

2010

Civil Society and Democracy in Japan, Iran, Iraq and Beyond

Shiva Falsafi

Follow this and additional works at: <https://scholarship.law.vanderbilt.edu/vjtl>



Part of the [Comparative and Foreign Law Commons](#), and the [Constitutional Law Commons](#)

Recommended Citation

Shiva Falsafi, Civil Society and Democracy in Japan, Iran, Iraq and Beyond, 43 *Vanderbilt Law Review* 357 (2021)

Available at: <https://scholarship.law.vanderbilt.edu/vjtl/vol43/iss2/3>

This Article is brought to you for free and open access by Scholarship@Vanderbilt Law. It has been accepted for inclusion in Vanderbilt Journal of Transnational Law by an authorized editor of Scholarship@Vanderbilt Law. For more information, please contact mark.j.williams@vanderbilt.edu.

Civil Society and Democracy in Japan, Iran, Iraq and Beyond

Shiva Falsafi*

ABSTRACT

This Article addresses the mystery of why some countries appear to become democracies seamlessly while others face insurmountable obstacles. While acknowledging the importance of civil society to democratization at the time of transition, this Article argues that broad historical civil society movements, even if devoid of immediate political impact, also facilitate the passage to democracy at a later date.

This Article takes a comparative look at the constitutional, labor, and women's movements in Japan, Iraq, and Iran, from the nineteenth century to the present. It demonstrates that the resilience of Japanese civil society from 1868 onward secured the country's successful transition to democracy after World War II, while Iraq's history of weak civic activism makes it harder for Iraqis today to embrace democratic tenets. The Article also proposes that the potency of past civil society movements in Iran mirrors Japan's experience much more closely than Iraq's, suggesting that, despite weak representative institutions, Iran is ripe for transition to democratic government under the stewardship of domestic civic forces.

TABLE OF CONTENTS

I.	INTRODUCTION	358
II.	HISTORICAL CIVIL SOCIETY	362
A.	<i>Constitutionalism</i>	362
	1. Constitutionalism in Japan	362
	2. Constitutionalism in Iran	368
	3. Constitutionalism in Iraq	374
B.	<i>Labor</i>	379
	1. Labor in Japan	379
	2. Labor in Iran	383

* Lecturer, UCLA Department of Women's Studies. Many thanks to Christine Littleton, Rahim Shayegan, and Eugene Volokh for their thoughtful comments and guidance.

	3. Labor in Iraq	387
C.	<i>Women's Movements</i>	391
	1. Women's Movement in Japan	391
	2. Women's Movement in Iran	395
	3. Women's Movement: Iraq	401
III.	BACK TO THE FUTURE – HISTORICAL REFLEXES RESURRECTED	405
A.	<i>Post World War II Japan</i>	405
	1. Labor Movement	405
	2. Women's Movement	410
B.	<i>Post-Reza Shah Iran</i>	414
	1. Labor Movement	414
	2. Women's Movement	418
C.	<i>Post Invasion Iraq</i>	424
	1. Labor Movement	424
	2. Women's Movement	428
IV.	CONCLUSION.....	433

I. INTRODUCTION

This article addresses the question of why some countries appear to become democracies seamlessly while others face insurmountable obstacles. Many scholars today agree that democratizing requires more than just a pact among a nation's elite and suggest that strong political institutions seem to emerge only on the back of systematic agitation by civil society.¹ While acknowledging the importance of civil society to democratization at the time of transition, this Article argues that broad historical civil society movements, even if devoid of immediate political impact, may facilitate the passage to democracy at a later date. Moreover, the exposure of illiberal societies to sustained civic discourse over a period of time may help later reform movements—whose intellectual tenets at first appear foreign—to be viewed as culturally authentic and the continuation of an indigenous national agenda.

As part of the process of deciphering social movements in a country, this Article will consider what kind of civil society activity may best spark democratization. In particular, it will differentiate between civil movements for democracy, characterized by an inward

1. See JEAN COHEN & ANDREW ARATO, *CIVIL SOCIETY AND POLITICAL THEORY* 502 (1st ed. 1992) (explaining that civil society “has become the indispensable terrain on which social actors assemble, organize, and mobilize”); LARRY DIAMOND, *DEVELOPING DEMOCRACY: TOWARD CONSOLIDATION*, 233–239 (1999) (explaining that civil society has the “potential to make a positive, even dramatic contribution” during trying periods of time).

focus and desire to alter the domestic political landscape, and nationalist waves, distinguished by their outward focus and the aim of expelling any colonial presence, which this Article proposes cannot serve as a precedent for democratic reform.

The Article will illustrate this thesis and offer some concrete applications by comparing the history of civil society in Japan, Iraq, and Iran. Part II will discuss the vibrant Japanese civil society of the Meiji (1868–1912) and Taisho (1912–1925) periods; the few, far more anemic, Iraqi civic expressions prior to the 1958 Revolution; and the dynamic civil activism during the popular Iranian Constitutional Revolution of 1906–1911. Part III will consider the role certain civil society actors played when the opportunity for democratic reform emerged in each of these countries: at the end of World War II in Japan, in 2003 in Iraq, and after the abdication of Reza Shah (the founder of the Pahlavi dynasty) in 1941 in Iran. This Article will argue that the strengths or weaknesses of past civil society movements help account for Japan's successful embrace of democratic rule at the end of World War II, Iraq's ongoing violent rejection of many aspects of representative governance, and Iran's continuing, but as yet unsuccessful, reach for democratic reform.

Although Japan was autocratically ruled by a military junta before World War II, the formidable civil society movements of the Meiji and Taisho periods allowed the country to endorse the U.S.-imposed democratic constitutional regime as the continuation of past national steps toward democracy. In contrast, from 1932 to 1958, Iraq's stunted civil society was eclipsed by the state, and any activism that did exist focused largely on battling British colonialism rather than on fighting for internal political reform. This has deprived Iraq of a past legacy for the indigenous pursuit of democracy, making it harder for Iraqis to adopt democratic tenets. The case of Iran is more akin to Meiji and Taisho, Japan, than to Iraq. Iran's legacy of dynamic constitutional movements and potent, albeit episodic, civil society activism, which was on full display throughout the protests against the 2009 presidential election results, may allow Iran to choose democracy as an authentic national aspiration.

While this Article does not venture into a detailed discussion of civil society,² it addresses the usual array of voluntary associations and social movements.³ Within this broad definition, this Article

2. See generally *ALTERNATIVE CONCEPTIONS OF CIVIL SOCIETY* (Simone Chambers & Will Kymlicka eds., 2002) (providing a succinct study of how different schools of thought define civil society); MARVIN B. BECKER, *THE EMERGENCE OF CIVIL SOCIETY IN THE EIGHTEENTH CENTURY: A PRIVILEGED MOMENT IN THE HISTORY OF ENGLAND, SCOTLAND AND FRANCE* (1994) (tracing the origins of the concept of civil society).

3. My conception of civil society closely mirrors the critical theorists'. See, e.g., Jean Cohen, *Interpreting the Notion of Civil Society*, in *TOWARD A GLOBAL CIVIL*

follows Habermas' lead and considers social movements to be the most effective civil society actors with a "dual orientation" because they influence both the political system and, at the same time, revitalize and enlarge civil society.⁴ Because social movements reach across a broad range of issues and political perspectives, this Article limits its scope to the constitutional, labor, and women's movements during the historical periods described above in Japan, Iran, and Iraq, respectively.⁵

Prior to invading Iraq in 2003, the Bush Administration repeatedly alluded to American success in democratizing Japan.⁶

SOCIETY, 35, 37 (Michael Walzer ed., 2d ed. 1998) (describing civil society as "a sphere of social interaction distinct from economy and state, composed above all of associations . . . and publics"). This framework excludes the economy, as well as the state, from the realm of civil society because capital markets alone are too coercive to provide a platform for democratization. *See also* Simone Chambers, *A Critical Theory of Civil Society*, in ALTERNATIVE CONCEPTIONS OF CIVIL SOCIETY, *supra* note 2, at 90, 91 (explaining that critical theorists distinguish civil society from the state and the economy). On the other hand, this conception of civil society includes the family under the rubric of civil society. Cohen, *supra*, at 37. The advantage of sweeping the family into the realm of civil society is that it avoids the artificial distinction between the private and public spheres, but this comes at the risk of creating an overly idealized picture of the family as an egalitarian association, thereby denying the power dynamics in many families that often result in violence and abuse against women. *See* Anne Phillips, *Does Feminism Need a Conception of Civil Society?*, in ALTERNATIVE CONCEPTIONS OF CIVIL SOCIETY, *supra* note 2, at 71, 75 (noting feminist arguments both for and against including the family in the concept of civil society).

4. JÜRGEN HABERMAS, *BETWEEN FACTS AND NORMS: CONTRIBUTIONS TO A DISCOURSE THEORY OF LAW AND DEMOCRACY* 370 (William Rehg trans., MIT Press ed. 1996) (1992).

5. A constitutional movement (spearheaded by civil society rather than elite imposition) that champions civil liberties and seeks to limit concentration of power provides the foundation for reaching beyond the façade of elections to build strong democratic institutions and practices. While constitutionalism solves the problem of how government should be structured, the transition to democracy also raises the question of how society should be organized. Although in the past reformers could conceive of democracy just for the elite (most notably by limiting the franchise to privileged male landowners), *see* JOHN HIGLEY & MICHAEL BURTON, *ELITE FOUNDATIONS OF LIBERAL DEMOCRACY* 12 (2006) (citing pre-WWI Britain as an example), I believe a conception of participatory democracy today must reach across class and gender lines. To this end, the broader the range of groups which populated historical civil society, the greater its ability will be to function as an effective platform for democratic reform at a later date. More specifically, I propose that rather than industrialization, it is labor's ability to organize as an independent social movement and agitate the state for greater workers' rights that directly deepens democracy. *See* discussion *infra* Part II.B.3 (contrasting the labor movements in Japan and Iraq). I will also argue that a historical experience of a broad and independent women's movement will send the right message about the extent of pluralism that must be accommodated by any democratic transition. *See* discussion *infra* Part III.C.2 (contrasting women's movements in Japan and Iraq).

6. President Bush repeatedly used the Japanese paradigm in making the case for Iraq, arguing that America succeeded in Japan despite the naysayers. For example, on December 14, 2005, in a speech at the Woodrow Wilson International Center for Scholars in Washington, he declared:

While it is hard to speculate how a better understanding of these historic differences would have colored foreign policy in Washington in 2003 on the eve of the invasion of Iraq, with attention now increasingly turning to Iran, it is crucial to decipher civil society's role in spearheading reform in that country. This Article also attempts to disarm the argument that Islamic societies cannot sustain constitutional democracies and proposes that Iran is ripe for transition to democratic governance.

Part II is organized thematically under the headings constitutionalism, labor, and women's movement. Part A compares the role of civil society in Japan's efforts to adopt a constitution with the events surrounding the Iranian Constitutional Revolution and the lack of civil society challenges posed to the state under the monarchy in Iraq. Parts B and C examine whether labor and women in each country strengthened civil society and deepened the democratic process by challenging the state for greater rights during these momentous periods. Part III is organized geographically by country and considers the role of labor and women's movements in safeguarding already established constitutional regimes. It begins by considering the role labor and women's movements played in preserving democratic reforms in Japan after World War II in the face of staunch elite opposition. This Part then reviews how organized labor and women fought for political change in Iran after Reza Shah's abdication in 1941. Finally, it addresses why women's groups and labor organizations have failed to mobilize in significant numbers to fight for greater civil, social, and economic rights in Iraq.

As we advance the cause of freedom in Iraq, our nation can proceed with confidence because we have done this kind of work before. After World War II, President Harry Truman believed that the way to help bring peace and prosperity to Asia was to plant the seeds of freedom and democracy in Japan. Like today, there were many skeptics and pessimists who said that the Japanese were not ready for democracy. Fortunately, President Harry Truman stuck to his guns. He believed, as I do, in freedom's power to transform an adversary into an ally. And because he stayed true to his convictions, today Japan is one of the world's freest and most prosperous nations, and one of America's closest allies in keeping the peace. The spread of freedom to Iraq and the Middle East requires the same confidence and persistence, and it will lead to the same results.

Remarks to the Woodrow Wilson International Center for Scholars, 41 WEEKLY COMP. PRES. DOC. 1855, 1857-58 (Dec. 14, 2005).

II. HISTORICAL CIVIL SOCIETY

A. Constitutionalism

1. Constitutionalism in Japan

The overthrow of the Tokugawa Shogunate and the restoration of the emperor Meiji in 1867–1868 by a few mid-level insurgent samurai heralded the dawn of the modern era in Japan, commonly referred to as the Meiji Restoration.⁷ A spirit of reform infused the new regime, and it sought to industrialize Japan, centralize its political and economic structure, and strengthen its military base.⁸ Most importantly, these men, who looked to the West for their political and economic models, were interested in instituting a form of constitutional government, perhaps not to honor the natural rights of their citizenry but because they viewed constitutionalism as one of the core backbones of Western strength.⁹

The topics of how the new rulers should govern and what should constitute the boundaries of popular participation were widely debated throughout Japanese society at the dawn of the Meiji period.¹⁰ The debate quickly grew into a “formidable democratic movement,” commonly referred to as the Freedom and Popular Rights Movement (FPRM).¹¹ Between 1879 and 1881, activists in the FPRM, ranging from farmers to samurai (including many women), formed over two hundred political organizations, as well as national parties,¹² and submitted to the Meiji leadership over a quarter of a

7. ANDREW GORDON, *A MODERN HISTORY OF JAPAN: FROM TOKUGAWA TIMES TO THE PRESENT* 61–72 (2003). The dominant figures of the Meiji leadership became known as the Meiji oligarchs, or “Genro.” W.G. BEASLEY, *THE RISE OF MODERN JAPAN: POLITICAL, ECONOMIC AND SOCIAL CHANGE SINCE 1850*, at 133 (3d ed. 2000).

8. GORDON, *supra* note 7, at 81–85.

9. David L. Howell, *Visions of the Future in Meiji Japan*, in *HISTORICAL PERSPECTIVES ON CONTEMPORARY EAST ASIA* 85, 102 (Merle Goldman & Andrew Gordon eds., 2000); *see also* GORDON, *supra* note 7, at 80 (discussing the drive for a constitution).

10. *See* Richard Devine, *The Way of the King: An Early Meiji Essay on Government*, 34 *MONUMENTA NIPPONICA* 49–50 (1979) (Japan) (describing how one organization, the *Gakugeikodankai* (“Arts Lecture Society”), in the town of Itsukaichi, addressed power sharing in a constitutional regime).

11. GEORGE M. BECKMANN, *THE MAKING OF THE MEIJI CONSTITUTION: THE OLIGARCHS AND THE CONSTITUTIONAL DEVELOPMENT OF JAPAN, 1868–1891*, at 43 (Greenwood Press 2d ed. 1975) (1957).

12. GORDON, *supra* note 7, at 81. While unable to contest national elections, these organizations boasted many features of political parties, including due paying members, national conventions, party platforms, affiliated papers and fundraising, and speaking tours. *Id.* For a discussion of the role of women in the FPRM, *see* Sharon L.

million signatures for the establishment of a constitutional parliamentary government.¹³ Unlike the prevailing Western perception of Japan during this period as a country under the sway of a powerful elite and the emperor, much of the evidence from that time, which consists of drafts of proposed constitutions by FPRM groups,¹⁴ clearly demonstrates that Japanese citizens intensely debated the role of the emperor and were seriously interested in curtailing his power under a parliament-centric model, while dramatically increasing the powers and rights of the ordinary Japanese citizen.¹⁵

Deeply suspicious of the risks of social anarchy inherent in democracy,¹⁶ this unprecedented grassroots popular mobilization alarmed the Meiji oligarchs, driving them to attempt to suppress the movement. On April 5, 1880, the oligarchs outlawed public meetings in order to disrupt the movement's annual convention.¹⁷ In addition, throughout the early decades of the Meiji Restoration, the oligarchs instituted successive repressive press laws to deprive the movement of an important tool and attempted to cripple the formation of political parties by prohibiting societies from combining or communicating with each other.¹⁸ In 1881, Inoue Kowashi, one of the creators of the Meiji constitution, wrote in a letter to Prince Ito Hirobumi, an oligarch:

[I]f we lose this opportunity and vacillate, within two or three years the people will become confident that they can succeed and no matter how much oratory we may use, it will be difficult to win them back. Most of the political parties will be on the other side, not ours; public opinion will cast aside the draft of a constitution presented by the government, and the private drafts of the constitution will win out . . .¹⁹

In the end, the oligarchs were pressured by the FPRM to adopt a constitution (the Constitution or the Meiji Constitution) on an accelerated schedule. The Meiji Constitution, modeled after the more conservative Prussian constitution, emphasized the power of the state

Sievers, *Feminist Criticism in Japanese Politics in the 1880s: The Experience of Kishida Toshiko*, 6 *SIGNS* 602, 604–05 (1981).

13. Howell, *supra* note 9, at 101.

14. See Devine, *supra* note 10, at 53 (describing one such constitution, which “proposed a constitutional monarchy, a cabinet, a bicameral parliament, and a judiciary system”).

15. GORDON, *supra* note 7, at 83–84.

16. See NOBUTAKA IKE, *THE BEGINNINGS OF POLITICAL DEMOCRACY IN JAPAN* 56–59 (1950) (describing the Meiji oligarchs’ discomfort with “giving power to a people whose intelligence was insufficiently developed”).

17. BECKMANN, *supra* note 11, at 42.

18. *Id.* at 42–43.

