepresented in Tunisia's revolution: 35 percent of the protestors were between 18-24 years old despite the fact that this age group was 19 percent of the whole population.⁸⁰

As a result of the mass protests, Ben Ali fled the country on 14 January 2011. Based on article 59 of the 1959 Constitution of Tunisia, in case of permanent vacancy of the presidency, the President of the Chamber of Deputies is appointed as the interim president.⁸¹ Therefore, Foued Mebazzaa was sworn as the interim president on 15 January 2011 after the Constitutional Council ruled the permanent vacancy of the presidency.⁸²

As it has been mentioned before, in case of the revolution, the initiators could be both the people by demanding the overthrow of the previous regime. On the other hand, in a narrower sense, it can be the Mebazza, the head of the lower chamber of parliament and the interim president.⁸³ He initiated the establishment of the National Constituent Assembly (NCA) and its election, to draft the new constitution. In addition, he denounced the 1959 constitution insufficient for the Tunisian

79. Bessinger, Jamal, Mazur (2015), Explaining Divergent Revolutionary Coalitions: Regime Strategies and the Structuring of Participation in the Tunisian and Egyptian Revolutions, *Comparative Politics*, Vol. 48, No. 1. Pp 1-21.

80. Ibid.

81. The Constitution of Tunisia, 1959, article 57.

82. The Carter Center (2015), *The Constitution-Making Process in Tunisia*. P.22.

83. Booley, Ashraf (2020), The Tunisian Constitutional Transition and Debates: Islam, Women and Other Actors in the Wake of the Post Jasmine Revolution, *Journal Syriah*, Vol. 28, No. 2. P. 308.

society and demands, which led to the Decree-Law No. 2011-2014 that dismantled the 1959 constitution.⁸⁴

3.2. Forms of communication

Various mechanisms were used in the Tunisian CMP in order to provide access to the work of the Assembly, improve transparency, and conduct public consultation. Some of these mechanisms were enshrined in the Rules of Procedure (RoP) including publicizing the debates and meetings of the committees and the Assembly, and some of them were later added to the RoP or the Assembly's agenda such as an online platform for citizens' inputs, open-door day, regional meetings and meetings with the students. On the other hand, citizens, civil society organizations, and political groups and parties attempted to voice their opinions by demonstrations, visiting the NCA, and lobbying. However, it seems that the Tunisian communication model did not go further than a simple two-way model compared to the proactive and the consultation model. In what follows, I will discuss these mechanisms and challenges in the way of communication in more detail.

Firstly, the Rules of Procedure⁸⁵ contained multiple provisions to ensure the public's access to the plenary sessions and debates of the commissions. Article 54 of this law stated that the committees' meetings were normally held publicly unless the majority of the committee decides otherwise⁸⁶ and based on article 76, the Assembly's meetings shall be held publicly and publicized.⁸⁷ Moreover, to ensure the connection between the Assembly and the citizens, article 79 stated that

84. Ibid, p. 308.

85. This document, adopted in December 2011, contained a set of rules regulating the activities and tasks of the National Constituent Assembly regarding the constitution-making process.

86. Rule of Procedure, article 54:

https://peacemaker.un.org/sites/default/files/document/files/2022/07/tnnationalconstassemblyrulesprocedures2012_1.pdf

87. Ibid.

one week per month should be dedicated to the communication between the members of the Assembly and the public.⁸⁸

Although these mechanisms had been established in the Rules of Procedure, there was not a meaningful initiation from the NCA for their realization.⁸⁹ For instance, the commissions' debates always took place in private.⁹⁰ Additionally, some members and groups of the NCA were hesitant to grant more transparency by giving access to the work of the commissions of the assembly or publicize the plenary debates.⁹¹ It was even argued that "the public" in the Rules of Procedure mean only the media and there is no need for providing more access to the NCA and its commissions.⁹² This reluctance was partly because of the tendency of the conservatives to keep their constituent powers and rights, and the lack of prior experience of real communication and transparency in the parliaments in the previous regime.⁹³ Another reason for not holding the plenary session publicly was the deputies' fear of collecting overwhelming amount of comments and suggestions which would impede the performance of the Assembly.⁹⁴

One of the key actors that improved this situation was Al Bawsala,⁹⁵ a local and independent NGO that aims to raise political awareness among the citizens and connect them to the government officials in order to ensure good governance and social progress.⁹⁶ The NGO argued that based on

88. Ibid.

89. Cherif, Nedra (2017), chapter: Participation in the Tunisian Constitution-Making Process, book: Public Participation in African Constitutionalism, Routledge, pp. 71.

