Teaching Eastern Constitutions: Exploring Ideals, Assessing Realities with Middle

Andrea Stanton

The Arab nation managed to perform a great role in building human civilization when it was a unified nation. When the ties of its national cohesion weakened, its civilizing role receded and the waves of colonial conquest shattered the Arab nation's unity, occupied its territory, and plundered its resources. Our Arab nation has withstood these challenges and rejected the reality of division, exploitation, and backwardness out of its faith in its ability to surmount this reality and return to the arena of history in order to play, together with the other liberated nations, its distinctive role in the construction of civilization and progress. With the close of the first half of this century, the Arab people's struggle has been expanding and assuming greater importance in various countries to achieve liberation from direct colonialism.

- Preamble, Syrian Constitution

Constitutions are some of my favorite primary source readings for class discussions and writing assignments. I like them because they offer students a familiar genre through which to grapple with state- or region-specific issues, and because they invite students to consider the relationship between political ideals and political realities in a grounded way.

Using constitutions: course readings and essay assignments
I have incorporated constitutions into my courses in various ways. For seminar discussions, I have asked students to read the entire constitution, while also assigning them a particular article or selection of articles to explain in class. This allows us to cover the ‘stand-out’ articles – students very quickly notice articles about religion, for example - while also bringing out the subtle importance of other issues, such as the right to private property or the principle of personal (rather than communal) legal responsibility.

For survey courses, I have used constitutions in essay assignments, asking students to compare a constitution that they have read for class with another state constitution, paying attention to the historical context of each state. This assignment has several possible iterations: assigning one constitution from the Gulf and one from the Levant (I have paired Kuwait and Jordan, for example), assigning the constitutions of neighbor countries, or even assigning students to analyze a constitution’s change over time.

Discussing constitutions: approaches and issues
A class discussion or even a lecture that incorporates constitutions can go in many directions. Below are a few suggestions, some of which students will likely raise on their own, and some that I think are worth emphasizing to them.

* Late-stage constitutions
When discussing Middle Eastern constitutions, I often start with a paired question: What did you see that you expected to see? What did you see that you did not expect to see? My students have tended to gloss over the first question, but I bring them back to it because for me it opens up a broader consideration of ‘constitution’ as a genre. Constitutions created in the 20th century
inherit centuries of political theory and practice, which have established normative understandings of constitutions’ structure and scope. Reflecting on this helps students look at the particular constitution under consideration with fresh eyes.

* Preambles
Preambles lay out their constitutions’ rationale and the philosophy (or philosophies) that underpin them. They also tend to be much longer and rhetorically richer than individual articles – as evidenced by the first paragraph of the Syrian Constitution’s preamble reproduced above. I describe preambles – particularly for 20th century constitutions – as mission statements for their countries, and often have students do a close reading (or at least a close examination of them). What does the preamble promise, to citizens and non-citizens? What is its scope? What responsibility does it lay out for the state and its population? How is its progress to be measured?

* Arabism / nationalism
Constitutions provide an ideal space in which to examine ideas of Arabism and nationalism, as well as the relationship between them and the consequences that this might have for state sovereignty. For example, while Article 1 of Syria’s constitution defines the country as “a democratic, popular, socialist, and sovereign state”, it also states: “The Syrian Arab region is a part of the Arab homeland. The people in the Syrian Arab region are a part of the Arab nation [and] work and struggle to achieve the Arab nation’s comprehensive unity.” Asking students to focus on the use of the word “region” alone can spark considerable discussion about sovereignty and the nation-state’s responsibility its citizens as well as its neighbors.

* Religion
As might be expected, students will likely raise the issue of religion on their own. Articles that mention the president’s religion, such as Article 2 of Syria’s constitution, which states that “The religion of the President of the Republic has to be Islam”, and those that lay out an official religion can introduce discussions that productively follow earlier class readings on state religion or connect with contemporary issues. Asking students to consider corollary statements regarding the role of shari`a in formulating state laws and the provision of autonomous personal status laws for minority communities helps make “Islamic law” and “personal status”, two concepts that for students can appear highly abstract, concrete.

* Women and Families
Students will also likely bring up provisions related to women – particularly if comparing two constitutions that treat gender relations differently. Statements like that of the Syrian constitution’s Article 45, which states: “The state guarantees women all opportunities enabling them to fully and effectively participate in political, social, cultural, and economic life” and adds that “The state removes the restrictions that prevent women’s development and participation in building the socialist Arab society” may spark debate over whether guaranteeing opportunities and removing restrictions means equality. (I also ask students – in general, and not only with respect to gender issues – whether the focus on society and state building undermines the idea that citizens have intrinsic rights.)
While students will likely look for mentions of women, this is a ‘known’ topic and may be less interesting to them than constitutional articles about the family and the state’s responsibility to support and protect families. My students have seen this focus as a far greater challenge to notions of individual rights and gender equity, and discussions on family provisions have been far more energetic than those on women.

* Economic Justice
Some students will be happy to gloss over all constitutional provisions addressing the economy. However, I push them to consider the economic provisions both because it highlights the profound degree of state involvement and, more surprisingly, because many Middle Eastern constitutions place great weight on economic justice. For example, Article 13 of the Syrian constitution states: “The Syrian economy is a planned socialist economy that seeks to end all forms of exploitation.” This twin emphasis on development and justice can spark considerable discussion on citizens’ rights with regards to economic opportunity.

* Calendar Used
If the calendar used is Gregorian, my students often say nothing; if the calendar is Hijri, my students have pointed out the year as a typo. Focusing student attention on the calendar used can help them recognize the impact of a government selecting one calendar over another as the ‘national time’. This foregrounds the political and cultural importance of seemingly minor decisions – and helps remind them that all of today’s major calendars have religious underpinnings.

* Publication / translation
Since many students bring laptops to class, and have active Internet connections, one question I sometimes ask is: where can you find this constitution? Some countries publish their constitutions on their embassy websites; others are much harder to find. This often leads to a student observation that the only version available is an “unofficial translation” – which can open up a conversation about official languages and the legal status of translations.

* Exceptions
Students who are sensitive to language often pick up on the different kinds of constitutional provisions: those that are absolute and those restricted by statements like “except as stipulated by law”. This can lead to a consideration of the value of strength versus flexibility: are these provisions a sign of constitutional weakness or a provision for the country’s evolving needs?

* Closing questions
I have found that concluding discussions with open-ended, synthetic questions helps students sort out for themselves the value – and the limits – of reading constitutions. Questions as simple as: What can we take from this? What can’t we take from reading a constitution? allow them to think more broadly about the relationship between the ideals that the constitution’s framers laid out – a kind of aspirational self-definition – and the course of subsequent developments.

Andrea L. Stanton teaches in the Humanities Faculty at Sarah Lawrence College. She is currently Book Reviews Editor for the Syrian Studies Association newsletter and H-Levant list editor.