19. Joseph Pittau, *Inoue Kowashi, 1843–1895, and the Formation of Modern Japan*, 20 *MONUMENTA NIPPONICA* 253, 263 (1965) (Japan).

and the emperor and limited civil rights and popular participation.²⁰ It was handed down to the people by the emperor on February 11, 1889, and came into effect on November 29, 1890.²¹ The Meiji Constitution established Japan's parliament, the Diet, made up of a popularly elected Lower House of Representatives and an unelected Upper House of Peers appointed by the emperor.²² Moreover, it apportioned serious powers to the emperor, which, in reality, the Meiji oligarchs exercised on his behalf.²³

On the legislative side, the emperor could, with the consent of the Diet, initiate laws;²⁴ even more importantly, the emperor could veto Diet Legislation, and the veto could not be overridden by parliament.²⁵ On the executive front, the emperor's expansive powers gave him the right to dissolve the House of Representatives, extend Diet sessions,²⁶ and convoke extraordinary Diet sessions.²⁷ The Meiji Constitution did not directly address the appointment of the cabinet but stated in Article 55 that "[t]he respective Ministers of State shall give their advice to the Emperor, and be responsible for it."²⁸ In his commentaries, however, Prince Ito Hirobumi made clear that the emperor alone could appoint and dismiss ministers.²⁹ In addition, the emperor remained the supreme commander of the armed forces³⁰ and retained the right to declare war and enter into treaties.³¹ Although the emperor's powers were balanced by the requirement that cabinet ministers cosign all imperial orders,³² this made little difference under a system where the oligarchs, the real powerbrokers, handpicked the cabinet. On an administrative level, one of the most important rights under any constitutional regime—the right to initiate a constitutional amendment—belonged solely to the emperor, not the Diet, although it required two-thirds approval by the Diet.³³

20. See GORDON, *supra* note 7, at 92–93 (analyzing the relationship between the state and the people in the Meiji Constitution). Women were denied the right to vote, and the franchise was initially limited to 1 percent of the population. Sheldon Garon, *State and Society in Interwar Japan*, in HISTORICAL PERSPECTIVES ON CONTEMPORARY EAST ASIA, *supra* note 9, at 155, 156–57.

21. MERYLL DEAN, JAPANESE LEGAL SYSTEM 88 (2d ed. 2002).

22. MEIJI KENPŌ [Constitution] art. 33 (Japan).

23. ROBERT A. SCALAPINO, DEMOCRACY AND THE PARTY MOVEMENT IN PREWAR JAPAN: THE FAILURE OF THE FIRST ATTEMPT 85 (1953).

24. MEIJI KENPŌ art. 5.

25. See *id.* art. 6. ("The Emperor gives sanction to laws, and orders them to be promulgated and executed.")

26. *Id.* art. 7.

27. *Id.* art. 43.

28. *Id.* art. 55.

29. BECKMANN, *supra* note 11, at 91.

30. MEIJI KENPŌ art. 11.

31. *Id.* art. 13.

32. *Id.* art. 55 (2).

33. *Id.* art. 73. Since all the members of the Upper House of Peers were chosen by the emperor, achieving a two-thirds approval was not as daunting as it may appear.

In contrast to the long list of imperial powers, the Diet's powers under the Meiji Constitution were rather circumspect. The Diet could initiate laws,³⁴ but, if passed, such laws needed to be countersigned by a cabinet minister;³⁵ in effect, therefore, either the emperor or the Privy Council could veto laws.³⁶ Second, the Constitution required that the Diet approve the budget but left a gaping hole by mandating the reinstatement of the previous year's budget if the Diet were to veto or fail to vote on the new budget.³⁷

Perhaps the most glaring lacuna concerned the failure of the Meiji Constitution to fully secure civil rights. The Constitution granted freedoms of movement,³⁸ publication, speech, association,³⁹ and trial,⁴⁰ but only within the limits of the law, thus leaving the definition of the scope of the right entirely in lawmakers' discretion. The Constitution placed similar limits on the freedom of religion,⁴¹ property rights,⁴² unreasonable searches and seizures,⁴³ and several other liberties. As a result, the actual meaning attached to civil liberties under the Constitution depended on the political interpretation of successive administrations.⁴⁴

Despite these shortcomings, the adoption of the Constitution and the establishment of the Diet symbolized a great victory for the democratic movement. Yet, Japanese civil society vigilantly continued to reach beyond the mere trappings of democracy and fight for the actual execution of democratic governance through both social movement protests and riots that shook Japan between 1905 and 1918.⁴⁵ Yoshino Sakuzo, a preeminent advocate of parliamentary politics before World War I, described the riots as a mass "awakening

See Shigeko N. Fukai & Haruhiro Fukui, *Elite Recruitment and Political Leadership*, 25 PS: POL. SCI. & POL. 25, 26 (1992) (explaining that the Upper House consisted of "the emperor's relatives, peers, and those appointed").

34. MEIJI KENPŌ art. 38.

35. *Id.* art. 55.

36. See LAWRENCE W. BEER & JOHN MACKIE, FROM IMPERIAL MYTH TO DEMOCRACY, JAPAN'S TWO CONSTITUTIONS, 1889-2002 31 (1st ed. 2002) (explaining that the passage of one of the "peace preservation" laws involved submission and approval by the Privy Council, as well as imperial sanction).

37. MEIJI KENPŌ arts. 64, 71.

38. *Id.* art. 22.

39. *Id.* art. 29.

40. *Id.* art. 24.

41. *Id.* art. 28.

42. *Id.* art. 27.

43. *Id.* art. 25.

44. SCALAPINO, *supra* note 23, at 84.

45. See generally Andrew Gordon, *The Crowd and Politics in Imperial Japan: Tokyo 1905-1918*, 121 PAST AND PRESENT 141 (1988) (documenting the political demonstrations during this period). In addition to the riots, there were over 5,000 assemblies in Tokyo alone between 1900 and 1919. *Id.* at 144 tbl.2.

of the people,” symbolizing a shift of power from the oligarchy and established parties to the people.⁴⁶

Similar to scholarship in the West that acknowledges the crowd’s role in the political process,⁴⁷ recent studies on Japan have also uncovered systematic organizational patterns, governed by ideological beliefs, behind the riots.⁴⁸ This represents a radical departure from the earlier common wisdom that dismissed riots at the turn of the century as mere disorganized mass hysteria and labeled the rioters a “villainous mob” or “ruffian types.”⁴⁹ In fact, the protesters were made up of a broad range of lower- and middle-class urban Japanese, including “masters, artisans and apprentices, shopkeepers and their employees, factory wage-workers, outdoor labourers, transport workers” who appeared “not unlike the London or Parisian crowds of the eighteenth century.”⁵⁰

Irrespective of the immediate trigger that sparked the riots, be it the Russo-Japanese Treaty or an increase in the tram fares, the language used by protestors reveals that, on an ideological level, participants felt entitled to engage in protest as part of their constitutional rights. The crowds often railed against the “unconstitutional” behavior of the political elite and called for reform. During the riots, Japanese civil society also directed much of its ire toward the growing power and corruption of the political parties,⁵¹ which Yoshino Sakuzo described as “completely cut off from the conscience of the people.”⁵² According to press reports of the Siemens Incident of 1914,⁵³ the crowd “called for (1) fairness and respect for

46. PETER DUUS, PARTY RIVALRY AND POLITICAL CHANGE IN TAISHŌ JAPAN 110 (1968).

47. See, e.g., EDWARD COUNTRYMAN, *THE AMERICAN REVOLUTION* ch. 3 (1st rev. ed. 2003) (examining the role of the mob in the American Revolution); LEONARD L. RICHARDS, “GENTLEMEN OF PROPERTY AND STANDING”: ANTI-ABOLITION MOBS IN JACKSONIAN AMERICA (1970) (analyzing the role of anti-abolition mobs in the Northern states); CHARLES TILLY, *THE CONTENTIOUS FRENCH* (1986) (examining French crowds in 1675 and 1975); David Grimsted, *Rioting in Its Jacksonian Setting*, 77 AM. HIST. REV. 361 (1972) (discussing the role of the crowd in eighteenth century America); Nicholas Rogers, *Popular Protest in Early Hanoverian London*, 79 PAST & PRESENT 70 (1978) (exploring the role of the mob in eighteenth century London).

48. See Shumpei Okamoto, *The Emperor and the Crowd: The Historical Significance of the Hibiya Riot*, in CONFLICT IN MODERN JAPANESE HISTORY: THE NEGLECTED TRADITION 258 (Tetsuo Najita & J. Victor Koschmann eds., 2005) (providing a broad survey of the Hibiya riot); Gordon, *supra* note 45, at 148–49 (providing a detailed description of the organizational patterns behind the riots).

49. Okamoto, *supra* note 48, at 263, 266 (examining government and scholarly sources, which attributed the Hibiya riot to “blind mass action”).

50. Gordon, *supra* note 45, at 151–52.

51. P. Duss, *The Growth of Party Respectability*, in 4 MEIJI JAPAN: POLITICAL, ECONOMIC AND SOCIAL HISTORY 1868–1912, at 97, 111–12 (Peter Kornicki ed., 1998).

52. *Id.* at 112.

53. Prime Minister Admiral Yamamoto Gonnohyoe’s government fell in 1914 in light of the news that high-ranking officers in Japan’s Imperial Army had received

the public good, (2) freedom of action, assembly and expression, (3) respect for the 'will of the people', and . . . (4) 'constitutional' political behavior[r]."⁵⁴ In a similar vein, the demonstrators expressed great anger at police interference with their rights to gather in public places, calling the police closing of Hibiya Park "extraordinarily unconstitutional."⁵⁵ On yet another occasion in 1914, the crowd criticized the police repression and justified the protest because it was against "an unconstitutional cabinet that does not follow the will of the people."⁵⁶

This brief review indicates that during the Meiji and Taisho periods, civil society actors repeatedly challenged the leadership in an effort to induce fundamental structural political change. The breadth and intensity of the "indigenous" FPRM dispel the myth that constitutional government was simply an elite gift bestowed upon the masses by the emperor.⁵⁷ First, in spite of the oligarchs' agenda in using constitutionalism as a tool for accelerated modernization, Japanese society emerged intimately engaged in debating the minutia of the government's provisions, pushing the oligarchs to adopt a constitution on an accelerated basis that contained more powers for the Diet than the Meiji leadership had originally envisioned. Second, dissatisfied with the mere trimmings of democracy, the Japanese continued to demand expanded rights during the Taisho democracy, which was dominated by party rule.

The collapse of democracy and the rise of militarism in the post-Taisho period prompted the American occupiers in the wake of World War II to label the Japanese as naturally undemocratic and feudal,⁵⁸ while many Japanese in fact view their postwar embrace of democracy as a continuation of a "process . . . begun in the Meiji era."⁵⁹ Indeed, as one scholar observed as early as 1950, the "history of the democratic movement in the Meiji era shows conclusively that modernization was accompanied by the assertion that the masses of the people should have the right to bring the institutions of

bribes from Siemens, the German arms-supplier. RICHARD J. SAMUELS, *MACHIAVELLI'S CHILDREN: LEADERS AND THEIR LEGACIES IN ITALY AND JAPAN* 227 (2003).

54. Gordon, *supra* note 45, at 164.

55. *Id.* at 167.

56. *Id.* at 166.

57. IKE, *supra* note 16, at xiii (describing the FPRM as "an indigenous movement").

58. General MacArthur, in one of his speeches, hailed the revolutionary change the occupation had sown "upon two thousand years of history and tradition and legend," including idolatry for "feudalistic masters and the warriors caste." Douglas MacArthur, U.S. Army Gen., Statement on the First Anniversary of the Signing of the Japanese Surrender Agreement (Sept. 2, 1946), in *GENERAL MACARTHUR: SPEECHES AND REPORTS 1908-1964*, at 146, 146 (Edward T. Imparato ed., 2000).

59. IKE, *supra* note 16, at 218; see also GORDON, *supra* note 7, at 289-90 (arguing that Japan's modern experience was not "orchestrated in Washington" and that it shared many common issues with emerging powers in the new world order).

government under their control and thereby be able to run their own affairs.”⁶⁰ While the key role played by America in tailoring Japan’s post-war constitutional system is undeniable, I propose that Japan’s vibrant civil society during the Meiji and Taisho periods, spirited by diverse social movements and mass uprisings, exhibits the awakening of an authentically Japanese body politic that eventually legitimized the post-World War II reforms.

2. Constitutionalism in Iran

At the end of the nineteenth century, Iran was in disarray. The ruling Qajar dynasty was ineffective and little prone to reform, even in comparison to other regional powers such as Turkey and Egypt.⁶¹ At the same time, Britain and Russia interfered in Iran’s internal affairs by effectively pressuring and bribing the Royal Court.⁶² The opening salvo of mass national protest in Iran was sounded in response to the tobacco concession the Qajar king, Naşer ed-Din Shah (1848–1896), awarded to a Briton in 1891 for a fifty-year period.⁶³ The concession immediately triggered nationwide strikes and demonstrations as well as a complete boycott of tobacco.⁶⁴ As a result, the Shah was forced to cancel the concession.⁶⁵

Despite this clear manifestation of civil society protest against the overreach of the Court, Qajar autocracy continued unabated. Against this backdrop, several broad changes in Iranian society coalesced towards the end of the nineteenth century to transform Iran from a pre-capitalist absolute monarchy to a constitutional monarchy with a fragile but emerging capitalist base. First, the Bazaar⁶⁶ (Iran’s commercial sector) began to morph from fragmented units into a coordinated body with a middle-class propertied

60. IKE, *supra* note 16, at 217.

61. Nikki R. Keddie, *Iranian Revolutions in Comparative Perspective*, 88 AM. HIST. REV. 579, 580–81 (1983). Some of the Iranian sources also have interesting commentary on the Qajar. See, e.g., AHMAD KASRAVI, 1 TARIKH-E MASHRUTE-YE IRAN [HISTORY OF THE IRANIAN CONSTITUTIONAL REVOLUTION] 7 (Amir Kabir 1961) (referring to the Qajar kings as “incompetent”).

62. See 1 MEHDI MALEKZADE, TARIKH-E ENQELĀB-E MAŞRŪTYAT-E ĪRĀN [HISTORY OF THE CONSTITUTIONAL REVOLUTION OF IRAN] 261–64 (Ebn-e Sinā Publishers 1951).

63. Ervand Abrahamian, *The Causes of the Constitutional Revolution in Iran*, 10 no. 3 INT’L J. MIDDLE E. STUD. 381, 399 (1979) (noting that the Shah received a personal gift of £25,000 for the concession, while the rent to the state was only £15,000, plus twenty-five percent of the annual profits).

64. See ANN K.S. LAMBTON, QAJAR PERSIA: ELEVEN STUDIES ch. 8 (1987) (U.K.) (providing a detailed examination of the upheavals surrounding the Tobacco Concession).

65. Keddie, *supra* note 61, at 584.

66. I use the Bazaar in the same manner as Keddie: “to designate those engaged in largely traditional, urban, small-scale production, banking, and trade,” including “artisans, merchants and moneylenders.” *Id.* at 583.

sensibility;⁶⁷ second, the Ulama (the Shia clergy) became more alienated from the monarchy, which they increasingly viewed as subservient to Russian interests; and third, an active, Westernized intelligentsia began to emerge at the turn of the century.⁶⁸ Initially, the opposition movement led by the Bazaar and the Ulama focused on immediate concerns such as economic penetration of the country by foreigners and threats to Islamic values.⁶⁹ Eventually, with the impact of Western political theory on the opposition's mind-set, it became clear that Iran's problems did not just lie with foreign domination but were innate to its system of government. The emerging intelligentsia molded the material and moral concerns of the opposition into a broad constitutional movement that sought a domestic political solution by permanently shifting the center of power from the monarchy to a legislative body (or parliament).⁷⁰

General discontent finally gave rise to a series of massive protests in 1905 with the crowds first demanding a "House of Justice"⁷¹ and then upping the ante to an independent "consultative assembly" when the Shah resisted.⁷² Much like the case in Japan, the protestors were not disorganized hoodlums but rather people well-versed in the constitutional discourse taking place in the country.⁷³ For example, in one case, the makeup of thirty constitutionalists killed in clashes with the government revealed that there were "five merchants, three religious leaders, three government employees, two shopkeepers, two arms dealers, two pharmacists, one carpenter, one tailor, one baker, one coffee-house keeper, one jeweler, one auctioneer, one musician, one journalist, one barber with his apprentice, one painter, one preacher, and one school principal."⁷⁴

Furthermore, much like the political organizations spawned by the FPRM in Japan, the broad support for the Constitutional

67. See ERVAND ABRAHAMIAN, *IRAN BETWEEN TWO REVOLUTIONS* 58, 61 (1982) (describing how the Bazaar transformed the middle class from "small locally bound communities" in 1800 to a "broad statewide force" in 1900).

68. *Id.* at 61.

69. ALI GHEISSARI & VALI NASR, *DEMOCRACY IN IRAN: HISTORY AND THE QUEST FOR LIBERTY* 28 (2006).

70. An enormous number of scholars credit the impact of Western ideas, particularly those of the French enlightenment, as the trigger of the constitutional revolution. See, e.g., FERAYDÜN ÂDAMIYAT, *FEKR-E DEMOKRASI-YE EJTEMÂ'I DAR NEHZAT-E MAŠRŪTIYAT-E IRÂN* [THE CONCEPT OF SOCIAL DEMOCRACY IN THE CONSTITUTIONAL MOVEMENT OF IRAN] (Payâm Publishers 1976); KASRAVI, *supra* note 61, ch. 1 (discussing the considerable European influence on shaping the intellectual foundation of the Constitution revolution); 1–7 MALEKZÂDE, *supra* note 62.

71. STEPHEN C. POULSON, *SOCIAL MOVEMENTS IN TWENTIETH-CENTURY IRAN: CULTURE, IDEOLOGY AND MOBILIZING FRAMEWORKS* 109 (2005).

72. *Id.* at 114.

73. See E. Abrahamian, *The Crowd in Iranian Politics 1905–1953*, 41 PAST & PRESENT 184, pt. II (1968) (describing "the faces in the crowd" and their various backgrounds).

74. *Id.* at 194.

Revolution gave birth to hundreds of grass roots civic and political associations commonly referred to as *anjoman*.⁷⁵ A broad slice of Iranian society from the elite intellectuals to ordinary villagers formed *anjoman* to serve as alternative centers of political power.⁷⁶ These *anjoman*, which ideologically ranged from radical to conservative and were sometimes armed with their own militia, were instrumental in instigating and executing the Constitutional Revolution.⁷⁷ They represented the most fundamental expression of citizenship rights during the Constitutional Revolution at the dawn of the twentieth century.

Finally, after a year of sustained demonstrations, on December 30, 1906, the moribund king, Mozaffar ed-Din Shah, ratified a secular, liberal constitution (the 1906 Constitution) based on the Belgian model.⁷⁸ In order to appease conservative constitutionalists who objected to the secular nature of the document,⁷⁹ the liberals agreed to the terms of the Supplementary Constitutional Laws, which were ratified on October 7, 1907 (the 1907 Supplementary Constitutional Laws; the 1906 Constitution and the 1907 Supplementary Constitutional Laws together referred to as the Iranian Constitution).⁸⁰ The 1907 Supplementary Constitutional

75. MANGOL BAYAT, *IRAN'S FIRST REVOLUTION: SHI'ISM AND THE CONSTITUTIONAL REVOLUTION OF 1905-1909*, at 161 (1991) (reporting up to two hundred *anjoman* in Tehran alone).