90. The Carter Center (2015), The Constitution-Making Process in Tunisia. p. 60.

91. Cherif, Nedra (2017), chapter: Participation in the Tunisian Constitution-Making Process, book: Public Participation in African Constitutionalism, Routledge, pp. 70-71.

92. The Carter Center (2015), The Constitution-Making Process in Tunisia. p. 60.

93. Cherif, Nedra (2017), chapter: Participation in the Tunisian Constitution-Making Process, book: Public Participation in African Constitutionalism, Routledge, pp. 70-71.

94. The Carter Center (2015), The Constitution-Making Process in Tunisia, p. 60.

95. Ibid.

96. Al Bawsala. (n.d.). *Presentation*. Retrieved July 6, 2025, from <https://www.albawsala.com/en/presentation>

the RoP the journalists holding a press card can participate in the plenary sessions and commissions. They started attending the sessions and “live tweeted” them.⁹⁷

Another issue was access to the records of the meetings of the committees since a few of them were uploaded on the NCA website. Al Bawsala took action on this matter as well together with the Nawaaat media association and the Tunisian collective OpenGov TN. They filed a complaint against the Assembly which led to the Administrative Tribunal charging the Assembly with violating the decree law regarding the public access. However, the Assembly did not publish the verbatim records, the details of the meetings’ attendance records and votes. Again, it was Al Bawsala that came up with a method to figure out who voted on what matter and published them.⁹⁸

The situation was better regarding media coverage and access, especially in the adoption phase. However, the journalists were still under attack and were being harassed and did not feel that the pressure they were facing under Ben Ali’s government had vanished. NCA tried to improve its communication with media and journalists by establishing a studio in the Assembly to be used by media during the voting process and the media reported the session. Additionally, the national television started interviewing the Assembly’s members which gave a chance to the civil society and the political parties and experts to be part of the debates.⁹⁹

Since the media was given free access to the Assembly and it was considered the main actor in charge of communication between NCA and the people, the Assembly did not attempt to conduct its own communication. The Assembly did not have communication department, it did not hold press conferences regularly, and the website of the Assembly was not reliable for information

97. The Carter Center (2015), *The Constitution-Making Process in Tunisia*, P. 60.

98. Ibid, p. 63.

99. Ibid. p. 65.

about the meeting schedules or accessing the documents. It was only in the final stages that the Assembly set up Tweeter and Facebook accounts as a source of information and means of communication, which proved to be beneficial.¹⁰⁰

Regarding constitutional education, Saati's definitions of communication models do not provide details on who should plan the educational programs for the public – whether the constituent assembly or the external actors. In the case of Tunisia, NCA did not organize an educational program. However, the civil society actors such as Ligue de la Citoyenneté et des Libertés Tataouine (LCL), the Tunisian Bar Association, Al Bawsala, Forum Jahedh, and Femmes & Leadership arranged workshops, conferences, and roundtables regarding the constitution. or wrote commentaries on the drafts. Political parties, including Ennahda, Al Massar, Nidaa Tounes, and Al-Joumhour, tried to educate and inform their supporters about the constitution, too, in a more limited manner.¹⁰¹

The communication proved to be effective. Some of the provisions that were added in the third draft are in respect to the neutrality of the public administration and educational institutions, army and security forces, political parties and opposition, and the participation of the youth.¹⁰²

In the next section, degree of inclusion will be discussed. at the end of this section, the question of final authority will be examined after the National Constituent Assembly's election.

3.3. Degree of inclusion and question of final authority

100. Ibid. p. 66.

101. Ibid, p. 74.

102. Cherif, Nedra (2017), chapter: Participation in the Tunisian Constitution-Making Process, book: Public Participation in African Constitutionalism, Routledge, pp. 79-81.

As mentioned in the previous chapters, the degree of inclusion means to what extent segments of the society have been accepted and invited to involve in the process. In this regard it is important whether any group has been banned to participate in the process or has decided to boycott it. The degree of inclusion is important because if some groups have been banned or have boycotted the process, it is for certain that they could not have any influence on the content of the constitution.¹⁰³

Based on this definition, the meaning of the different “groups” of society is not clear in Saati’s definition. However, instead of categorizing the groups of the society based on their social class, political views, ethnicity, gender, or any other criterion, the criterion for assessment here is whether anyone was “banned” or had “boycotted” the process of constitution-making. or in other words, all the social and political groups should be invited and permitted to participate in the process. First, we begin with the inclusivity in the constituent institutions. Before proceeding to the examination of the institutions, a glance at the timeline of the constitution-making process can be beneficial to prevent confusion.

103. Saati, Abrak (2018), Participation: To Unveil a Myth, in T. Abbiate, M. Böckenförde, & V. Federico (Eds), Public Participation in African Constitutionalism (pp. 13-25), Routledge. P. 18.

Tunisia's Constitution-Making Timeline (2011–2014)



The institutions involved in the process

The provisional government, the Higher Independent Elections Authority/ Instance Supérieure Indépendante pour les Elections (hereafter ISIE), and the National Constituent Assembly were the major constituent institutions in Tunisia. In what follows, each of them will be discussed separately.

- The interim government

After the ouster of Ben Ali on 14 January 2011 Foued Mebazzaa became the interim president on 15 January 2011 after the Constitutional Council ruled the permanent vacancy of the presidency.¹⁰⁴ Prime Minister Mohammed Ghannouchi was assigned by Mebazzaa to establish the new government.

104. The Carter Center (2015), The Constitution-Making Process in Tunisia: Final Report. P.22.

Mebazzaa was generally acceptable based on his past political activities and not showing ambition for power. However, his prime minister Ghannouchi was criticized because of his positions in Ben Ali's government. However, the main critics against him was in respect to his first cabinet which included many members from the Rassemblement constitutionnel démocratique (RCD) – Ben Ali's political party. These members were holding ministries of the interior, finance, foreign affairs, and defense. Additionally, 16 out of 24 provincial governors were appointed by Ghannouchi from among them.¹⁰⁵

The inclusion of RCD members in the government triggered rallies and protests. These protests which were mainly organized by the youth, transformed into a movement and the continuation of the revolution. Since these rallies were mostly taking place in front of the prime minister's office in a square called Kasbah, the movement acquired the name Kasbah.¹⁰⁶ The main demand was denunciation of the previous government and a rupture from Ben Ali's regime. Therefore, it was necessary for the new government to shy away from the RCD members.

These protests led to formation of a coalition by the leftist groups named the January 14 Front.¹⁰⁷ The Front was consisted of the League of the Labor Left, Movement of Nasserist Unionists, Movement of Democratic Nationalists, Baasist Current, Independent Left, Tunisian Communist Workers Party, and Patriotic and Democratic Party.¹⁰⁸ Based on their founding statement, their main purpose was to protect and advance the revolution against the counter-revolutionaries. To fulfil this objective, they enumerated 14 urgent tasks, which included dismantling Ghannouchi's

105. Masri, Safwan (2017), *Tunisia: An Arab Anomaly*, New York: Columbia University Press. Pp. 52-53.

106. Ibid, p. 53.

107. Ibid, p. 53.

108. **14th January Front.** (2011, February 14). *Tunisia: 14th January Front proposes a National Congress for the Defence of the Revolution. Revolutionary Democracy*,

17(1). <https://www.revolutionarydemocracy.org/rdv17n1/tunisiafront.htm>

government for implementing “anti-national” and “anti-popular” policies in line with the toppled regime.¹⁰⁹ The Front criticized Ghannouchi’s government, accusing them of being counter-revolutionary because of their tendency to maintain the previous system. They specifically condemned the “national unity” government – Ghannouchi’s provisional government – because of the inclusion of RCD members and Ghannouchi’s role in designing and implementing neoliberal policies mandated by “imperialist financial bodies.”¹¹⁰