76. See JANET AFARY, *THE IRANIAN CONSTITUTIONAL REVOLUTION, 1906-1911: GRASSROOTS DEMOCRACY, SOCIAL DEMOCRACY, AND THE ORIGINS OF FEMINISM* 167-72 (1996) (discussing the formation of *anjoman* and the resulting Majlis opposition); Avetis Sultanzade, *Le mouvement révolutionnaire en Iran*, in *LA SOCIAL-DEMOCRATIE EN IRAN* 68, 70 (Cosroe Chaqueri ed., 1979) (discussing the formation of *anjoman*).

77. See BAYAT, *supra* note 75, at 161-68 (discussing the ideologies of the *anjoman* and their role in the revolution). Some of the most instrumental secret societies discussed by Bayat include the Secret Society (*Anjoman-e Makhfi*), the Secret Center (*Markaz-e Gheybi*), the Social Democratic Party (*Hezb-e Ejtema'iyun-e 'Amiyun*), the Society of Humanity (*Jame'e-ye Adamiyat*), the Revolutionary Committee (*Komite-ye Enqelabi*), the Azarbiajan Society (*Anjoman-e Azerbaijan*), the Gates of Gazvin Society (*Anjoman-e Darvaze-ye Gazvin*), and the Shah-Abas Society (*Anjoman-e Shah-Abas*). See *id. passim* (discussing the roles of various *anjoman*). As I will discuss later in this Article, women also started forming *anjoman* in large numbers during this period. *Infra* text accompanying notes 316-18.

78. Janet Afary, *Civil Liberties and the Making of Iran's First Constitution*, 25 *COMP. STUD. S. ASIA AFR. & MIDDLE E.* 341, 341 (2005) (noting that the drafters also consulted the Bulgarian, Ottoman, and French constitutions).

79. See John Foran, *The Strengths and Weaknesses of Iran's Populist Alliance: A Class Analysis of the Constitutional Revolution of 1905-1911*, 20 *THEORY & SOC'Y* 795, 812 (1991) (explaining that "anti-constitutional ulama such as Nuri considered the constitution a direct threat to Islamic law"). The Ulama also objected to all people being treated as equals under the law, but the Constitution maintained language which declared that Jews, Christians, and Zoroastrians were all citizens and equal before the law. See *id.* at 810 (noting that the Ulama protested the constitutional provision on equality).

80. EDWARD G. BROWNE, *THE PERSIAN REVOLUTION OF 1905-1909*, at 362, 372 (Abbas Amanat ed., Mage Publishers 1995) (1910). Because both the 1906 Constitution

Laws allowed for the establishment of a religious supervisory body to vet all legislation for compliance with Islamic law, thereby allowing the Ulama to exert some control over the new political order.⁸¹ While this supervisory body was never established and some scholars argue that the framers of the Iranian Constitution never intended its establishment,⁸² the collection of compromises with the Ulama, which had found its way into the Iranian Constitution, perpetuated the notion that religion and democracy could be wed.

Despite these concessions to the Ulama, the new constitution dramatically reset the political landscape and established national sovereignty as superior to the arbitrary power of the monarch.⁸³ The parliament was inaugurated in October 1906 and was composed of a popularly elected lower house⁸⁴ (the Majlis) and an upper house⁸⁵ (the Senate). Unlike in Japan, where the emperor appointed the entire Upper House of Peers,⁸⁶ the Shah could only select half the members of the Senate;⁸⁷ the electorate would choose the other half.⁸⁸ Even this monarchical privilege proved illusory since the Majlis retained the right to define the role of the Senate, which was not convened until after World War II.⁸⁹

The Iranian Constitution transferred the Crown's legislative and fiscal powers to the Majlis. While the Shah, along with the Majlis, could initiate legislation,⁹⁰ he could not, unlike the Japanese emperor, veto Majlis legislation.⁹¹ The Majlis' unencumbered right to

and the 1907 Supplementary Constitutional Laws use consecutive numbering for their articles beginning with the number 1, I will cite each separately: "Qanun'i Assa'ass'i Iran (Iranian Constitution) 1906" refers to the 1906 Constitution, and "Qanun'i Assa'ass'i Iran (Iranian Constitution, supp.) 1907" refers to the 1907 Supplementary Constitutional Laws.

81. NIKKI R. KEDDIE, *QAJAR IRAN AND THE RISE OF REZA KHAN 1796–1925*, at 57 (1999).

82. *Id.*

83. See Qanun'i Assa'ass'i Iran (Iranian Constitution, supp.) 1907 art. 26 ("The powers of the realm are all derived from the people . . .")

84. NIKKI R. KEDDIE, *MODERN IRAN: ROOTS AND RESULTS OF REVOLUTION* 68 (updated ed. 2006); see also Qanun'i Assa'ass'i Iran (Iranian Constitution) 1906 arts. 1–6 (providing for popular election of the lower house). The lower house, or Majlis, is often referred to as the National Consultative Assembly in the Constitution.

85. Qanun'i Assa'ass'i Iran (Iranian Constitution) 1906 art. 43.

86. See MEIJI KENPO art. 34 ("The House of Peers shall . . . be composed of the members of the Imperial Family, of the orders of nobility, and of those who have been nominated thereto by the Emperor.")

87. Qanun'i Assa'ass'i Iran (Iranian Constitution) 1906 art. 45.

88. *Id.*

89. KEDDIE, *supra* note 81, at 57.

90. Qanun'i Assa'ass'i Iran (Iranian Constitution, supp.) 1907 art. 27.

91. See MEIJI KENPO art. 6 ("The Emperor gives sanction to laws, and orders them to be promulgated and executed."). The Privy Council also had the right to reject Diet legislation. See *id.* art. 56 ("The Privy Councillors shall . . . deliberate upon important matters of State when they have been consulted by the Emperor.")

“fix and approve the Budget”⁹² was further augmented by additional fiscal powers giving it the right to determine the budget of the court⁹³ and various ministries⁹⁴ and approve military expenditure.⁹⁵ This contrasted vividly with the Japanese Diet’s limited veto rights over the budget, which, in the absence of a consensus with the executive branch, could prompt the budget of the previous year to be adopted.⁹⁶ The Meiji constitution further ensured the emperor’s financial independence by covering the expenses of the imperial house through the National Treasury without the need to seek the consent of the Diet.⁹⁷

On the executive front, the Shah’s rights were also much more limited than those of the Japanese emperor. While the Shah could convoke an extraordinary session of parliament,⁹⁸ the Iranian Constitution severely curtailed the Crown’s powers to dissolve the Majlis. The Shah could only dissolve the Majlis if there were irreconcilable differences between the Majlis and Senate and, then, only if the Senate and cabinet ministers approved the dissolution.⁹⁹ In contrast, the Japanese emperor had the power to dissolve the Lower House of Representatives of the Diet for any reason he deemed fit.¹⁰⁰ Like the Japanese emperor, the Shah retained the right to appoint and dismiss ministers, but the Majlis had the right to try ministers for misdeeds and to demand, by a majority vote, that the Shah dismiss a minister.¹⁰¹ Whereas the Shah remained supreme commander of the armed forces¹⁰² and retained the right to declare war,¹⁰³ he largely forfeited the right to enter into treaties to the Majlis.¹⁰⁴

Although there was much support among liberal constitutionalists for a bill of rights similar to those emanating from the American and French revolutions,¹⁰⁵ the final version of the Iranian Constitution placed limitations on a broad array of civil liberties. For example, freedom of the press excluded “heretical books

92. Qanun’i Assa’ass’i Iran (Iranian Constitution, supp.) 1907 art. 96.

93. *Id.* art. 56.

94. Qanun’i Assa’ass’i Iran (Iranian Constitution) 1906 art. 20.

95. Qanun’i Assa’ass’i Iran (Iranian Constitution, supp.) 1907 art. 105.

96. MEIJI KENPŌ art. 71.

97. Pursuant to article 66, the Diet’s consent was only required in the event a fixed amount needed to be increased. *Id.* art. 66.

98. Qanun’i Assa’ass’i Iran (Iranian Constitution, supp.) 1907 art. 54.

99. Qanun’i Assa’ass’i Iran (Iranian Constitution) 1906 art. 48.

100. MEIJI KENPŌ art. 7.

101. Qanun’i Assa’ass’i Iran (Iranian Constitution, supp.) 1907 arts. 65, 67.

102. *Id.* art. 50.

103. *Id.* art. 51.

104. See Qanun’i Assa’ass’i Iran (Iranian Constitution) 1906 art. 24 (requiring approval of the Majlis for all treaties, except those that must be kept secret “for reasons of State and the public advantage” from the requirement).

105. AFARY, *supra* note 76, at 89.

and matters hurtful to the lucid religion"¹⁰⁶ and freedom of Association permitted only the formation of *anjoman* that were "not productive of mischief to Religion or the State."¹⁰⁷ Individual property rights,¹⁰⁸ the sanctity of life,¹⁰⁹ and the right to privacy regarding letters¹¹⁰ and telegrams¹¹¹ were made contingent on limits established by the law, giving lawmakers complete control in defining the scope of the protection. On a more positive note, the Iranian Constitution placed the state, rather than the clergy, at the head of the public school system.¹¹²

When Mozaffar ed-Din Shah's successor, Muhammad Ali Shah, fired on the parliament with canons and sought to replace the Iranian Constitution with a conservative model, a broad coalition of Iranian society took up arms against the monarch to defend their hard won representative institutions.¹¹³ The ensuing civil war, riddled with demonstrations and strikes, finally ended after two years, in July 1909, with a constitutionalist victory.¹¹⁴

Although the powers of the Majlis were seriously curbed in the 1920s with the rise of Reza Khan, the founder of the Pahlavi dynasty, the Constitutional Revolution, notwithstanding its limitations, took a giant step forward in producing an "indigenous democratic movement" that "turned Iranians from subjects into citizens."¹¹⁵ One of the most impressive achievements of the Constitutional Revolution remained the creation of grass roots civic associations (*anjoman*) that, in the absence of formal institutions wherein the discourse on democracy could take place, became the de facto public spheres that pressed on with the democratic agenda.

During the country's modern history, Iranians have repeatedly built on reflexes acquired during this period to initiate political reform movements, prompting a leading historian to declare, "Iran stands . . . unmatched . . . in the Muslim, Hindu or Western world for the *number and depth* of its movements."¹¹⁶ Of the three countries this Article examines, Iran's Constitutional Revolution at the turn of

106. Qanun'i Assa'ass'i Iran (Iranian Constitution, supp.) 1907 art. 20.

107. *Id.* art. 21.

108. *Id.* arts. 15–17.

109. *Id.* art. 9.

110. *Id.* art. 22.

111. *Id.* art. 23.

112. *Id.* art. 19.

113. GHEISSARI & NASR, *supra* note 69, at 30–32.

114. Abrahamian, *supra* note 73, at 187. For a good summary of strikes and demonstrations during the civil war, see generally *id.*

115. GHEISSARI & NASR, *supra* note 69, at 30. For a concise review of grass roots democratic outbursts from the Constitutional Revolution until today, see generally *id.*

116. Keddie, *supra* note 61, at 580 (emphasis added) (listing modern Iranian movements including uprisings in Khorasan, Azerbaijan, and Gilan after World War I, revolts in Azerbaijan and Kurdistan after World War II, and massive antigovernment demonstrations against the Shah in the 1960s).

the twentieth century represents the clearest example of a massive, diverse, and active civil society successfully working (at least in the short term) to change the country's political system.

3. Constitutionalism in Iraq

Born out of the ruins of the Ottoman Empire, Iraq was formally placed under the British Mandate in 1920, whereby Great Britain imposed upon it the façade of a constitutional monarchy.¹¹⁷ The British cemented their power by negotiating the Anglo–Iraqi treaty of 1922 (the 1922 Treaty),¹¹⁸ which was ratified with some changes in 1930.¹¹⁹ Finally, with little rejoicing in Iraq, the British government granted nominal independence in 1932, leaving Baghdad still directly answerable to British advisors and government.¹²⁰ While some scholars have argued that the first three decades of Iraq's history (1922–1958) reveal “democratic attitudes and practices,”¹²¹ this Article demonstrates that protests targeted British dominance and never reached for substantive democratic reform.¹²²

In 1920, disparate groups, including Sunni nationalists in Baghdad, mid-Euphrates tribal leaders, and Shia leaders in the South, rose to protest against the British Mandate.¹²³ The uprisings, commonly referred to as the “1920 revolt,” were both “localized” (impacting the countryside rather than the urban centers) and “disorganized.”¹²⁴ Demonstrations also broke out after the British and the nominal Iraqi government entered into the 1922 Treaty,

117. See PETER SLUGLETT, *BRITAIN IN IRAQ: CONTRIVING KING AND COUNTRY* 1, 13 (2d ed. 2007). For a thorough description of British policy and presence in Iraq from the end of World War I until the country's independence in 1932, see generally *id.*

118. Treaty of Alliance, Gr. Brit.–Iraq, Oct. 10, 1922–Apr. 30, 2003, Gr. Brit. T.S. No. 17 (1925) [hereinafter 1922 Treaty].

119. MAJID KHADDURI, *INDEPENDENT IRAQ, 1932–1958: A STUDY IN IRAQI POLITICS* 6 (Oxford Univ. Press 2d ed. 1960).

120. MARION FAROUK-SLUGLETT & PETER SLUGLETT, *IRAQ SINCE 1958: FROM REVOLUTION TO DICTATORSHIP* 14–15 (I.B. Tauris 2001) (1987).

121. Adeed Dawisha, *Democratic Attitudes and Practices in Iraq, 1921–1958*, 59 MIDDLE E. J. 11, 12 (2005); see also Eric Davis, *History Matters: Past as Prologue in Building Democracy in Iraq*, 49 ORBIS 229, 231 (2005) (discussing movements promoting democratic politics in Iraq).

122. A prominent scholar warned against venturing to Iraq because it was devoid of civil society “traditions to be recalled and resurrected.” Larry Diamond, *Can Iraq Become a Democracy?*, HOOVER DIG., 2003, <http://www.hoover.org/publications/digest/3057756.html>. Others also highlighted Iraq's lack of democratic experience in the popular press. *E.g.*, Thomas Carothers, Op-Ed., *Messy Democracy*, WASH. POST, Apr. 8, 2003, at A33 (arguing that democratization in Iraq would be difficult); James Sterngold, *Plan for Democracy May be Folly: Experts Also Question U.S. Ability to Reform Entire Middle East*, S.F. CHRON., Apr. 13, 2003, at W1 (quoting Professor Murhaf Jouejati as stating that “[t]here has not been a single day of democracy in Iraq in its history”).

123. SLUGLETT, *supra* note 117, at 34.

124. PHEBE MARR, *THE MODERN HISTORY OF IRAQ* 24 (2d ed. 2004).

which gave Great Britain a decisive role in fiscal and foreign policy matters¹²⁵ and forced Iraq to employ British advisors in sensitive positions, including supervision of the judicial system.¹²⁶ The 1922 Treaty also effectively saddled Iraq with one half of the costs of British residence.¹²⁷ The impact of protests in 1922, largely coordinated by the Watani (Patriotic) and Nahda (Awakening) political parties, both formed by Shia politicians in the wake of the Treaty, was limited because they “represented the personal followings” of their founders and, as a result, were “confined to the limited number of people who saw some advantage . . . in attaching themselves to powerful figures in society.”¹²⁸

Some haphazard protests resurfaced after the signing of the Anglo-Iraqi Treaty of 1930 (the 1930 Treaty),¹²⁹ but the opposition, this time a brief alliance of Shia and Sunni parties, was “too disorganized” to mount an effective campaign.¹³⁰ The Prime Minister, Nuri al-Said, shut down all opposition and staged a strictly controlled election to return compliant representatives, who approved of the new treaty on November 30, 1930, by a vote of 69 to 12.¹³¹

The constitution (hereinafter referred to as the Iraqi Constitution or the Fundamental Law or Organic Law), drafted by two Britons, Hubert Young and Edwin Drower,¹³² gave expansive powers to the king.¹³³ The British, in order to fill this position to their advantage, brought in their preferred candidate, Faisal Ibn Husain, a foreigner who did not have a solid base of support in Iraq and owed his position to British patronage.¹³⁴ The British further protected the Treaty terms and sealed the fate of the Iraqi Constitution as the product of foreign hands by explicitly stating in

125. 1922 Treaty, *supra* note 118, art. 4.

126. British Officials Agreement Made Under Article II of the Anglo-Iraq Treaty, Gr. Brit.-Iraq, art.1, sched. 1, Mar. 25, 1924, 35 L.N.T.S. 36 (1925); 1922 Treaty, *supra* note 118, art. 2.

127. MARR, *supra* note 124, at 26–27.

128. CHARLES TRIPP, A HISTORY OF IRAQ 51–52 (3d ed. 2007).

129. Treaty of Alliance Between His Majesty in Respect of the United Kingdom and His Majesty the King of 'Iraq, Gr. Brit.-Iraq, June 30, 1930, Gr. Brit. T.S. No. 31 (1930) [hereinafter 1930 Treaty]. The 1930 Treaty technically ended the mandate, but retained its basic colonial framework and extended its term by another twenty-five years. *Id.* pmb. & art. 11.

130. TRIPP, *supra* note 128, at 65.

131. MARR, *supra* note 124, at 34.

132. While a committee of three Iraqis was permitted to review the proposed draft, any final changes had to win the approval of the Colonial Office in Britain. KHADDURI, *supra* note 119, at 15. The Organic Law came into effect on March 21, 1925. *Id.* at 16.

133. *Id.* at 19–20.

134. David Pool, *From Elite to Class: The Transformation of Iraqi Leadership, 1920–1939*, 12 INT'L. J. MIDDLE E. STUD. 331, 339 (1980). Faisal was the third son of the Sharif of Mecca in Saudi Arabia and briefly the king of Syria between 1918–1920. *Id.* at 336.

the 1922 Treaty that the Iraqi Constitution "shall contain nothing contrary to the provisions of the present Treaty."¹³⁵

Article 28 of the Iraqi Constitution categorically vested legislative power "in Parliament and the King."¹³⁶ No legislation, including constitutional amendments, could become law unless confirmed by the king.¹³⁷ This severely impacted the parliament's ability to initiate legislation because such legislation would only become law at the king's behest.¹³⁸ Furthermore, the king could legislate by decree when the parliament was not in session for "the maintenance of order and public security, or to ward off a public[] danger, or for the urgent expenditure of public moneys not authori[z]ed by the budget or by special law, or for the fulfilment of treaty obligations."¹³⁹ Although the Iraqi Constitution did not address the king's fiscal power directly, his ability to veto the annual Budget Law and pass fiscal ordinances impacted the parliament's right to approve the annual budget.