The protests and formation of the Front resulted in Ghannouchi dissolving the national unity government only 10 days after its establishment. He assembled a new and more diverse cabinet and guaranteed to arrange the elections in the next six months.¹¹¹ However, these changes and promises did not meet the expectations of the protestors and the *send Kasbah* took place demanding the abolishment of RCD, establishment of a national assembly to write a new constitution, and dismantling the state security machinery. The Front – which was transformed into the National Committee for Protection of the Revolution – united with Ennahda and Ettakatol led the protests.¹¹² UGTT supported the council as well by organizing strikes and resigning from Ghannouchi’s cabinet.¹¹³

The result of *Kasbah II* was the resignation of Ghannouchi and appointment of Beji Caid Essebsi as the Prime Minister by Fouad Mebazaa.¹¹⁴ Essebsi gained legitimacy mainly because of keeping his distance from Ben Ali’s government. Under Essebsi’s governance, some of the *Kasbah II*

109. Ibid.

110. The 14th January Front (2011), Tunisia; 14th January Front Proposes a National Congress for the Defense of the Revolution, Links.org.au. <https://links.org.au/tunisia-14th-january-front-proposes-national-congress-defence-revolution>

111. Masri, Safwan (2017), Tunisia: An Arab Anomaly, New York: Columbia University Press. p. 53.

112. Ibid.

113. Ibid.

114. Ibid.

demands were fulfilled: the RCD was dissolved and its members were banned from participating in the government and elections. Additionally, the state's security department was abolished.¹¹⁵ While the interim government acted as the executive power, the High Authority for the Realization of the Objectives of the Revolution, Political Reform and Democratic Transition (hereafter the High Commission) was authorized to be the legislative body of the transition period.¹¹⁶ The High Commission was made out of the merger of the Ben Achour Commission and the CSR. It was initially composed of 72 members which later expanded to 155 in order to respond to the critics that it did not adequately represent the youth.¹¹⁷ This commission was tasked to establish an institution for holding the elections and writing the new electoral law.¹¹⁸

Finally, the principal function of the interim government – namely holding the election for the National Constituent Assembly – was delivered on October 23, 2011.¹¹⁹ The establishment and composition of the NCA will be discussed in the next section.

- **National Constituent Assembly (NCA)**

The High Commission assembled the Higher Independent Elections Authority (ISIE) to organize the elections.¹²⁰ The members of the ISIE were appointed by the High Commission in a way that ensured diversity and inclusion. The members were from the civil society, academia, judiciary, and experts in IT, accounting and other technical areas.¹²¹ The ISIE established the electoral laws and conducted the election, which will be explained in the next section.

115. Ibid. p. 55.

116. The Carter Center (2014), *The Constitution-Making Process in Tunisia*, p.23.

117. Ibid.

118. Ibid.

119. Masri, Safwan (2017), *Tunisia: An Arab Anomaly*, New York: Columbia University Press. p. 55.

120. Decree-law 27 on the creation of the ISIE.

121. The Carter Center (2011), *National Constituent Assembly Elections in Tunisia*, p. 16.

- **Electoral laws for NCA election:**

There were considerable attempts to include marginalized groups – including women, the youth, and the disabled and illiterate citizens - in the election by the electoral legal framework. Article 33 of the decree-law 35 establishes that all the lists shall include at least one member under the age 30.¹²² Additionally, the electoral law implemented gender parity to ensure women's representation. Based on article 16 of the 2011 electoral law, "lists shall...alternate between men and women."¹²³

However, these provisions did not necessarily contribute to more inclusiveness of these groups in practice. This was partly due to the fact that the parties were not mandated to put women and the youth on top of their lists. Therefore, they put these candidates as lower options which resulted in less chance of being elected since the seats were allocated in the order of the candidates on the list.¹²⁴

Another measure to ensure fair representation and inclusion was to allocate more seats to marginalized areas of the country. To achieve this goal, a positive discrimination was put in place for the underdeveloped governorates while designing the new constituencies for electoral boundaries.¹²⁵ Furthermore, six constituencies were established for the eligible voters abroad and seats were allocated proportionate to the population of the Tunisians in those constituencies.¹²⁶

122. Independent High Authority for Elections. (2011, May 10). *Decree Law No. 35 on the election of the National Constituent Assembly*. ACE Electoral Knowledge Network. <https://aceproject.org/ero-en/regions/africa/TN/tunisia-decree-no.-35-dated-10-may-on-the-election>

123. Independent High Authority for Elections. (2011, May 10). *Tunisia: Electoral Law of 10 May* (Unofficial English translation). ACE Electoral Knowledge Network. <https://aceproject.org/ero-en/regions/africa/TN/tunisia-electoral-law-of-10-may-english/view>

124. The Carter Center (2011), National Constituent Assembly Elections in Tunisia, p. 20-23.

125. Ibid, p.22.

126. Ibid.

Finally, the election to elect the members of the NCA was held on 23, October 2011, and the turnout was 52 percent of the eligible voters.¹²⁷ The final result was as follows: Ennahdha 89 seats, Liberal Congress of the Republic (CPR) 29, Al Aridha Al Chaabia 26, and the Democratic Progressive Party (PDP) 16.¹²⁸

One of the first tasks of the NCA was to write and ratify a provisional legal framework to guide the transition period until the constitution was adopted. The Provisional Organization of Public Authorities, otherwise known as the mini-constitution, was adopted by the NCA in December 2011.¹²⁹ Article 3 of this law establishes that

the NCA shall approve the final draft of the constitution article by article by an absolute majority. After that, it shall be approved as a whole by two-thirds majority of the members of the Assembly. If this is not achieved, it shall be approved with the same majority in a second reading within a period not exceeding one month from the first reading.

If this again is not achieved, the draft constitution in its entirety shall be submitted to a general referendum for overall approval by a majority of voters.¹³⁰

Therefore, based on this Article, the priority was for the constitution to be adopted by the NCA and if they failed in doing so, the final authority would be put in the people's hands by referendum. The constitution was adopted by the National Constituent Assembly on 26 January 2014 and

127. Ibid, p. 45.

128. Ibid, p. 53.

129. The Carter Center (2014), The Constitution-Making Process in Tunisia, p. 25.

130. Assemblée nationale constituante tunisienne. (2011, 16 décembre). *Loi constitutionnelle n° 6-2011 relative à l'organisation provisoire des pouvoirs publics* (traduction française par Riadh Guerfali). ACE Electoral Knowledge Network. https://constitutionnet.org/sites/default/files/petite_constitution.pdf

became law on 27 January 2014 after President Marzoui, Ben Jaafar the President of NCA, and Ali Laarayedh the Prime Minister signed it.¹³¹

131. The Carter Center (2014), The Constitution-Making Process in Tunisia, p. 43.

Chapter 4 – Conclusion and Findings

In this chapter, first I will evaluate the public participation in CMP in Iran and Tunisia based on Saati's model. Then, I will analyze the implications of revolution – including the leadership style of these revolutions - in these two countries for this model.

4.1. Evaluation of public participation in post-revolutionary Iran (1979) and Tunisia (2011)

As we mentioned in chapter 1, Saati categorizes the public participation into five typologies: 1) false participation; 2) symbolic participation; 3) limited participation; 4) consultative participation; and 5) substantial participation. Each of the four factors of initiators, forms of communication, degree of inclusion, and final authority will be evaluated under these five typologies.

Let us start with the initiators of the process. Firstly, both countries underwent revolution which shows the will of the people to dismantle the incumbent government and substitute it with a new one. Saati's model distinguishes between outsider/ insider actors and national elites/ civil society organizations or broad array of national actors. In these two cases, many actors played significant roles.