On the executive front, the king held the right to dissolve parliament¹⁴⁰ and extend¹⁴¹ and convoke extraordinary parliamentary sessions.¹⁴² He also held the right to select the prime minister, on whose recommendation the king would also appoint the ministers.¹⁴³ Later, as part of the Second Amendment Law of 1943, the king's powers were extended to include the right to dismiss the prime minister.¹⁴⁴ In addition, all of the decisions of the ministers and the prime minister had to be submitted to the king for approval before they could be carried out.¹⁴⁵ The king was the commander-in-chief and exercised the right to declare war and proclaim martial law.¹⁴⁶

Pursuant to the Fundamental Law, the Iraqi parliament was made up of a Lower and Upper House. Unlike in Iran, where the Shah could only appoint one half of the upper chamber,¹⁴⁷ the Iraqi

135. 1922 Treaty, *supra* note 118, art. 3.

136. CONSTITUTION OF THE KINGDOM OF IRAQ art. 28 (emphasis added).

137. *See id.* art. 26, para. 1 ("[The King] confirms laws, orders their promulgation and supervises their execution.").

138. *See id.* art. 62 (requiring all laws to be confirmed by the King).

139. *Id.* art. 26, para. 3 (emphasis added). All such laws, *except* for any regal ordinances issued for the purpose of fulfilling treaty obligations, had to come before parliament at the beginning of the next session. *Id.*

140. *Id.* art. 26, para. 2.

141. *Id.* art. 39, para. 3.

142. *Id.* art. 40, para. 2.

143. *Id.* art. 26, para. 5.

144. KHADDURI, *supra* note 119, at 20.

145. CONSTITUTION OF THE KINGDOM OF IRAQ art. 65.

146. *Id.* art. 26, para. 8.

147. Qanun'i Assa'ass'i Iran (Iranian Constitution) 1906 art. 45. As noted above, the Japanese emperor also chose all the members of the Upper House of the Diet. *See supra* notes 33, 86.

king appointed the entire Upper House.¹⁴⁸ Under the terms of the Iraqi Constitution, the influence of the electorates on the political process was further diminished by the indirect election of the members of the Lower House.¹⁴⁹ Every 250 primary electors elected by the people voted for “one secondary elector who would then elect a deputy.”¹⁵⁰ This meant that delegates were virtually free of their constituencies.¹⁵¹

Much like the Japanese and Iranian constitutions, the Iraqi Fundamental Law only offered hesitant safeguards of fundamental civil liberties. Freedoms of expression, association, publication, and assembly were only guaranteed within the limits of the law,¹⁵² and the scope of freedom of religion was contingent on whether the behavior was deemed “contrary to public morals.”¹⁵³ The Iraqi Constitution offered similar caveats for property rights¹⁵⁴ and the right to be free from unreasonable searches and seizures.¹⁵⁵ These caveats allowed the government great latitude in limiting the scope of various constitutional liberties and failed to provide any significant protection to Iraqis.

While the Iraqi Constitution made the ministers answerable to the parliament in theory,¹⁵⁶ successive prime ministers rigged parliamentary elections to ensure the success of their own nominees and political agenda, thereby excluding the opposition and eliminating the possibility of a parliamentary vote of no confidence in an ineffective cabinet.¹⁵⁷ In addition, the king made frequent use of his constitutional right to dissolve parliament and proclaim martial law in order to implement treaty obligations or to suppress civil society protest.¹⁵⁸ These practices gravely handicapped the

148. CONSTITUTION OF THE KINGDOM OF IRAQ art. 26, para. 6.

149. TRIPP, *supra* note 128, at 57.

150. *Id.*

151. *Cf. id.* (noting the indirect nature of the elections).

152. CONSTITUTION OF THE KINGDOM OF IRAQ art.12.

153. *Id.* art. 13.

154. *Id.* art. 10.

155. *Id.* art. 8.

156. *Id.* art. 66.

157. For example, in 1934, Prime Minister Ali-Jawdat rigged parliamentary elections to exclude the Ikha opposition party as well as several important Shia tribal Shaikhs. TRIPP, *supra* note 128, at 80. Also, Nuri al-Said rigged parliamentary elections twice—once in 1930 to ensure the ratification of the 1930 treaty, *supra* note 131 and accompanying text, and again in 1958 to ensure ratification of the act of union between Jordan and Iraq, TRIPP, *supra* note 128, at 141.

158. The King dissolved parliament in 1934 to pave the way for the election of a new set of representatives who would not stand in the way of the government's suppression of civil society protest in opposition to the National Defense Bill, which mandated conscription for the rapid growth of the armed forces and was generally viewed with suspicion by the Kurds and Shia. TRIPP, *supra* note 128, at 80. Martial law was also declared in 1948 to extinguish demonstrations that became known as the *al-*

parliament and encouraged opposition groups to resort to extra-constitutional protest—including fermenting tribal uprisings and encouraging army interference—to gain influence.¹⁵⁹ The ready recourse to extra-constitutional means to exercise power dramatically weakened the parliamentary system and undermined any aspirations to build democratic institutions. All this vividly contrasted with the Iranian system, in which the Shah was constitutionally obligated to sign into law legislation ratified by the Majlis¹⁶⁰ and did not have the right to dissolve the Majlis.¹⁶¹

Advocates of Iraq's history of "democratic attitudes and practices"¹⁶² point in particular to the post-World War II period, when free elections were held and opposition parties played a major role in coordinating mass demonstrations.¹⁶³ Indeed, after the war, the regent, Amir Abdal-Ilah, announced his intent to initiate political reform and permitted Iraq's most transparent election to date.¹⁶⁴ Ironically, the parliament, elected on the heels of the regent's speech, was immediately dissolved, and reforms were shelved to allow for the election of a puppet parliament that permitted the renegotiation of yet another Anglo-Iraqi treaty.¹⁶⁵

Much like in the 1920s and 1930s, the post-World War II period demonstrations were not triggered by the government's crude subversion of electoral politics but rather in reaction to the revised terms of the loathed Anglo-Iraqi Treaty announced in 1948.¹⁶⁶ The new terms sought to extend the life of the treaty for another twenty-five years (until 1973) and largely retain its colonial framework.¹⁶⁷ The month-long period of anarchy, known in Arabic as the *al-wathba* (the leap), included student protests and a mass march by railway workers from the provinces to Baghdad.¹⁶⁸ The protests were brutally subdued by the security forces, officially resulting in seventy-

wathba (the leap). *Id.* at 118. Martial law was again declared in 1952 in response to the *al-Intifada*, (the upheaval). *Id.* at 127.

159. For example, when tribal unrest broke out in 1935, the leaders of the opposition Ikha party persuaded the commanding officer of the tribal region, Bakr Sidqi, to refuse the order to put down the tribal upheaval. *Id.* at 80.

160. Qanun'i Assa'ass'i Iran (Iranian Constitution, supp.) 1907 art. 49. By contrast, the Iraqi King could refuse to confirm legislation from parliament and was required only to provide his reason. CONSTITUTION OF THE KINGDOM OF IRAQ art. 62, para. 2.

161. Qanun'i Assa'ass'i Iran (Iranian Constitution) 1906 art. 48.

162. See *supra* note 121 and accompanying text.

163. Davis, *supra* note 121, at 232. Davis argues that civil society in Iraq "expanded greatly" during this period. *Id.*; see also Dawisha, *supra* note 121, at 17–18 (articulating a similar perspective).

164. MATTHEW ELLIOT, 'INDEPENDENT IRAQ': THE MONARCHY AND BRITISH INFLUENCE, 1941–1958, at 21–22 (1996).

165. MARR, *supra* note 124, at 63–64.

166. KHADDURI, *supra* note 119, at 267.

167. TRIPP, *supra* note 128, at 117.

168. ELLIOT, *supra* note 164, at 63–66.

seven deaths and hundreds wounded, with unofficial estimates running much higher.¹⁶⁹

This overview of the first decades of Iraq's history shows that the greater part of the civil society activity was consumed with limiting the British influence and not with seeking substantive domestic reform. This contrasts vividly with both Japan and Iran, where civil society actors sought first to secure a democratic regime and then continued to challenge its shortcomings. The Iranian example during the constitutional period, when the country was dominated by Britain and Russia, is a testament to the notion that opposition to foreign domination need not absorb all civic forces to the detriment of a domestic reform agenda. While some of the protests in Iran targeted Russian and British interference, the bulk of civil society activity was directed toward instituting a constitutional democracy in the belief that only the establishment of an effective political system would deliver the country from both domestic despotism and foreign dominance.

In contrast, any drive for democratization in Iraq between 1932 and 1958 was clearly subsumed and co-opted by nationalism. I do not seek to discredit civil society protest as a device to confront foreign rule but merely to assert that lessons learned from anti-colonial activism suggest that such protest does not provide a foundation upon which a subsequent transition to democracy can be built.

B. Labor

1. Labor in Japan

Beginning in the Tokugawa Shogunate (1503–1868),¹⁷⁰ and accelerating in the Meiji period and the Taisho Democracy, Japan started to become an industrialized nation with massive factory buildup and an industrial wage-based economy.¹⁷¹ This new economic landscape presented Japanese workers, as well as Japan's political leadership, with an array of new challenges. Factories functioned as sweatshops with long hours and unsanitary conditions, child labor was rampant in certain industries, and wages were miserly.¹⁷²

Although strike activity did not explode until after World War I, the country started to witness the flickering of labor consciousness;

169. MARR, *supra* note 124, at 65.

170. See MARY LOUISE NAGATA, *LABOR CONTRACTS AND LABOR RELATIONS IN EARLY MODERN CENTRAL JAPAN* (2005) (providing a detailed description of industrialization in the Tokugawa period).

171. SHELDON GARON, *THE STATE AND LABOR IN MODERN JAPAN* 10–11 (1987).

172. GORDON, *supra* note 7, at 100–101.

over 300 strikes occurred during the Meiji period alone.¹⁷³ Japanese businesses sought to derail the labor movement by presenting Japanese-style management as one framed by paternalistic benevolence directed toward the employee in return for his loyalty and obedience, hence eliminating the need to enact protective labor legislation.¹⁷⁴ Yet from the beginning, the labor movement operated independently of the modernizing agenda of government and business in order to secure deep economic and political rights for workers such as better wages and improved working conditions.¹⁷⁵ As labor increased its activity, Japanese bureaucrats found themselves caught between their own desire to avoid massive labor unrest and the business community's firm opposition to reform.¹⁷⁶ As a compromise, the government passed several mildly protective pieces of legislation such as the Factory Law of 1911,¹⁷⁷ which mandated basic health and safety standards and set the minimum work age at twelve.¹⁷⁸ The law outlawed night work for women and youth and established a twelve-hour workday for women and youths under the age of fifteen.¹⁷⁹

During the post-World War I boom, the number of factory workers increased by over 60%—from 948,200 in 1914 to 1,520,000 in 1919¹⁸⁰—while soaring inflation dug deeply into real wages.¹⁸¹ This period of war boom was followed by the recession of the 1920s and its accompanying unemployment.¹⁸² The Japanese government faced massive labor strikes; the number of workers involved in stoppages jumped from 9,000 between 1914 and 1916 to more than 66,457 in

173. GARON, *supra* note 171, at 249.

174. SAMUELS, *supra* note 53, at 126–31 (providing an outline of corporate paternalism in Japan); see also Andrew Gordon, *The Invention of Japanese-Style Labor Management*, in MIRROR OF MODERNITY: INVENTED TRADITIONS OF MODERN JAPAN 19 (Stephen Vlastos ed., 1998) (tracing the intellectual political genesis of Japanese paternalism to the 1890s).

175. S.S. Large, *Labor's Image of the Past in 1919–1920*, in 4 MELJI JAPAN, *supra* note 51, at 172, 185; see also, Ron Napier, *The Transformation of the Japanese Labor Market, 1894–1937*, in CONFLICT IN MODERN JAPANESE HISTORY: THE NEGLECTED TRADITION, *supra* note 48, at 342, 365 (“Labor cannot be viewed as passive and powerless but, instead, as an aggressive and scarce factor in Japanese development.”).

176. See SAMUELS, *supra* note 53, at 126–31 (discussing the factory managers' dilemma).

177. MIKISO HANE, MODERN JAPAN: A HISTORICAL SURVEY 159 (3d ed. 2001).

178. GARON, *supra* note 171, at 28–29. Despite its advances, the Factory Law of 1911 was weakened by exempting small firms with fewer than 15 employees, and business was able to delay its implementation until 1916, with a full fifteen-year delay on the prohibition on night work. *Id.* at 29.

179. *Id.*

180. DUUS, *supra* note 46, at 122.

181. Shūichi Kato, *Taishō Democracy as the Pre-Stage for Japanese Militarism*, in JAPAN IN CRISIS: ESSAYS ON TAISHŌ DEMOCRACY 217, 219 (Bernard S. Silberman & H. D. Harootunian eds., 1974).

182. Large, *supra* note 175, at 186–87.

1918, while the number of unions quadrupled from 108 in 1918 to 432 in 1923.¹⁸³

The first labor organization to form during the Taisho Democracy, the Yuaikai, commanded a rapidly growing membership,¹⁸⁴ and along with other labor organizations in Japan, championed, almost verbatim, the main tenets of the platform of the newly-formed International Labor Organization (ILO):¹⁸⁵ an eight hour work day and forty-eight hour work week; prohibition of night labor; establishment of a minimum wage; and equal pay for men and women.¹⁸⁶ In addition to supporting international labor standards, the Taisho labor movement pressed the Diet for political reform, including the repeal of Article 17 of the Public Peace Police Law (the Police Law), which severely restricted unionization, the adoption of a labor union law encompassing the right to strike and form unions, and the immediate implementation of universal manhood suffrage.¹⁸⁷

With this surge in radical labor activity, the Japanese government was forced, for the first time, to confront similar issues facing Western Europe and the United States regarding the organization of labor-capitalist relations as a fundamental social policy question.¹⁸⁸ A strong political base began to take shape in support of labor's demands.¹⁸⁹ Certain business organizations such as the Osaka Industrial Association and the Tokyo Federation of Business Associations joined the opposition Kenseikai (later renamed Minseitō) party and the liberal bureaucrats in the powerful Home

183. GARON, *supra* note 171, at 40–42. Contemporaneously, Japan also experienced the rice riots in 1918 where over one million citizens protested the hyperinflationary increase in rice prices. MICHAEL LAWRENCE LEWIS, *RIOTERS AND CITIZENS: MASS PROTEST IN IMPERIAL JAPAN* xvii, 18 (1990).

184. Large, *supra* note 175, at 177–78. The Yuaikai experienced “spectacular growth” from the founding 15 members in August 1912, to 1,295 in June 1913, 7,000 by the end of 1915, 20,000 in April 1917, and 30,000 by 1919. *Id.* at 177.

185. International Labour Organization, *Origins and History*, http://www.ilo.org/global/About_the_ILO/Origins_and_history/lang-en/index.htm (last visited Mar. 8, 2010). The ILO was formed in 1919 pursuant to the Treaty of Versailles to improve working conditions and terms of employment for workers globally. *Id.*

186. Large, *supra* note 175, at 185.

187. GARON, *supra* note 171, at 42–43. Article 17 of the Police Regulations adopted in 1900 “not only outlawed the use of violence, intimidation, and public slander in strikes,” but also absurdly prohibited “the act of ‘instigating’ (*yūwaku*) or ‘inciting’ (*sendō*) others to strike, join unions, or engage in collective bargaining.” *Id.* at 30. Thus, while the government could boast that it did not ban the right to form or join a union or the right to strike per se, the law made any such act almost impossible and allowed the government to arrest many strike leaders. *Id.* The law is sometimes translated as Public Order Police Law. *See, e.g.*, GORDON, *supra* note 7, at 172 (using this translation).

188. DUUS, *supra* note 46, at 143.

189. *Id.* at 121–22. According to Duus, it was the emergence of labor unrest that convinced the politicians the country was serious about reform. *Id.*

Ministry in their support of labor reform.¹⁹⁰ Motivated by the goal of averting social discord and labor radicalism, the Kenseikai, upon taking office in 1924, repealed Article 17 of the Police Law, successfully sponsored the Labor Dispute Conciliation Law,¹⁹¹ and passed universal manhood suffrage.¹⁹² Passing liberal labor legislation apparently became the “number one policy” of the new Kenseikai government.¹⁹³

In addition to legislative gains, the labor movement made other substantive and less formal gains. In certain industries, labor was able to force management to agree to an eight-hour workday¹⁹⁴ and adopt company policies to slow turnover rates by institutionalizing semi-annual bonuses and raises and training programs.¹⁹⁵ Labor also forced a change in attitudes, whereby companies described employer–employee relations in a more sensitive manner in their policies and manuals by focusing on “a new rhetoric of equality and mutual respect.”¹⁹⁶ In this way, workers were able to cast their relationship with the employer in terms of rights rather than benevolence.

The adoption of the Manhood Suffrage Law in March 1925 gave the right to vote to nearly all men twenty-five years or older and resulted in a four-fold increase of the electorate from 3,288,000 in 1924 to 12,409,000 in 1928, heralding the election of a progressive government in 1929.¹⁹⁷ The newly elected government sponsored, among other measures, a modern labor union bill and a bill giving women the right to vote in local elections.¹⁹⁸ Japan seemed to be on its way to adopting liberal labor legislation when the Great Depression hit the country and prompted business and the conservative opposition in the Upper House of Peers to unite against further reform.¹⁹⁹ After a string of political assassinations

190. Andrew Gordon, *Business and the Corporate State: The Business Lobby and Bureaucrats on Labor, 1911–1941*, in 2 THE ECONOMIC DEVELOPMENT OF MODERN JAPAN, 1868–1945: FROM THE MEIJI RESTORATION TO THE SECOND WORLD WAR 284, 292 (Steven Tolliday ed., 2001).