In case of Iran, the political parties, masses, and different segments of the society such as students and workers were involved in the revolution. As mentioned before, if by initiation of the process we mean the narrow sense of the word, it could mean the group or individual who formally started the process. Various political groups with different ideological backgrounds initiated the process by writing charters and alternative constitutions. This led to Khomeini commissioning Habibi to write prepare a draft for the constitution. Thus, the initiators were a broad array of national elites but it formally started by Khomeini's command. If we consider the various political groups who started writing charters, it can be considered a consultative type of participation. However, if

consider the formal beginning of the process, it was the charismatic leader who initiated the process, which is not part of Saati's typologies. On the other hand, in a broader sense, and in the context of revolution, the initiators could be the revolutionaries who demanded a rupture from the previous system, which requires a new constitution. Therefore, the initiators were an array of political parties, the masses, and different groups of the society. Thus, it would be a substantial participation.

Tunisia, however, presented a different case. As it has been discussed before, the political elite who was in charge of transition was not initially willing to substitute the old constitution with a new one. However, the public, along with political parties – including the January 14th Front - expressed their demand for a new constitution through sustained protests and official declarations. This demand was heard by the interim government and they had to conform to the people's will. It can be concluded that the initiation was a substantial participation type because of the involvement of political elites and different segments of the society who demanded a new constitution.

The second factor was the forms of communication. Iran's constituent institutions and their frameworks did not provide specific mechanisms for educating the citizens about the constitution, and gathering the input of the people to include them in the constitution. However, the debates about the constitution in the constituent institutions were published in the newspapers, television, and radio. Moreover, there were some informal mechanisms in place to channel the ideas and information to the society. Among these mechanisms were public speeches by political figures, sermons especially by Khomeini and other members of the clergy, and public debates organized by Shoras and opposition political groups and protests by the people and political groups. Based on this evidence, there were not any formal and organized attempts to educate and consult the

citizens. Hence, it could be only considered as a one-way model of communication. However, I should be noted that further research is necessary in this area due to limited access to the relevant documents in the present research.

Contrary to Iran, Tunisia's CMP used various forms of communication in both formal and informal manners which proved to be influential and the ideas from the citizens were incorporated to the drafts of the constitution to some extent. Formally and institutionally, the articles of Rules of Procedure – such as 54, 76, and 79 which were examined in chapter 3 - mandated publishing of the debates, public meetings, access to the documents of the commissions of the NCA and an online platform for collecting citizens' inputs, and open-door day in the NCS. As we saw in chapter 3, most of these mechanisms did not materialize. However, civil society organizations played a role in facilitating the communication between the NCA and the people. One example of the role of the civil society organizations was Al Bawsala NGO that attended plenary debates in the NCA and live tweeted the debates, in addition to other journalistic and educational activities.

Another form of informal communication was the arrangement of rallies and protests by the people and the civil society organizations to voice their demands. The examples are Kasbah I and II which had significant impacts on the constitution-making process including the nullification of the 1959 constitution and the formation of the Committee for the Protection of the Revolution.

In respect to education, the NCA did not provide any educational activities for the citizens. The civil society organizations played a role in this regard, too, by holding workshops, conferences, and roundtables. In her typology, Saati argues that the two-way model of communication with integrated proactive measures, requires educational programs for the citizens which did not exist in the Rules of Procedure and NCA's activities. On the other hand, since there was an attempt from the constituent assembly to effectively incorporate the feedbacks from the public, it cannot be

considered as a mere two-way model of communication either. Therefore, the forms of communication in Tunisia's case fall somewhere between the two-way model of communication and two-way model of communication with integrated proactive measures.

The third factor of participation was the degree of inclusion. By this, we mean whether all the political groups and segments of the society were allowed to participate in the CMP or some of them were banned or voluntarily boycotted the process. In order to analyze this, I have examined the composition of the constituent institutions, their election or appointment, and the drafting process.

In the Iranian case, it was particularly notable that numerous revolutionary political groups and parties were excluded from the constituent institutions. Those groups were not officially banned but since the main institution – the Revolutionary Council – was established by Khomeini and groups who were ideologically close to him, other groups and ideas did not get a chance to participate. We saw in chapter 2 that the revolutionary political groups included fundamentalists, radical Islamists, liberals, and socialists. However, only the fundamentalists and liberals – mainly the liberals with religious ties – were included in the institutions. Moreover, even the liberals such as Bazargan, who was the interim Prime Minister, resigned because of the conflicts between the liberal interim government and the fundamentalist Revolutionary Council. Therefore, although other political groups were not banned and some of them voluntarily boycotted the process, the role of Khomeini as the charismatic leader who made the final decisions was significant in this outcome. Given these considerations, inclusiveness was limited – positioned somewhere between false participation and symbolic participation.