191. The Labor Dispute Conciliation Law acknowledged “labor disputes as an unavoidable social reality” and attempted to set up a mechanism for resolving such disputes. 6 THE CAMBRIDGE HISTORY OF JAPAN 638 (Peter Duus ed., 1988).

192. GARON, *supra* note 171, at 231.

193. *Id.* at 125–26.

194. HANE, *supra* note 177, at 225.

195. Andrew Gordon, *Japanese Labor Relations During the Twentieth Century*, in 2 THE ECONOMIC DEVELOPMENT OF MODERN JAPAN, 1868–1945: FROM THE MEIJI RESTORATION TO THE SECOND WORLD WAR, *supra* note 190, at 394, 399.

196. *Id.*

197. GARON, *supra* note 171, at 121, 136, 157.

198. GORDON, *supra* note 7, at 172.

199. *See id.* at 182 (discussing how the economic depression and other crises shocked a newly-democratic Japan and triggered a “new political order” resembling fascism).

engineered by right wing nationalists, Japan spiraled quickly into militarism, and Japanese society had to wait until 1945 for many of these reforms to be realized.²⁰⁰

Yet, what emerges from this survey of Japanese workers prior to World War II is the recognition that far from being passive observers of Japan's economic development, workers used their growing power in the industrial landscape to improve workers' rights through strikes and lockouts and, in the process, enriched Japan's democratic experiment.²⁰¹ More importantly, as described below, the Japanese embrace of liberal labor reform after World War II emanated directly from its efforts in the 1920s and 1930s to enact progressive labor legislation.

2. Labor in Iran

The Iranian labor movement tackled two challenges during the Constitutional Revolution of 1906–1911. First, in 1906, labor—represented by traditional small shopkeepers and workshop owners (collectively referred to as the *pishevaran*, craftsmen)²⁰² in the Bazaar—took charge of challenging the Crown and fighting for a new political system. Second, after the civil war ended in 1909, wage earners from the emerging capitalist base faced the victorious constitutional groups to demand greater rights and freedoms for workers.

At the turn of the twentieth century, the vast majority of the non-agricultural work force of Iran was encompassed in the traditional small commodity mode of production, which centered around the Bazaar. While a broad coalition supported and steered the Constitutional Revolution, much of the hard work of protesting was carried out by the *pishevaran*.²⁰³ In addition to spearheading demonstrations, the *pishevaran* were also active on a grass roots level setting up and supporting the radical *anjoman* that championed the cause of urban wage earners and peasants.²⁰⁴ For example, two radical artisans launched the 15,000 strong Abbasi Anjoman whose members openly assisted peasants in organizing rent strikes and in

200. HANE, *supra* note 177, at 270–71.

201. Napier, *supra* note 175, at 365.

202. Abrahamian, *supra* note 63, at 388; see also Mohammad Reza Afshari, *The Pishevaran and Merchants in Precapitalist Iranian Society: An Essay on the Background and Causes of the Constitutional Revolution*, 15 INT'L J. MIDDLE E. STUD. 133, 133 (1983) (singling out the *pishevaran*, rather than the big merchants, as the main social motor behind the revolution).

203. Afshari, *supra* note 202, at 150.

204. See AFARY, *supra* note 76, ch. 6 (discussing the *pishevaran's* role in the peasant uprisings and strikes).

its bylaws encouraged the “non-payment of taxes.”²⁰⁵ Despite the *pishevaran*'s seminal role in engineering the success of the Constitutional Revolution, the newly instituted Majlis proved a conservative supporter of landlords and found itself increasingly at odds with both the *pishevaran* and the emerging industrial workforce.

A comparative analysis of the relationship between labor and democracy in Iran and Japan proves somewhat complicated because Iran's transition to a capitalist economy did not keep pace with that of Japan at the turn of the century. As a result, while the Iranian landscape may have boasted fewer unions and strikes in absolute numbers, union membership as a percentage of the industrialized work force surpassed Japan, making the fledgling Iranian labor force more widely organized than its Japanese counterpart. Only 6.8% of the industrialized work force in Japan appeared to be unionized in 1929,²⁰⁶ whereas by 1921, 19% of Iran's industrialized work force had joined unions.²⁰⁷

The first trade union in Iran was reportedly formed in 1906 by a small group of workers in the printing industry.²⁰⁸ While there is neither a direct tally of the number of unions formed, nor of the (often successful) strikes between 1907 and 1910, scholars recognize at least twelve unions and fifteen to seventeen strikes during this period.²⁰⁹ Workers organized (either through modern unions or *anjoman*) across a remarkable range of professions: these ranged from technologically more advanced sectors, such as printers and telegraphers, to the

205. *Nāme-ye Amīr A'āzam* [Letter of the Honorable Amir Azam], 177 ḤABL AL-MATĪN, Dec. 3, 1907, at 3.

206. The total number of industrialized workers stood at 4,873,000 in 1929, 1 NIHON TOKEI NENKAN [JAPAN STATISTICAL YEAR-BOOK], (1949–present) (Japan), reprinted in 1 Kanketsu Showa Kokusei Soran, 68 (Table 2-14) (Tokyo 1991), with 330,985 unionized, RODOSHO, 1 RODO GYOSEISHI [RODOSHO HEN] 1307 (Rodo Horei Kyokai 1961–1969) (Japan).

207. Soltanzadeh and Dehghan, two of the most prominent communist leaders in Iran at the time, state that 20,000 industrialized workers were organized in Iran in 1922. THE CONDITION OF THE WORKING CLASS IN IRAN (A DOCUMENTARY HISTORY) 8, 10 (Cosroe Chaqueri ed., 1978) (This volume is a collection of original documents on various aspects of the labor movement in Iran from the turn of the twentieth century until the second half of the twentieth century.). At the same time, Dehghan indicates there were a total of 105,000 industrialized workers in Iran in 1922. *See id.* at 11 (calculating this figure based on the following statistics: 50,000 laborers in Tehran, 30,000 laborers in Tabriz, 15,000 laborers in Rasht, and 10,000 laborers in Enzeli). Using these statistics, I arrive at the conclusion that nineteen percent of the industrialized work force in Iran in 1922 was unionized. *See id.* at 8, 11.

208. *Id.* at 7. Other sources cite 1907 as the year when the first trade union in Iran was formed. *Id.* at 92.

209. *See* COSROE CHAQUERI, ORIGINS OF SOCIAL DEMOCRACY IN MODERN IRAN 90–93 (2001) (describing seventeen instances of strikes); WILLEM FLOOR, LABOUR UNIONS, LAW AND CONDITIONS IN IRAN (1900–1941) 4–11 (1985) (Eng.) (tallying twelve unions and fifteen strikes). The actual number of unions formed, as well as strike activity, is probably significantly higher, because only the most high-profile strikes and unions are usually reported.

more traditional occupations, such as chariot drivers (*doroshkeh-chi*) and tanners.²¹⁰ As in Japan, organized labor in Iran subscribed to the ILO's platform. In this vein, most of the strikes made similar demands, including shorter work days (generally between eight and nine hours depending on the industry); increased wages; overtime pay; severance pay; the right to go on paid strike without the threat of dismissal; prohibition against the use of replacement workers during a strike; and the right to health, disability, and life insurance.²¹¹

Although the executive branch of government opposed most labor activism, the workers found some support in the Majlis and the Democrat Party.²¹² The majority of the thirty-two representatives of the guilds of Tehran called for improved worker and peasant rights. Seyed Hassan-e Taqizadeh, the liberal representative from the powerful northwestern province of Azerbaijan, mocked the Majlis' attitude towards peasant rebellion and declared, "[I]t seems to me that the owners and landlords want to cut off the heads of the peasants, whereupon the peasants raise their heads up and this is interpreted as an uprising."²¹³ Another deputy lambasted the Majlis for its lack of support for workers and peasants and threatened a national strike if the institution did not lessen their burdens.²¹⁴ In addition, during the second constitutional period (1909–1911), the Democrat Party championed, as part of its reform program, safe working conditions, the abolition of child labor for those under fourteen, outlawing of forced labor, and limiting the work week to six days a week at no more than ten hours a day.²¹⁵

The Majlis was dissolved in 1915 due to Russian military intervention in the northern provinces, and efforts to reinstate it after

210. FLOOR, *supra* note 209, at 4–11. A list of unionized industries includes: printers, telegraphers, salesmen (mercers), construction workers, bakers, trade clerks, pharmaceutical workers, textile workers, post workers, cigarette makers, confectioners, municipal workers, shoemakers, teachers, tailors, lace-workers, dockers (longshoremen), fishermen, tramway workers, workers of Tehran's electricity plants, chariot drivers (*droshechis*), and tanners. CHAQUERI, *supra* note 209, at 90–93; FLOOR, *supra* note 209, at 4–11, 15 tbl.1.

211. FLOOR, *supra* note 209, at 7, 10.

212. AFARY, *supra* note 76, at 160, 167.

213. 61 MAJLIS, Mar. 29, 1907, at 3.

214. *Tabrik-Nāme [Congratulations]*, 157 MAJLIS, Aug. 14, 1907, at 4. Afary identifies the deputy as Ehsan al-Dawlah, elected to the Majlis by smallholders and agricultural workers in Azerbaijan. AFARY, *supra* note 76, at 165–66. In my opinion, however, the transcripts of the Majlis do not clearly identify the author.

215. See ADAMIYAT, *supra* note 70, at 129–51 (providing a thorough discussion of the Democrat Party's political philosophy and legislative agenda during the Constitutional Revolution). While the Democrat Party's proposals did not specifically mention the right to organize, many of its members actively assisted various industries and professions in forming unions. AFARY, *supra* note 76, at 269–70. For example, Ter Hacobian, one of the prime architects of the Democrat Party's political platform, helped telephone workers form a union. *Id.* at 269.

World War I coincided with what one scholar has called the “Golden Age” of labor activity in Iran.²¹⁶ Between 1918-1925, excluding strikes against foreign owned companies,²¹⁷ there are reports of at least fifteen significant strikes in Tehran and several important regional strikes in other major cities such as Rasht, Tabriz (the capital city of Azerbaijan), and Abadan.²¹⁸ In addition, in 1924 there were sixteen unions in Tehran alone,²¹⁹ and thousands of workers joined unions in other parts of the country.²²⁰ Much like the first and second Majlis prior to World War I, labor activity during the interwar period ignited debate in the Majlis. Representatives such as Soleyman-Mirza Eskandari repeatedly called for the adoption of strong labor laws, but their efforts were rebuffed by the conservative majority bloc in the Majlis.²²¹ Numerous deputies went beyond debate and introduced labor legislation to obligate employers to provide safe working conditions for workers.²²²

As a sign of workers’ growing clout, strikes began significantly to impact the political landscape. In January 1922, schoolteachers in Tehran went on strike to protest against the government’s failure to pay their wages for six months.²²³ The government collapsed when, faced with an empty treasury, it was unable to resolve the strike after

216. FLOOR, *supra* note 209, at 11–12.

217. I exclude activism that sought anti-colonial agitation from my analysis, because such type of mobilization fails to look inward to reform the country’s internal political structure and, therefore, cannot serve as the necessary model for democratization. Consequently, I do not focus on worker action that primarily limited its strike activity (and unionization) against foreign owned companies, such as the Anglo Persian Oil Company in Iran and the Iraqi Petroleum Company in Iraq. Instead, I will consider evidence of worker activity that challenged indigenous industries and domestic centers of power.

218. FLOOR, *supra* note 209, at 12–28.

219. THE CONDITION OF THE WORKING CLASS IN IRAN (A DOCUMENTARY HISTORY), *supra* note 207, at 93. Abrahamian puts the number at thirty-two in 1925. Ervand Abrahamian, *The Strengths and Weaknesses of the Labor Movement in Iran, 1941–1953*, in MODERN IRAN: THE DIALECTICS OF CONTINUITY AND CHANGE 211, 213 (Michael E. Bonine & Nikki R. Keddie eds., 1981).

220. See Abrahamian, *supra* note 219, at 212–13 (outlining the growth of unions in various regions). Unions were formed in Enzeli, Rasht, Mashhad, Abadan, and Tabriz. *Id.* at 212–15; see also KOSRŌ ŠAKERI, 6 ASANAD-E TARIK-E JONBEŠ-E KARGARI, SOSIĀL DEMŌKRĀSI VA KOMŌNISTI-YE IRĀN [HISTORICAL DOCUMENTS OF THE SOCIAL DEMOCRATIC AND COMMUNIST WORKERS’ MOVEMENT IN IRAN] 114 (Ālam Publishers 2d ed. 1976–1977) (noting that Qom workers also formed unions).

221. HABIB LADJEVARDI, LABOR UNIONS AND AUTOCRACY IN IRAN 15–16 (1985).

222. For example, a business concession awarded by the Majlis in 1921 obligated the concessioners to provide safe working conditions for workers. FLOOR, *supra* note 209, at 85. Many deputies argued that the requirements should be broadly applied to all businesses, and several deputies submitted legislation to that effect. *Id.* Predictably, such legislation was defeated by the Majlis’ conservative block. See *id.* at 85–86 (noting that opponents of the legislation argued that it would “frighten off scarce entrepreneurs”).

223. LADJEVARDI, *supra* note 221, at 14.

three weeks.²²⁴ A few months later, on June 24, 1922, the government again faced multiple instances of labor unrest and responded by arresting union leaders and suspending numerous newspapers that the executive felt fueled labor protest.²²⁵ However, by threatening a general strike, the Printers Union forced the government to release the union leaders and lift the ban on the editors of the liberal newspapers.²²⁶ Labor's rise was abruptly halted after Reza Shah ascended the throne and formally banned unions in 1927, thus seriously diminishing labor protest except for sporadic strikes in the oil and railway industries.²²⁷

Although labor could not procure much institutional and legislative protection during the Constitutional Revolution and its aftermath, it was, nonetheless, one of the key players of Iran's first experiment with democracy. Workers successfully endeavored to establish a constitutional regime, demonstrated their ability to act as a coherent force to influence national politics, and repeatedly challenged the nascent democratic regime for greater rights. The labor movement successfully evinced support from the representatives of the Majlis and political parties, gave a voice to large segments of the population, and brought greater legitimacy to Iran's democratic experiment.

3. Labor in Iraq

How does Iraq fare in a comparative analysis of labor movements with Japan and Iran? Any inkling of an Iraqi labor movement is clearly dwarfed by its Japanese counterpart, but, at first glance, it appears to command some parity with its Iranian equivalent. To some extent, both countries seem to have experienced a similar pace of industrialization in the early parts of the twentieth century and found themselves equipped with the stirrings of a labor movement despite limited economic development.²²⁸ However, if we compare the Iranian and Iraqi labor movements after filtering strikes and protests against foreign-owned companies,²²⁹ the Iranian labor movement

224. *Id.*

225. *Id.* at 15.

226. ŠOKROLLĀH MĀNĀ, *TĀRIKĀE-YE NEHZAT-E KĀRGARI DAR ĪRĀN [THE HISTORY OF THE WORKERS' MOVEMENT IN IRAN]* 13–14 (Tehran 1979).

227. See, e.g., ABRAHAMIAN, *supra* note 67, at 139 (noting that the government "arrested 150 labor organizers" over the next six years).

228. See ALAN RICHARDS & JOHN WATERBURY, *A POLITICAL ECONOMY OF THE MIDDLE EAST* 72–75 (1990) (presenting a series of convincing data that show Iran and Iraq to be on similar statistical path regarding economic, labor, wage, and population development).

229. As in the Iranian case, my review of the Iraqi labor movement excludes protests against foreign-owned companies for the reasons elaborated above. See *supra* note 217 (enunciating reasons for exclusion). Consequently, I will not address labor

emerges as better organized and more dedicated to challenging the domestic power structure for greater workers' rights. By contrast, the Iraqi labor movement in the early part of the twentieth century remained absorbed in a nationalist struggle for independence, diligently waged against a foreign power and its domestic cohorts at the expense of indigenous democratic reform.

The emergence of the labor movement in Iraq was preceded by Britain's creation of a very wealthy, conservative, feudal land-owning class through various land reforms, which forced an enormous migration of peasants to the cities, especially Baghdad.²³⁰ Working conditions in urban areas were harsh and accompanied by high inflation and low wages.²³¹ As late as 1957, industrialization was very much in its infancy, with only 441,000 workers employed in industry, transport, and communications²³² constituting just 7% of the total population.²³³ The numbers are even more discouraging in industry alone. A study by the World Bank puts the numbers employed in industry in 1952 at only 45,800.²³⁴

While an ILO report in 1933 on the state of labor in Iraq and Iran, among other countries, concluded that there were no unions in Iraq and classified those registered as unions as "organi[z]ations of small employers, merchants, and independent workers,"²³⁵ others recognize the Artisans Association, formed in 1929, as Iraq's first labor union.²³⁶ Largely made up of craftsmen, it did not organize its first strike until July 1931. The strike was an effort to protest the municipal Fees Law, which increased taxation on craftsmen's

action against the Iraqi Petroleum Company and the Electric Light and Power Company, or any strike activity at the British bases at Habbaniyah and Shu'aiba. The Railway Workers' Union and the Union of Port Employees of the Basra Port, both Iraqi owned, but under significant British management, present more difficult cases. I have decided to include them in the review, *infra* text accompanying notes 242-47, because the story of Iraqi labor would be dramatically stunted by the exclusion of these two latter unions.

230. Marion Farouk-Sluglett & Peter Sluglett, *Labor and National Liberation: The Trade Union Movement in Iraq, 1920-1958*, 5 ARAB STUD. Q. 139, 140-41 (1983). The population of Baghdad more than doubled between 1922 and 1947, from 200,000 to 515, 459. HANNA BATATU, *THE OLD SOCIAL CLASSES AND THE REVOLUTIONARY MOVEMENTS OF IRAQ* 35 (1978).

231. BATATU, *supra* note 230, at 136-39.

232. Mohammad Salman Hasan, *The Role of Foreign Trade in the Economic Development of Iraq, 1864-1964: A Study in the Growth of a Dependent Economy*, in *STUDIES IN THE ECONOMIC HISTORY OF THE MIDDLE EAST* 346, 363-64 (M.A. Cook ed., 1970).

233. I arrive at this percentage by dividing 441,000 by 6.3 million, which, according to Batatu, was the total population of Iraq as provided in the 1957 census. BATATU, *supra* note 230, at 1125 tbl.59-6.

234. INT'L BANK FOR RECONSTRUCTION AND DEV., *THE ECONOMIC DEVELOPMENT OF IRAQ* 149 (1952).

235. C.W.H. Weaver, *Impressions of a Visit to India, Iraq, Persia, and Turkey*, 28 INT'L LAB. REV. 465, 484 (1933).

236. BATATU, *supra* note 230, at 295.

premises.²³⁷ Union leaders, however, used the imposition of the tax on traders as a pretext to engineer a strike against the recently signed and much loathed 1930 Treaty.²³⁸ The strike blossomed into nation-wide protests that lasted two weeks and spread to a few towns outside Baghdad.²³⁹

Unions were banned in 1934, and labor activity remained subdued for the next decade.²⁴⁰ Labor finally found itself in a less hostile environment towards the end of World War II due to Great Britain's alliance with the Soviet Union; this alliance prompted the government to license sixteen unions (five in 1944 and eleven in 1945).²⁴¹ It is revealing that labor focused its energies on three segments of the economy—the Iraqi railway, Basra port, and Iraqi petroleum industry—all of which were, to varying degrees, under British control.²⁴² By keeping its gaze on the anti-colonial campaign, labor continued to command extensive popular support.²⁴³

The first strike, on April 15, 1945, targeted the railway industry, which, although Iraqi-owned, was managed by a “British director general with quasi-autonomous power[]” and thus viewed in Iraq as an “alien body.”²⁴⁴ The Port Worker's Union struck against the Basra Port, which was also Iraqi owned but “administered by a semi-independent British directorate.”²⁴⁵ The labor movement's most dramatic engagement in Iraq's anti-British struggle came in the *al-wathba* in 1948 when hundreds of workers, along with other groups, organized a month-long period of anarchy in protest of the renewal of the 1930 Treaty.²⁴⁶ The government's methods, particularly their willingness to shoot strikers, convinced most Iraqis that their government was willing to take the ultimate step to protect British interests and further pushed the labor movement towards nationalist causes.²⁴⁷

The Iraqi labor movement's legacy as a model for contemporary democratic reform is dramatically compromised by its inability to

237. Farouk-Sluglett & Sluglett, *supra* note 230, at 148.

238. BATATU, *supra* note 230, at 296. In support of his argument that the opposition used the tax “to flay the government of Nuri-al-Said for its acceptance of the unequal Treaty of 1930,” Batatu cites his conversation with the head of the Artisan's Association, Muhammad Salih al-Qazzaz. *Id.*

239. Farouk-Sluglett & Sluglett, *supra* note 230, at 148–49.

240. Farouk-Sluglett & Sluglett, *supra* note 230, at 150.

241. Mahmud M. Al-Habib, *The Labor Movement in Iraq*, MIDDLE E. AFF., Apr. 1956, at 137, 138.

242. See Farouk-Sluglett & Sluglett, *supra* note 230, at 151.

243. Farouk-Sluglett & Sluglett, *supra* note 230, at 151–52.

244. BATATU, *supra* note 230, at 617, 619.

245. *Id.* at 621. The Port Worker's Union organized one more strike in 1947 and two more in 1948. *Id.*

246. See ELLIOT, *supra* note 164, at 62–65 (describing a series of clashes in Iraq during January 1948 while treaty negotiations continued in London).

247. Farouk-Sluglett & Sluglett, *supra* note 230, at 152.

reach beyond the country's struggle for independence from colonial tutelage to tackle domestic labor problems. Such a legacy provides a model for battling foreign presence in Iraq but fails to serve as an appropriate precedent for a transition to democracy. In this way, the Iraqi movement differed from its Iranian counterpart, which, while mindful of foreign imperialism, devoted much of its energy to challenging indigenous centers of power in order to obtain greater political rights for workers and improve working conditions.

In addition to espousing different priorities than did the participants in the Iranian labor movement, Iraqi workers engaged in fewer strikes and targeted a much narrower range of industries.²⁴⁸ Strikes in Iran were also generally more successful than those in Iraq and, on rare occasions, prompted political change such as the fall of the government,²⁴⁹ the release of union leaders, and the lifting of bans on liberal papers.²⁵⁰ Labor's activism in Japan and Iran also resulted in some official patronage from the political society. Labor's cause in Japan was at first championed by the opposition party and then by the liberal Kenseikai (later reorganized as the Minseito) government elected in 1924 and 1929.²⁵¹ While Iranian workers did not find genuine support from the executive, they had some support within the Majlis²⁵² and the backing of the opposition Democrat Party, whose program promoted extensive labor law reform.²⁵³ Iraqi workers, on the other hand, did not find true patronage anywhere within the political system. Opposition parties and leaders were certainly happy to use labor's resources to bolster their anti-imperialism arsenal and ease their own path to power, but they did not prove real advocates of workers' rights.²⁵⁴

248. Compare *supra* note 210 (listing twenty-two unionized industries in Iran between 1907 and 1910), with Al-Habib, *supra* note 241, at 138 (listing six unionized industries in Iraq in 1956, including electrical workers, automobile drivers, mechanics, tailors, construction workers, and carpenters).

249. *E.g.*, *supra* text accompanying notes 223–24 (noting that the government collapsed after it failed to pay striking teachers).

250. See, *e.g.*, *supra* text accompanying note 226 (noting that the threatened strike of the Printers' Union had this effect).

251. *Supra* text accompanying notes 189–93.

252. *Supra* notes 212–15 and accompanying text.

253. AFARY, *supra* note 76, at 270.

254. For example, while the Iraqi Communist Party (ICP) organized some workers' action, ILARIO SALUCCI, A PEOPLE'S HISTORY OF IRAQ: THE IRAQI COMMUNIST PARTY, WORKERS' MOVEMENTS, AND THE LEFT 1924–2004, at 28 (2005), it used labor as a tool in its fight against bourgeoisie imperialism, see *id.* at 62, 74 (discussing the ICP's increasing allegiances with the Baath Party and its resulting abandonment of the workers' cause).

C. Women's Movements

1. Women's Movement in Japan

The Meiji Restoration was both a period of progress and retrenchment for women. It brought with it the formulation of the image of the ideal Japanese woman as the "Good Wife, Wise Mother" and, therefore, educator of future generations.²⁵⁵ This was in fact a more flattering perception than the Tokugawa Shogunate image, which often deemed women inconsequential inhabitants in their in-laws' homes without any decision making authority and considered far too emotional to be trusted with their children's education.²⁵⁶ To create "Wise Mothers," the Meiji established compulsory elementary education for both girls and boys in 1872, and, by 1905, 93% of all elementary age girls were enrolled in school as required by law.²⁵⁷

At the same time, however, the Meiji oligarchs weakened women's rights by formalizing into law restrictions that were hitherto only culturally imposed on women. For example, in addition to other restrictions, the Meiji civil code of 1898 prohibited women from entering into contracts and denied them custody rights over their children.²⁵⁸ As a result, what was culturally unacceptable up to that point became illegal. In addition, alarmed by women's activism in the Freedom and Popular Rights Movement,²⁵⁹ the government passed the Law on Associations and Meetings in 1890, which banned women from attending or sponsoring political meetings or joining political organizations.²⁶⁰ These restrictions were reiterated in the Public Peace Police Law of 1900.²⁶¹

A wide range of women's groups, from the conservative Japanese Women's Christian Temperance Union (WCTU) to the socialist Commoners' Society, vigorously opposed limitations on women's ability to attend political meetings.²⁶² In response to political

255. DINA LOWY, *THE JAPANESE "NEW WOMAN": IMAGES OF GENDER AND MODERNITY* 4–5 (2007).

256. See Sievers, *supra* note 12, at 604 (discussing the traditional female role in Tokugawa society).

257. GORDON, *supra* note 7, at 67–68.

258. AKIKO TOKUZA, *THE RISE OF THE FEMINIST MOVEMENT IN JAPAN* 49–50 (1999).

259. For a discussion of women's role in the FPRM, see Sievers, *supra* note 12.

260. Sharon H. Nolte & Sally Ann Hastings, *The Meiji State's Policy Toward Women, 1890–1910*, in *RECREATING JAPANESE WOMEN, 1600–1945*, at 151, 154–55 (Gail Lee Bernstein ed., 1991).

261. *Id.* at 155.

262. See Sheldon Garon, *Women's Groups and the Japanese State: Contending Approaches to Political Integration, 1890–1945*, 19 *J. JAPANESE STUD.* 5, 13 (1993) (describing the WCTU's role); Sharon H. Nolte, *Women's Rights and Society's Needs: Japan's 1931 Suffrage Bill*, 28 *COMP. STUD. SOC'Y & HIST.* 690, 696 (1986) (describing the Commoners' Society's role).

agitation by these groups, the Lower House of the Diet, on three different occasions in the 1890s, passed legislation to eliminate the restrictions, but the legislation was defeated each time by the unelected, conservative House of Peers.²⁶³ In 1890, women's groups won a small victory when the Diet passed a law giving women the right to observe political debates in the Diet.²⁶⁴

In addition to political agitation during the Meiji period, women also engaged in labor protest. Between 1889 and 1930, women made up approximately 80% of cotton textile workers,²⁶⁵ Japan's most significant export, and 62% of the total factory work force in 1909.²⁶⁶ They often banded together, sometimes with men, to protest against their miserable working conditions and miserly wages. Some scholars have suggested that a strike by silk mill laborers in Kofu in 1886 may have represented Japan's first industrial labor strike involving female workers.²⁶⁷

In the 1920s, during the Taisho democracy, improvements in women's secondary education and employment opportunities, coupled with men's changing perception of women, ignited the women's movement. The number of girls attending secondary school "nearly tripled to 151,288 between 1910 and 1920."²⁶⁸ The first women's university was established in 1901 in Tokyo.²⁶⁹ Records indicate that the number of female nurses increased from 13,000 at the end of the Meiji period to 57,000 by 1926,²⁷⁰ while the number of telephone operators, typists, and general office workers increased from 16,000 in 1920 to 30,000 in 1930.²⁷¹ These professional women began to

263. Garon, *supra* note 262, at 13.

264. *Id.* Women were left in an unusual position: they were allowed to listen to political debate in the Diet, yet were nonetheless excluded from all other political discussion and political organizations. *Id.*

265. Yasue Aoki Kidd, *Women Workers in the Japanese Cotton Mills: 1880-1920*, at 1, 6 (Cornell Univ. E. Asia Papers, Paper No. 20, 1978); see also Gary R. Saxonhouse, *Country Girls and Communication Among Competitors in the Japanese Cotton-Spinning Industry*, in *JAPANESE INDUSTRIALIZATION AND ITS SOCIAL CONSEQUENCES* 97, 100 tbl.5 (Hugh Patrick, ed. 1976) (indicating that women comprised at least eighty percent of the cotton textile labor force in 1909, 1914, 1920, 1925, and 1930).

266. Saxonhouse, *supra* note 265, at 99 tbl.2; see also Kidd, *supra* note 265, at 1 (indicating the same percentage in 1889).

267. JANET HUNTER, *WOMEN AND THE LABOUR MARKET IN JAPAN'S INDUSTRIALISING ECONOMY: THE TEXTILE INDUSTRY BEFORE THE PACIFIC WAR* 254 (2003) (Eng.). Hunter, however, provides some evidence of strikes by women laborers going back to 1881. *Id.*

268. Garon, *supra* note 262, at 16.

269. VERA MACKIE, *FEMINISM IN MODERN JAPAN: CITIZENSHIP, EMBODIMENT, AND SEXUALITY* 26 (2003). Prior to the establishment of Tokyo Women's University in 1901, the Women's English College had been established in 1900. *Id.* These two represent the first tertiary institutions for women. *Id.*

270. Margit Nagy, *Middle-Class Working Women During the Interwar Years*, in *RECREATING JAPANESE WOMEN, 1600-1945*, *supra* note 260, at 199, 204.

271. *Id.*

launch women's organizations focused on gender equality and material welfare.

Concurrently, men's perception of women began to change because of the role women were playing abroad in various societies,²⁷² as well as Japanese women's increased engagement in civil society through their organizations and journals.²⁷³ When the Diet debated whether to repeal Article 5 of the Police Law—a law that prohibited women from holding political meetings, joining political organizations, and addressing political subjects in public²⁷⁴—members from a broad range of political parties stressed the merits of women sponsoring and attending political meetings. The outspoken liberal Tabuchi Toyokichi emphasized the importance of allowing women to enter the political theater because it was “women who bear the consequences” of many state policies,²⁷⁵ while the conservative Ichinomiya Fusajiro, a member of the Seiyukai party, chimed in that “today's woman must be liberated from her submissive position within the household and be encouraged to contribute socially, politically, and to the State.”²⁷⁶

As a result, a multifaceted women's movement started taking shape in Japan in the 1920s; it encompassed autonomous liberal, socialist, and conservative feminist groups as well as officially sanctioned groups that were aligned with, and guided by, government policy.²⁷⁷ As expected, a diverse range of goals—including full women's suffrage, greater protection for mothers and children, and an end to prostitution—occupied these groups.²⁷⁸

For example, the New Woman Association (*Shin Fujin Kyokan*) (NWA), one of the first autonomous liberal feminist groups formed in 1919, listed the abolition of Article 5 of the Police Law and the adoption of legislation allowing women to divorce husbands diagnosed with syphilis as its two most prominent demands.²⁷⁹ Socialist feminist groups such as the Red Wave Society (*Sekirankai*), formed in the early 1920s, addressed issues at the nexus of gender and class oppression and supported equal pay for equal work, better working

272. Nolte & Hastings, *supra* note 260, at 697.

273. See, e.g., MACKIE, *supra* note 269, at 59 (describing the New Women's Association's journal publication as set forth in its charter).

274. *Id.* at 5.

275. Garon, *supra* note 262, at 18.

276. *Id.* at 19.

277. See MACKIE, *supra* note 269, at 7, 30, 77 (discussing the various women's groups of the 1920s). A prime example of an officially sanctioned group is the Patriotic Women's Associations, formed in 1901, whose membership grew from 45,000 to 463,000 by the end of the Russo-Japanese war. *Id.* at 30.

278. See Nolte & Hastings, *supra* note 260, at 698–702 (providing an excellent summary of women's organizations' major goals in the interwar period).

279. MACKIE, *supra* note 269, at 58–59; Barbara Molony, *Citizenship and Suffrage in Interwar Japan*, in *WOMEN'S SUFFRAGE IN ASIA: GENDER, NATIONALISM AND DEMOCRACY* 127, 127, 131 (Louise Edwards & Mina Roces eds., 2004) (Eng.).

hours, the abolition of night work, creation of healthy work environment, and regular inspections of factories.²⁸⁰ Conservative feminist groups such as the Christian Women's Reform Society (*Kirisutokyō Fujin Kyōfukai*) (CWRS), founded in 1886, initially focused on moral issues such as the fight against prostitution, concubinage, and alcohol temperance, but ultimately threw their weight behind the fight for suffrage in the late 1910s.²⁸¹

Throughout the 1920s, a growing core of activist women lobbied legislatures to expand women's political rights.²⁸² The NWA, along with other supportive women's groups, persuaded the Lower House of the Diet to introduce bills in 1920, 1921, and 1922 repealing the prohibition barring women from attending political meetings.²⁸³ At first, support for the repeal of the law was limited to a few liberal mavericks in the Lower House of the Diet. However, persistent lobbying by women's groups eventually prompted the two mainstream parties to join the cause, and finally, in 1922, led the Diet to discuss an amendment of Article 5 of the Police Law and open political meetings to women.²⁸⁴

This partial victory encouraged women's groups to turn immediately to the issue of the franchise. A broad range of women's groups and magazines endorsed women's suffrage.²⁸⁵ The All-Kansai Federation of Women's Organizations,²⁸⁶ an umbrella women's organization, had over three million members in 1927 and "presented the Diet with 20,000 signatures in support of suffrage in 1927, 80,000 in 1929, and a staggering 100,000 each in 1930 and 1931."²⁸⁷ Initially, women's activism prompted liberals at the fringes of the Diet to introduce women's franchise legislation in 1927, and support eventually grew into a strong bipartisan majority backing in the Lower House of the Diet,²⁸⁸ which twice passed legislation, in 1930 and 1931, giving women the right to vote and hold office at the local level.²⁸⁹ Although limited in its scope, this was the first time a Japanese government had presented a women's franchise bill. Each

280. See MACKIE, *supra* note 269, at 79–81.

281. Molony, *supra* note 279, at 133.

282. ELISE K. TIPTON, *MODERN JAPAN: A SOCIAL AND POLITICAL HISTORY* 100 (2d ed. 2008).

283. Nolte & Hastings, *supra* note 260, at 704.

284. Molony, *supra* note 279, at 130, 136 (providing a description of the expanding base for women's civil rights). Despite this victory, women were still denied the right to join political parties or to vote. *Id.* at 136.

285. Nolte & Hastings, *supra* note 260, at 698 (stating that almost all the women's organizations and magazines supported the franchise, including such traditional journals as *Housewife's Friend*, which claimed three million readers).

286. This umbrella organization was made up of 340 women's associations. Molony, *supra* note 279, at 134–35.

287. Garon, *supra* note 262, at 27.

288. Nolte & Hastings, *supra* note 260, at 704, 709.

289. *Id.* at 710, 713.

time the bills were defeated by the conservative, unelected House of Peers.²⁹⁰

Women's hope for greater progress dimmed as militarism cast its long shadow over Japan, and many autonomous women's groups were forced to cooperate with the government.²⁹¹ Yet, this turn of political events in the 1930s did not diminish the strength, breadth, and political focus of the Japanese women's movement during the interwar years. Throughout the Taisho democracy, a rich tapestry of autonomous women's organizations of diverse political persuasion reached beyond the government's vision of modernity, which left women behind as the "Good Wife, Wise Mother," and fought passionately for equal citizenship rights and improved state protection for women.²⁹² These groups demonstrated the ability of women to find a political voice and form civil associations through which to pressure the state for legal and civil reforms that, however minute, still profoundly altered the gendered balance of power.