In a much more inclusive setup, Tunisia managed to ensure the participation of different political parties with diverse ideological backgrounds, in addition to different segments of the society.

Compared to Iran, not many political parties were active before the revolution because of Ben Ali's ban on them. Therefore, the youth, laborers, trade unions, unemployed graduates, and civil society organizations were among the most influential revolutionaries during the Arab Spring. It was only during the revolution that political parties began to emerge, eventually numbering more than 100.

As we saw in chapter 3, various mechanisms were used to guarantee inclusion. With regard to political parties, all political parties were allowed to nominate candidates for the NCA election, with the sole exception of the RCD. This exclusion was driven by demands from the public and revolutionary forces, as the RCD had been Ben Ali's ruling party and was considered illegitimate from the perspective of the revolutionaries.

The members of NCA were elected by popular vote. In this election, the majority of seats were secured by the moderate Islamist political party Ennahdha. The other main political parties represented in the NCA were the Congress for the Republic (CPR), a center-left, secular party, and Ettakatol, a social democratic and secular party. Therefore, compared to the case of Iran, a more ideologically diverse assembly was established in Tunisia.

Furthermore, the High Commission sought to enhance minority inclusion in the NCA. Among its measures were mandating the political parties to include women and young people in their candidate lists. Additionally, it introduced provisions to facilitate the participation of disabled and illiterate citizens in the NCA election.

Saati's model revolves around banning a certain group or boycott by them. Thus, based on this criterion, Tunisia's degree of inclusion would be considered as the false participation type. However, this certain typology and definition is not accurate – at least in this context. First of all,

the denouncement of the previous regime is a necessity in revolutionary constitutionalism as we discussed in the first chapter. Therefore, the exclusion of RCD as the ruling party of the ousted president, Ben Ali, was to some extent legitimate in this context. Secondly, this typology does not acknowledge the positive actions to ensure participation and inclusion – such as provisions regarding the inclusion of the women, young people, and the disabled.

The final factor concerns the question of final authority. According to the model, this category is divided into direct and indirect forms. Direct authority refers to the adoption of the constitution through a referendum. In contrast, the indirect authority can take several forms, including adoption by an executive body or an elected constitutional assembly.

The constitution of Iran was directly approved by a popular referendum, which represents a substantial form of participation. On the contrary, Tunisia's constitution was adopted indirectly: it was approved article by article, and then as a whole by the members of the NCA.

	Iran (1979)	Tunisia (2011)
The initiators	Consultative/substantial	Substantial
Forms of communication	One-way model	Two-way model or two-way model with integrated proactive measures
Degree of inclusion	False/symbolic	False
The question of final authority	direct	Indirect by the elected constituent assembly

Figure 3- types of participation in constituion-making process in Iran (1979) and Tunisia (2011)

4.2. Implication of revolution for the participation measurement model

I would like to begin with what the revolutionary context implies for the Saati's variables to evaluate participation.

Regarding the initiators, as discussed in more detail in chapter 2 and 3, a revolution requires a breakaway from the previous regime. This does not necessarily mean the adoption of a new constitution. However, in both cases of Iran and Tunisia, political and social forces demanded a new constitution. Additionally, by the definitions provided in the revolutionary constitutionalism, we are arguing that these constitutions have emerged from revolutions. Considering these premises, it is a difficult task to identify the moment of initiating the constitution-making process. To solve this issue, a more accurate definition of “initiators” is needed to include the public will and clarify the moment of initiation.

Secondly, since the forms of communication have not been divided in sub-categories – for instance formal and informal – it can be suggested that protests and rallies could be considered as a form

of communication by the opposition and revolutionaries as we examined in our two cases. Additionally, the mechanisms of communication and education offered by civil society organizations can be considered in this category. Overall, this variable needs more elaboration in order to better evaluate participation.