2. Women's Movement in Iran

Most scholars tie the awakening of women as a political force in Iran to the period leading up to and immediately following the Constitutional Revolution in 1906.²⁹³ Prior to that time, women, especially urban women, found themselves "prisoners, confined in the home or under the veil and the cloak" who could "look forward to nothing except enslavement to the wishes of husbands."²⁹⁴

290. MACKIE, *supra* note 269, at 64.

291. Garon, *supra* note 262, at 38.

292. See *supra* notes 282–90 and accompanying text.

293. For examples of such scholars, see AFARY, *supra* note 76; PARVIN PAIDAR, *WOMEN AND THE POLITICAL PROCESS IN TWENTIETH-CENTURY IRAN* 52–54 (1995); ELIZ SANASARIAN, *THE WOMEN'S RIGHTS MOVEMENT IN IRAN: MUTINY, APPEASEMENT AND REPRESSION FROM 1900 TO KHOMEINI* 19–23 (1982); Mangol Bayat-Philipp, *Women and Revolution in Iran, 1905–1911*, in *WOMEN IN THE MUSLIM WORLD* 295, 296 (Lois Beck & Nikki Keddie eds., 1978). This perspective, to some extent, ignores evidence that suggests women were active prior to the Constitutional Revolution, be it in uprisings against price increases and corruption or in the Tobacco protests of 1891–1892. PAIDAR, *supra*, at 50–51.

294. BADR OL-MOLUK BÁMDÁD, *FROM DARKNESS INTO LIGHT: WOMEN'S EMANCIPATION IN IRAN* 7–8 (F.R.C. Bagley, trans. & ed., 1977). Badr ol-Moluk Bámdád was one of the pioneers of the women's movement in Iran. F.R.C. Bagley, *Translator's Preface to BÁMDÁD, supra*, at xi, xi. Ironically, it was the privileged urban classes of women who best fit this description, because rural and lower income urban women were engaged in productive labor and/or had to attend to daily chores, such as going to the bazaar. Susynne M. McElrone, *Nineteenth-Century Qajar Women in the Public Sphere: An Alternative Historical and Historiographical Reading of the Roots of Iranian Women's Activism*, 25 *COMP. STUD. S. ASIA, AFR. & MIDDLE E.* 297, 303, 311 (2005). This description also partially ignores the experience of minority women, to whom private education and other privileges may have been more readily available. See generally *id.* (providing evidence of this often-ignored reality).

With the Constitutional Revolution, women burst onto the public scene. They organized and participated, in great numbers, in the ongoing street demonstrations,²⁹⁵ and sometimes formed human shields to protect the Ulama and other constitutionalists from military assault.²⁹⁶ They even attacked the Shah's carriage to deliver a life-threatening letter to the monarch warning him to authorize a House of Justice or "[b]eware of the day when we shall finally take away the Crown off your head and the royal cane off your hand."²⁹⁷

After the newly crowned Mohammad Ali Shah subjected the Majlis to a cannonade and the country sank into civil war in 1908, sundry women took up arms and fought, disguised as men, on the side of the constitutionalists.²⁹⁸ The defense of the important capital city of the northwestern province of Azerbaijan, Tabriz, included a women's contingent. The city's main civic association, the *Anjoman-e Tabriz* reported in its own journal, *Anjoman*, that "a number of brave women in disguise . . . are fighting the forces of the enemy . . . and piercing the enemies' chest with their arrows."²⁹⁹ It further lamented in another report that women were found among some of the "martyrs" of the battlefield.³⁰⁰

For their troubles, women received very few rewards from the new political order. They were hindered in their quest for equal education, denied suffrage, and subjected to two parallel legal systems sanctioned by the new constitutional framework, with the Shariah, or Islamic law, governing family law matters including marriage, divorce, and custody rights.³⁰¹

In their first interaction with the Majlis, women submitted a petition for a government-funded girls school on December 30, 1906—the day after the Shah signed the Constitution—demanding that the Majlis launch women's education "to ground the country's progress on

295. See PAIDAR, *supra* note 293, at 50–56 (summarizing women's activities during the Constitutional Revolution, which culminated in the Majlis' inauguration in 1906).

296. 'ABD-AL-ĤOSEYN NĀHID, ZANĀN-E ĪRĀN DAR JONBEŠ-E MAŠRŪṬE [IRANIAN WOMEN IN THE CONSTITUTIONAL MOVEMENT] 57 (Nawid Publications 1989).

297. Rošanak Maṣṣūr, *Ĉehre-ye Zan dar Jarāyed Mašrūṭiyat* [Women in the Constitutional Literature], 1 no. 1 NĪME-YE DĪGAR 11, 23 (Spring 1984).

298. AFARY, *supra* note 76, at 194–95.

299. MAŠŪRE RAṬĪ, ANJOMAN: ORĠĀN-E ANJOMAN-E EYĀLATĪ-YE ĀZARBĀYEJĀN [ANJOMAN: THE EXECUTIVE COMMITTEE OF THE ANJOMAN OF THE PROVINCE OF AZERBAIJAN] 117 (Našr-e Tārīḳ-e Īrān 1983).

300. *Id.* (providing an in depth analysis of one *anjoman* in Azerbaijan). In an ironic twist of history, news stories reported that certain government sources referred to women protesting the 2009 presidential elections as commandos. See, e.g., Robert Dreyfuss, "Women Commandos" in *Iran*, NATION, July 13, 2009, http://www.thenation.com/blogs/dreyfuss/451250/women_commandos_in_iran.

301. Afary, *supra* note 78, at 358.

strong pillars.”³⁰² As an omen of things to come, members of the new Majlis rejected any kind of governmental support for the education of girls and declared that their education be limited to “raising children, home economics, preserving chastity and honor, and other such elementary sciences that deal with developing character, life skills, and family relations;” it also stated that any expression of women’s interest in political science should be “expressly prohibited.”³⁰³

Despite such stinging rejection, women organized a meeting in Tehran in 1907 and adopted several resolutions, including one for the establishment of girls’ schools and another for the abolishment of dowries that would allow families to use the funds normally set aside for dowries to educate their daughters.³⁰⁴ Women launched the first privately financed school for girls, *Namus*, in 1907,³⁰⁵ and by 1910, on the heels of a women’s congress on education that same year,³⁰⁶ there were fifty schools for girls in Tehran alone,³⁰⁷ with the number increasing to sixty-three schools in Tehran by 1913.³⁰⁸ Spurred by such activism, the Democrat Party in the second constitutional period at the end of the civil war in 1909 officially declared its support for the free and compulsory education of girls,³⁰⁹ and the first government-sponsored public school for girls finally opened in Tehran in 1918.³¹⁰

The conservative clerics, especially Fazlollah Nuri, bitterly attacked education for women as un-Islamic and incited violence against both students and teachers.³¹¹ Despite staunch opposition, however, women pressed on, and, by 1924, 16.9% of all students in elementary school were girls.³¹² A Women’s Teacher Training College was established in 1918.³¹³ In 1936, only four years after it was

302. *‘Arīze-ye Yekī az Kavānīn-e bā ‘Elm [Letter of One of the Learned Ladies]*, 6 MAJLIS, Dec. 30, 1906, at 3.

303. *Id.* at 4. Ironically, less than a year later, the Majlis passed article 18 of QANUN’I ASSA’ASS’I IRAN (Iranian Constitution Supp. 1907) guaranteeing free education and directing that schools be removed from clerical control and be placed under the supervision of the Ministry of Sciences and Arts. Qanun’i Assa’ass’i Iran (Iranian Constitution, supp.) 1907 arts. 18–19. The Fundamental Law of Education of 1911 also reinforced the principle of free, compulsory, elementary education. DAVID MENASHRI, *EDUCATION AND THE MAKING OF MODERN IRAN 77–78* (1992).

304. M. Yaukacheva, *The Feminist Movement in Persia*, 7 CENT. ASIAN REV. 74, 75 (1959).

305. SANASARIAN, *supra* note 293, at 39.

306. *The Education of Women in Persia*, TIMES, Aug. 13, 1910, at 3.

307. AFARY, *supra* note 76, at 182.

308. *Id.* at 182, 182–83 tbl.7.1 (citing SHOKUFEH, Dec. 4, 1913). A list of girls’ schools published that year indicated that one out of every seven students attending school in Tehran was female. *Id.*

309. Afary, *supra* note 78, at 355.

310. SANASARIAN, *supra* note 293, at 39.

311. 3 MALEKZADE, *supra* note 62, at 179–80.

312. MENASHRI, *supra* note 303, at 110.

313. BĀMDĀD, *supra* note 294, at 58.

inaugurated, the University of Tehran opened its doors to eighty select women and offered courses of study in several fields including the sciences.³¹⁴

By the time the civil war ended in 1909, women, in order to carve out a place for themselves in the new political order, had already begun pressing for civil liberties beyond the realm of education and were addressing subjects that had hitherto remained taboo in the Iranian patriarchal culture.³¹⁵ They were aided in their goal to expand the debate to include gender equality by the Electoral Law of September 9, 1906; passed on the eve of the Constitutional Revolution, it paved the way for the formation of women's *anjoman*.³¹⁶ These semi-secret societies functioned as women's first expression of citizenship and provided a forum for broadening their grassroots drive for education into a campaign for gender equality.³¹⁷ Conservative members of the Ulama and other reactionary groups immediately declared their opposition to women's *anjoman* and argued that the Majlis should ban these associations.³¹⁸

Similar to Japan, these autonomous women's groups spanned a broad political persuasion. The Women's Freedom Society (*Anjoman-e Azadi-ye Zanān*), a liberal *anjoman* formed in 1907, admitted both men and women (although only women were permitted to lecture) and was committed "solely [to] the status and problems of the country's women."³¹⁹ Socialist *anjoman* such as the Secret Union of Women (*Etehadiye-ye Gheybi-ye Nesvan*), also formed in 1907, lobbied the Majlis to protect the poor.³²⁰ Conservative *anjoman* such as the Motherland's Society of Ladies (*Anjoman-e Mokhaddarāt-e Vatan*), formed in 1910, blamed foreign intervention for much of Iran's perils but still focused on fundraising for improved education and health facilities.³²¹ During the constitutional period (1907–1911), women formed at least a dozen women's *anjoman* in Tehran alone³²² and established many more in the provinces.³²³

314. CAMRON MICHAEL AMIN, *THE MAKING OF THE MODERN IRANIAN WOMAN: GENDER, STATE POLICY, AND POPULAR CULTURE, 1865–1946*, at 158–59 (2002).

315. See Bayat-Philipp, *supra* note 293, at 299 (asserting that once the Constitution was promulgated, "the women's movement followed a new direction").

316. BROWNE, *supra* note 80, at 357.

317. See AFARY, *supra* note 76, at 184–90 (providing a survey of the major women's *anjoman* in and outside Tehran, as well as accounts of the leading feminists behind them).

318. Janet Afary, *On the Origins of Feminism in Early 20th-Century Iran*, 1 J. WOMEN'S HIST. 65, 73 (1989).

319. BÂMDÂD, *supra* note 294, at 30 & n.2. The Women's Freedom Society simultaneously advocated equal rights and welfare protection for women. See *id.* at 30.

320. AFARY, *supra* note 76, at 184.

321. BÂMDÂD, *supra* note 294, at 34–35.

322. MORGAN SHUSTER, *THE STRANGLING OF PERSIA* 193 (1912).

323. For example, in 1907 in Azerbaijan, one hundred and fifty women formed an *anjoman* for overcoming "ancient traditions that are harmful and contradictory to

Women's publications worked in concert with the *anjoman* to fight for women's rights.³²⁴ One of the oldest women's periodicals, *Shokufeh* (Blossom), which was launched in 1913 and initially limited its agenda to traditional housekeeping subjects, soon addressed more controversial topics such as the practice of child brides.³²⁵ Another publication called *Zaban-e Zanan* (Women's Voice) launched in 1919, was more forceful, and sought to "reclaim the trampled upon rights of women in Iran."³²⁶ In addition to advocating political and economic rights for women, its editor, Sediqe Dolatabadi, aggressively campaigned for the removal of the veil and the prohibition of child marriage.³²⁷ *Name-ye Banovan* (Ladies' Epistle), launched in 1920, stated clearly, "[T]his newspaper is for the awakening and liberation of the suffering Iranian women,"³²⁸ and *'Alam-e Nesvan* (Women's Universe), which ran from 1920 to 1933, declared that it sought "to help in the rise and progress of women" and went beyond most publications to demand equal political rights for women.³²⁹ Authors increasingly advocated professional training for women as a means of attaining a greater role in civic life, rather than educating them simply to generate better wives and mothers.³³⁰ The careers proposed included nursing,³³¹ teaching,³³² government posts,³³³ medicine, dentistry,³³⁴ law enforcement,³³⁵ and general administration.³³⁶

Despite its weaknesses, the women's movement started to impact civil society as well as the official discourse. Women and their supporters in the Majlis were able to resist pressure from the Ulama

progress." *Notes et Nouvelles: Journal d'un Persan [Notes and News: Diary of a Persian]*, 2 REVUE DU MONDE MUSULMAN 213, 213 (1907) (Fr.).

324. See SANASARIAN, *supra* note 293, at 32–34 ("[A]n uninterrupted chain of activities for women's rights was pursued in the urban centers in three ways: (1) the publication of women's periodicals, (2) the formation of women's organizations, and (3) the opening of girl's schools.").

325. PARI ŠEYK AL-EŠLĀMĪ, ZANĀN-E RŪZNAME-NEGAR VA ANDIŠMAND-E ĪRĀN [IRAN'S WOMEN JOURNALISTS AND INTELLECTUALS] 88 (1972). Šeyk al-Eslāmi describes *Shokufeh* as playing an "instrumental role in women's progress in Iran." *Id.*

326. *Id.* at 93.

327. *Id.* at 90–91, 93.

328. *Id.* at 101.

329. AMIN, *supra* note 314, at 61–62.

330. *Id.* at 168–69.

331. *Parastaran-e Engelis*, SHOKUFEH, Aug. 27, 1914, at 4 (Iran).

332. *Dar Sharayet-e Mo'allemin va Mo'allemi va A'za-ye Ruhani*, SHOKUFEH, Dec. 20, 1913 at 2, 4 (Iran).

333. Ziya al-Din Nadim-bashi, *Nesvan va Khedmat-e 'Omum*, SHOKUFEH, Jan. 13, 1914, at 1–2 (Iran).

334. Heshmat Hadasheyan, *Zan-e Irani Cheh Mitavanad Bokonad?*, 'ALAM-E NESVAN, Sept. 1932, at 198, 201 (Iran).

335. AMIN, *supra* note 314, at 168 (quoting *Polis-e Zananeh dar Alman*, SHAFĀQ-E SORKH, May 7, 1926, at 4 (Iran)).

336. *Mashaghel-e Nesvan: Zan Irani Cheh Mitavanad Bokonad? U Mitavanad Modireh-e Moqtasedi Shavad*, 'ALAM-E NESVAN, May 1932, at 110–12 (Iran).

and their conservative allies in parliament to outlaw women's *anjoman*,³³⁷ and they even found a Majlis representative to champion their cause for the franchise. On August 3, 1911, Mohammad Taqi Vakil al-Ru'aya, a member of parliament from the more conservative Moderate Party, delivered "an impassioned defen[s]e of women's rights" and "declared roundly that women . . . should possess votes."³³⁸

Some representatives rejected Ru'aya's petition, with the cleric Mudarris describing women as lacking in judgment and in need of protection because "God has said in the Qur'an, women are in the custody of men and they may not have the right to vote."³³⁹ Others during this period, however, expressed some sympathy. Zuka ol-Molk, another deputy, wanted to see women's rights improved but did not think there was adequate political support to achieve this at the time.³⁴⁰ Ru'aya was also celebrated abroad when *The Vote*, a journal of British suffragists that sometimes published accounts of Persian feminists, bestowed "all honour to the courageous deputy who dared to champion the women's cause," adding that "the strength of the opposition is the measure of his daring."³⁴¹ For a country where only a few years earlier most urban women were restricted to their homes,³⁴² Ru'aya's petition and the generally supportive sentiments among many politicians, intellectuals, and the press serve as a barometer of the extent to which the women's movement shifted public sentiment to inspire political support for women's rights.

The women's movement at the turn of the century deepened Iran's experiment in democracy more than any other group by challenging three core forces: first, the Crown and other constitutionalists; second, the conservative Ulama, often in direct conflict with male constitutionalists; and third, when it became clear the new order would not bring significant change to the standing of women in society, the male-dominated leadership of the Majlis.³⁴³

337. Afary, *supra* note 318, at 72–73.

338. *Women's Rights in Persia. Appeal for the Suffrage in the Mejliss*, *TIMES* (London), Aug. 22, 1911, at 3. *The Times* appears to be the sole source of this account, because, as the complete *Times* report indicates, the President of the Majlis ordered the official reporters to strike any record of the incident. *Id.* This incident, however, is cited by many scholars, for example, AFARY, *supra* note 76, at 203 (referencing the *Times* article), SANSARIAN, *supra* note 293, at 23–24, Bayat-Philipp, *supra* note 294, at 300–01.

339. AFARY, *supra* note 76, at 203 (quoting MUZAKIRAT-I MAJLIS, Aug. 4, 1911).

340. Afsaneh Najmabadi, *Zanhā-yi Millat: Women or Wives of the Nation?*, 26 *IRANIAN STUD.* 51, 55 (1993). The Cleric Tabatabai also did not reject the concept of suffrage out of hand, but stated that "for the time being women's involvement in politics is not necessary." PAIDAR, *supra* note 294, at 67.

341. *The Persian Parliament Shivers!*, *VOTE*, Sept. 2, 1911, at 237.

342. See *supra* text accompanying note 294.

343. See Afary, *supra* note 318, at 69, 71–72 (discussing Iranian women's challenges to these three forces).

The Iranian women's movement, although much smaller than its Japanese counterpart, readily tackled highly controversial tenets of the Shariah and strove for equal rights. Morgan Shuster, a young American financial advisor hired by the Iranian government in 1911, declared that Iranian women had leap-frogged over their European sisters and "since 1907 had become at a bound the most progressive, not to say radical in the world."³⁴⁴ The Constitutional Revolution, Shuster concluded, "would have early paled into a mere disorganized protest" without women's participation and support.³⁴⁵

3. Women's Movement: Iraq

The limited literature on Iraqi women's activities from independence in 1932 to the 1958 revolution is replete with anecdotal stories of strong women³⁴⁶ engaged in anti-British demonstrations, but it provides sparse evidence of a coherently organized body apt to challenge the patriarchal framework of Iraqi society. The few organizations formed during this period, often with the support of the government, appear to be mostly social venues with limited charitable and educational goals. The absence of women's organizations parallels a similar lack of women's journals, with a few publications making haphazard appearances over a three-decade expanse.

Throughout the monarchy, Iraqi women focused narrowly on nationalist causes, thus limiting the scholarly discussion of their role to more general accounts, such as how Iraqi women incited their male relatives to support the 1920s Revolt,³⁴⁷ or to anecdotal stories of heroism, such as the narrative of the fifteen-year old girl who successfully marched at the head of a demonstration in 1948 and crossed the al-Ma'mun bridge even while her companions were hit by

344. SHUSTER, *supra* note 322, at 191.

345. *Id.* at 192.