Furthermore, in respect to the degree of inclusion, it is important to consider the purpose of examining participation and inclusivity. If the inclusivity is examined in connection to legitimacy, including all social and political groups can become problematic, as we have seen in the case of Tunisia. While the politicians from Ben Ali's government were included in the process at the beginning of the process, the revolutionaries objected this inclusion. This demand to exclude this certain group might be justifiable in the context of revolution because the denouncement of the previous regime is necessary for a political revolution to take place. Thus, the exclusion of the politicians from the previous system seems necessary and will lead to more legitimacy of the process. Therefore, a more context-based model is needed to examine participation in the constitution-making process.

Lastly, regarding the question of final authority, referendum has been considered as a variable which demonstrates a higher level of participation. However, in the case of Iran, the direct elections and the period leading to the referendum, and the way the referendum was held, were surrounded by misinformation, deceit, changing the results of the election, and designing the electoral districts in favor of a certain group to be elected for the Assembly of the Final Review of the Constitution, who wrote the final draft which was submitted for referendum. This is while in Tunisia, the constituent assembly was directly elected by the people and under the supervision of the political groups, international organizations, and civil society organizations which ensured a healthy election. Subsequently, the members of the NCA – who were directly elected by popular vote and

included diverse political and social groups - adopted the constitution based on clear laws laid by the Rule of Procedure and decree laws of the ISIE. The comparison between these two cases shows that Tunisia's case could be considered a more democratic and participatory process of adoption of the constitution. Hence, it does not seem sufficient to only look at the direct/ indirect authority of the citizens in the form of referendum or adoption by a constituent assembly to evaluate public participation.

Additionally, I would like to argue that the charismatic leadership can interfere with the participatory CMP. As we have seen in the case of Iran, Ayatollah Khomeini as the charismatic leader, initiated the CMP, established the Revolutionary Council, approved Bazargan as the interim Prime Minister, and decided on building a constitutional review assembly. In contrast, in the case of Tunisia, the first interim government was established based on the 1959 constitution. Subsequently, after the nullification of the 1959 constitution, a provisional constitution was created. Additionally, NCA was elected by popular vote and its members wrote the Rules of Procedure to guide the process. By comparing these two processes, it is evident that Iran's process was guided by the charismatic leader and his commands. However, Tunisia's process took place based on the laws created by the elective bodies of the people. This comparison shows that at least in the case of Iran, the charismatic leader overrode the elected bodies and individuals and played the main role in decision-making. Thus, it can be concluded that the charismatic leadership contrasted the public participation, since the will of the leader was above the legal mechanisms and the oppositions demands.

In the last chapter I would like to explain the limits of my research and my recommendations for further research.

4.3. Limits of the research and recommendations

In conducting this research, I have faced multiple limits. First of all, since the field of revolutionary constitutionalism is relatively new, many concepts and definitions are vague or have not been addressed. This lack of precise definitions has made it difficult to use them in this paper.

Secondly, regarding my case studies, there were difficulties in access to documents, which have led to inefficient data, and subsequently, incomplete analysis. An example of this is the forms of communication in the case of Iran which needs a review of the documents and archives such as newspapers and articles from that specific period.

For future research, documents in original language of Farsi, Arabic, and French can contribute to more accurate analysis. Additionally, it will be more logical and scientific to include more cases with different styles of leadership, such as traditional and logical leadership in addition to charismatic and leaderless revolutions. This will enable us to accurately examine the effects of each type of leadership on the constitution-making process and its participatory quality. Moreover, it would be beneficial compare the cases with the same style of leadership to confirm their effects on the CMP.

On the other hand, based on the present research, the general models of participation measurement might not be precise or beneficial in different contexts. Therefore, a context-based model needs to be designed to examine the participation in this particular context. In addition, the quantitative models fail to examine the dynamics which lead to different types and levels of participation. Thus, qualitative studies would be advantageous to examine the dynamics and mechanisms involved in revolutionary constitution-making and participation.

Finally, since revolutionary constitutionalism is notably an interdisciplinary field of studies, incorporating social and political theoretical frameworks – such as the theories of revolutions, leadership, and state building - can be helpful in building a thorough and meaningful analysis of this topic.

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