346. *E.g.*, NADJE SADIG AL-ALI, *IRAQI WOMEN: UNTOLD STORIES FROM 1948 TO THE PRESENT* (2007) (providing life stories and oral histories of Iraqi women to challenge myths and misconceptions dominating debates about Iraqi women); DOREEN INGRAMS, *THE AWAKENED: WOMEN IN IRAQ* (1983) (providing a historical survey of women in Iraqi society); Noga Efrati, *The Other 'Awakening' in Iraq: The Women's Movement in the First Half of the Twentieth Century*, 31 *BRIT. J. MIDDLE E. STUD.* 153, 153 (2004) (discussing women's movements in Iraq).

347. INGRAMS, *supra* note 346, at 26. The evidence of women's participation in this revolt is so limited to permit enumeration. A few upper class women formed a committee and submitted a letter to Gertrude Bell (the Oriental Secretary to the Civil Commissioner, Sir Percy Cox) to protest the arrest of some of the male leaders of the rebellion. Deborah Cobbett, *Women in Iraq, in SADDAM'S IRAQ: REVOLUTION OR REACTION* 120, 124 (1989). Still another group marched at a funeral procession with nationalist overtones, where they shouted anti-British nationalist slogans. Efrati, *supra* note 346, at 164.

police fire.³⁴⁸ This contrasts dramatically with both Japan and Iran, where women aggressively challenged the emergent constitutional systems to seek improved women's rights.³⁴⁹

Iraqi women only established one private school during this period,³⁵⁰ whereas by 1913, Iranian women had established sixty-three private schools in Tehran alone.³⁵¹ In 1930, 6,414 girls were enrolled in elementary and secondary schools in Iraq,³⁵² in contrast to 31,477 in Iran.³⁵³ The Iraqi education numbers contrast even more sharply with Japan, where 93% of the girls were already enrolled in primary education by 1905 and where, by the second decade of the century, the higher education system was already producing thousands of professional and administrative female workers.³⁵⁴

Similarly, it appears that the grassroots debate on women's education in Iran was more advanced than the discourse in Iraq. At the turn of the twentieth century, women's publications in Iran raised the stakes by arguing for better education—not as a means to generate better mother educators but rather to advance gender equality and the prospects of superior professional venues for women³⁵⁵—and politicians advocated for improved women's education to “bring progress and civility to Iran.”³⁵⁶ In contrast, the debates in Iraq were more muted and focused on improving mothers' ability to rear “healthy, virtuous and patriotic children.”³⁵⁷

The number of women's organizations and magazines in Iraq also lagged behind its Japanese and Iranian counterparts. The Women's Awakening Club, formed in 1923, is generally assumed to be

348. BATATU, *supra* note 230, at 557; Efrati, *supra* note 346, at 170–71. Another author, Orit Bashkin, states that women participated in demonstrations in 1948 and 1952, but concludes that the struggle for women's rights was never separate from colonialism. Orit Bashkin, *Representation of Women in the Writings of the Intelligentsia in Hashemite Iraq, 1921–1958*, 4 J. MIDDLE E. WOMEN'S STUD. 53, 67, 75 (2008). Much of Bashkin's excellent article focuses on the intelligentsia's description of women in literature and how controversial topics such as seclusion and veiling were addressed in novels and poems. *Id.* A comparison of women's depiction in literature in Japan, Iran, and Iraq, while highly instructive, is beyond the scope of this article.

349. See *infra* pp. 391–95. Since Japanese women were not engaged in resisting imperialism, on this level the comparison with Iran is more useful.

350. Efrati, *supra* note 346, at 162.

351. *Supra* text accompanying note 308.

352. RUTH F. WOODSMALL, *STUDY OF THE ROLE OF WOMEN, THEIR ACTIVITIES AND ORGANIZATIONS IN LEBANON, EGYPT, IRAQ, JORDAN AND SYRIA, OCTOBER 1954–AUGUST 1955*, at 40 (1956).

353. MENASHRI, *supra* note 303, at 110.

354. *Supra* text accompanying notes 257, 268–71.

355. *Supra* text accompanying notes 326–36.

356. HASAN TAQIZĀDE, 3 MAQĀLĀT-E TAQIZĀDE [TAQIZADEH'S ARTICLES] 146 (Sahāmi-ye Ōfset Press 1970) (Taqizadeh, the liberal Majlis representative from Azerbaijan, explains his perspective on women's education).

357. Efrati, *supra* note 346, at 163; see also Agnes Conway, *Education in Iraq, 1927*, 14 J. CENT. ASIAN SOC'Y 338 (1927) (hinting at the same philosophy in stating that Iraqi men wanted educated wives).

the first Iraqi women's association sanctioned by the king with a distinctly social, rather than political, agenda.³⁵⁸ It organized home economics and child rearing classes and undertook welfare projects, but its "members were not critical of their society's social inequities."³⁵⁹ There is some disagreement about whether it was forced to close because the government and Islamic establishment were opposed to the notion of any "awakening" for women³⁶⁰ or because, as one member claimed, the women lost interest and it "dwindled into an occasional tea-party."³⁶¹

Women also formed a few charitable organizations in the 1930s and 1940s,³⁶² followed by a number of wartime societies such as the British-sponsored Sisterhood of Freedom.³⁶³ Another group, the League Against Nazism and Fascism (renamed the Women's League Society after the war), founded in 1943, focused on running several illiteracy centers and debated women's rights.³⁶⁴ The Iraqi Women's Union, founded in 1945, was made up of five different organizations and sought to "elevate the level of family and to serve society."³⁶⁵ While some scholars claim that the Union engaged in some political work in the 1950s,³⁶⁶ it has been described by other Iraqi women as a "pretty trivial" place where the "wives of ministers and big directors . . . used to sit, chat and drink coffee."³⁶⁷ Indeed, one observer concluded that none of the women's organizations in Iraq directly promoted "equal political rights for women."³⁶⁸

358. See Efrati, *supra* note 346, at 159 (discussing the organization in detail).

359. Efrati, *supra* note 346, at 160. According to Bashkin, the Women's Awakening Club also protested seclusion. Bashkin, *supra* note 351, at 58.

360. INGRAMS, *supra* note 346, at 92–94.

361. E.S. Stevens, *The Woman Movement in Iraq*, NEAR E. & INDIA, Oct. 10, 1929, at 400.

362. Efrati, *supra* note 346, at 166–68. Examples include the Child Welfare Society, the Women's Temperance and Social Welfare Society, and the women's wing of the Red Crescent. WOODSMALL, *supra* note 352, at 48. Woodsmall describes the Child Welfare Society and the Red Crescent as "sewing circles," which were "entirely dependent upon the men members." *Id.*

363. WOODSMALL, *supra* note 352, at 48.

364. Cobbett, *supra* note 347, at 125; see also Bashkin, *supra* note 348, at 67 (explaining that the "left-leaning organization continued to function after the war, providing classes for illiterate women and men and holding educational meetings").

365. Efrati, *supra* note 346, at 169. The five organizations included the Women's Temperance and Social Welfare Society, the Houses of the People Society, the Women's League Society, The Child Protection Society, and the women's branch of the Red Crescent Society. *Id.*

366. See INGRAMS, *supra* note 346, at 95 (explaining that the Women's Union submitted a memorandum addressed to the Presidents of the two Houses of Parliament demanding reforms in 1952); Efrati, *supra* note 346, at 169 ("[D]uring the 1950s, the union led the struggle for women's political rights.").

367. AL-ALI, *supra* note 346, at 88.

368. WOODSMALL, *supra* note 352, at 50. Bashkin, however, states that the head of the League for the Defense of Women's Rights sent a petition to the government asking that women be given the right to vote. Bashkin, *supra* note 348, at 67.

Similar patterns can be discerned with women's publications in Iraq. The first women's magazine, *Leila*, was launched in 1923 but existed for only two years.³⁶⁹ After closing, no other publication emerged for thirteen years until 1937, when a magazine named *The Modern Woman*—later renamed *The Iraqi Girl*—was started.³⁷⁰ Over the next decade, a small number of publications were launched, mostly with long delays between successive issues.³⁷¹ The failure of a distinct women's press to take hold in Iraq³⁷² deprived any potential advocates of gender equality of a discursive tool in civil society.

In contrast to the six women's journals produced in Iraq during a similar time span (from 1910 to 1945), Iranian women launched fourteen magazines,³⁷³ and Japanese women founded over 153 journals between 1912 and 1926.³⁷⁴ Although the gulf between the number of women's magazines published in Iran and Iraq is much smaller than between Iraq and Japan, Iranian women more readily attacked controversial issues, including the "Islamic culture."³⁷⁵ By contrast, with rare exception, most Iraqi women's publications stuck to social and literary themes.³⁷⁶

In comparison to movements in Japan and Iran, what is called "the first Iraqi Women's Movement [or] Women's Awakening"³⁷⁷ remained limited even when it became clear that the Iraqi government had no intention of addressing gender equality. Indeed, the constitution of the newly independent Iraq explicitly denied women the right to vote and the right to be elected.³⁷⁸ However,

369. INGRAMS, *supra* note 346, at 91.

370. *Id.*

371. *Id.* at 91–92. After *The Arab Girl* ran for six months in 1937, nothing else was published until 1943, when *The Women's Voice* ran for two issues. *Id.* Two magazines were launched in 1946: *Al Rihab*, a literary magazine, and *The Mother and Child*. *Id.* at 92. The *Daughter of Rashid* was launched in 1948, but closed after only 4 issues. *Id.*

372. Efrati, *supra* note 346, at 172 (concluding that a separate women's press was never established in Iraq's awakening stage).

373. BÁMDÁD, *supra* note 294, at 139 app. B. at 139–40. Most of the Iranian women's magazines ran more consistently and over a longer period of time than their Iraqi counterparts. *See id.* (listing the Iranian publications with their dates).

374. HIROSHI HAMAZAKI, JOSEISHI NO GENRYŪ: ONNA NO ZASSHI, KAKU UMARE, KAKU KISOI, KAKU SHISERI [ORIGINS OF WOMEN'S MAGAZINES: HOW WOMEN'S MAGAZINES WERE STARTED, HOW THEY COMPETED AND HOW THEY CEASED] IX – XVI (Shuppan Nyūsusha 2004).

375. PAIDAR, *supra* note 293, at 63; *see also* SANASARIAN, *supra* note 293, at 32–34 (providing a summary of the leading Iranian women's publications' opinions on the veil and other controversial topics).

376. *See* INGRAMS, *supra* note 346, at 91–92 (providing review of women's magazines in Iraq).

377. AL-ALI, *supra* note 346, at 12.

378. CONSTITUTION OF THE KINGDOM OF IRAQ art. 36 (limiting the membership of the Chamber of Deputies to "male inhabitants"); *id.* art. 42 (setting the voting age at thirty for any "Iraqi male").

unlike in Japan and Iran, where women responded with action to their allegedly progressive governments' exclusion of women from the benefits of reform, women in Iraq do not seem to have reacted in a similar way. The lack of a broad-based women's movement underscores the generally anemic nature of civil society during the monarchy and explains Iraq's inability today to reach back to that period to energize its transition to democracy.

III. BACK TO THE FUTURE – HISTORICAL REFLEXES RESURRECTED

A. *Post World War II Japan*

1. Labor Movement

When the Supreme Authority for the Allied Powers (SCAP) arrived in Japan at the end of World War II, the country had already struggled with building democratic institutions for nearly 70 years. SCAP undertook extensive reforms with the help of Japanese social bureaucrats it had retained and who had advocated the adoption of liberal labor laws during the Taisho democracy.³⁷⁹ Both the conservative Japanese government and corporate Japan were opposed to SCAP's program of labor reform.³⁸⁰ By 1948, concerned with the looming Cold War and potential trouble in Korea, SCAP decided to change course and, in an effort to avert social unrest in Japan, threw its support behind the reactionary Japanese government opposed to reforms.³⁸¹ Faced with SCAP's dramatic turnabout, the labor movement reprieved its role from the Meiji and Taisho periods, when it had fought against the government for workers' rights. For fifteen years following World War II, labor thus successfully defended Japan's post-war social reforms, thereby posing "fundamental challenges to elite dominance."³⁸²

379. See GARON, *supra* note 171, at 232–34 (“[T]he Occupation never attempted to remove the vast majority of higher civil servants who had dealt with labor matters during the war.”).

380. GORDON, *supra* note 7, at 235.

381. See *id.* at 238 (explaining how SCAP forbade a national “general strike” planned by a broad coalition of unions on February 1, 1947); Joe Moore, *Democracy and Capitalism in Postwar Japan*, in *THE OTHER JAPAN: CONFLICT, COMPROMISE, AND RESISTANCE SINCE 1945*, at 353, 363 (Joe Moore ed., new ed. 1997) (explaining that by the end of 1948, “a conservative counterattack on the democratic reforms of the first period was well under way with SCAP’s active cooperation”).

382. Moore, *supra* note 381, at 359. Other scholars also concur that once freed of constraints, the Japanese fervently embraced the idea of democratization in broad terms. See, e.g., TIPTON, *supra* note 282, at 153, 159–60 (providing examples of workers’ and policy makers’ actions).

As part of its original program of labor reform, SCAP emphasized the rights of workers to strike and form unions, freed imprisoned members of the Communist Party, and sought to break up many of the Zaibatsu, Japan's vast business empires.³⁸³ The social bureaucrats retained by SCAP, with America's backing, quickly resuscitated "the 1920s agenda of labor and social legislation."³⁸⁴ SCAP was so impressed with Japan's history of positive responses to labor rights that it stood aside and allowed the bureaucrats to draft a Trade Union Law in 1945 that was manifestly similar to the liberal legislation proposed by social bureaucrats in 1925 and 1929.³⁸⁵ As a result, union membership jumped from 1,177 in September 1945 to 5,030,574 in February 1947³⁸⁶ and, by the end of 1949, 55.8% of Japan's non-farm labor force belonged to unions.³⁸⁷ The social bureaucrats also drafted the Labor Standards Law of 1947, which, to SCAP's surprise, "significantly exceeded the United State's Fair Labor Standards Act in coverage."³⁸⁸ SCAP's policies and the free reign it gave the pre-war reform agenda angered Japan's old guard, which accused MacArthur of turning "Japan Red,"³⁸⁹ but were warmly embraced by the people,³⁹⁰ who engaged in political activism en masse.³⁹¹

In addition to facing a hostile government in Tokyo, workers had to contend with a worsening economic situation due to war devastation and the Zabitsu's crippling economic policies.³⁹² Instead of using government financial subsidies to stimulate production, Japanese business used the funds to purchase and hoard scarce raw materials, shutting down production and firing thousands of workers

383. GORDON, *supra* note 7, at 235–36.

384. GARON, *supra* note 171, at 236.

385. Sheldon M. Garon, *Imperial Bureaucracy and Labor Policy in Postwar Japan*, 43 J. ASIAN STUD. 441, 448 (1984).

386. Joe Moore, *Production Control: Workers' Control in Early Postwar Japan*, in *THE OTHER JAPAN: CONFLICT, COMPROMISE, AND RESISTANCE SINCE 1945*, *supra* note 381, at 4, 13 tbl.1.2 (citing JAPAN PRIME MINISTER'S OFFICE, CABINET BUREAU OF STATISTICS, JAPAN STATISTICAL YEARBOOK (1949)).

387. DAVID FLATH, *THE JAPANESE ECONOMY* 79 (2000); see also Suzuki Akira, *The Death of Unions' Associational Life? Political and Cultural Aspects of Enterprise Unions*, in *THE STATE OF CIVIL SOCIETY IN JAPAN 195, 196* (Frank J. Schwartz & Susan J. Pharr eds., 2003) (stating that "the unionization rate reached its postwar peak of 55.8% in 1949").

388. GARON, *supra* note 171, at 236.

389. JOHN W. DOWER, *EMPIRE AND AFTERMATH: YOSHIDA SHIGERU AND THE JAPANESE EXPERIENCE, 1878–1954*, at 294 (1979).

390. ANDREW GORDON, *THE WAGES OF AFFLUENCE: LABOR AND MANAGEMENT IN POSTWAR JAPAN* 7 (1998).

391. TIPTON, *supra* note 282, at 159. Two million people participated in the May Day rally in 1946, with smaller rallies throughout the year, demanding food but also expressing their support for democracy and equality. *Id.* at 155.

392. Moore, *supra* note 381, at 360–61.

in the process.³⁹³ Industrial production in the winter of 1945–1946 plummeted to as low as 10% of the 1935–1937 average, unemployment climbed to twelve million,³⁹⁴ and inflation ravaged people’s remaining purchasing power. In order to overcome management’s total shut down, workers undertook 1,169 labor disputes involving 854,848 workers in 1946 alone;³⁹⁵ some labor disputes involved “production control,” where workers locked out management and ran the enterprises.³⁹⁶ Because the Japanese government asserted that the workers sought to bring down the capitalist system, workers took pains to make reasonable demands such as a living wage, regular and equalized pay raises, and some employment security.³⁹⁷

As Cold War geopolitical tensions escalated, SCAP, alarmed by labor militancy, threw its support behind Japan’s conservative elite and moved away from total labor liberalization. Buoyed by SCAP’s support, the Japanese government suppressed further “production control” takeovers, reducing these incidents from fifty events per month involving thirty thousand workers in the spring of 1946, to twenty-five events per month with five to six thousand workers in early 1947.³⁹⁸ Undaunted, labor switched to traditional strike tactics building up to the 1946 “October Struggle,” which involved over 100 strikes and more than 180,000 workers.³⁹⁹ SCAP clamped down further in 1947, ordering a nationwide strike to be cancelled and advising the Yoshida government to revise the country’s labor laws, and in 1950, set in motion the red purge.⁴⁰⁰ The Japanese government heartily complied with SCAP’s directives. It banned unions in the public sector from striking and fired 12,000 union activists deemed to be communist sympathizers.⁴⁰¹

393. GORDON, *supra* note 390, at 6; Moore, *supra* note 384, at 353, 360; Moore, *supra* note 386, at 4, 10.

394. Moore, *supra* note 386, at 10. This is a staggering number, considering Japan’s non-agricultural work force of 18 million. *Id.* at 10–11.

395. *Id.* at 14.

396. GARON, *supra* note 171, at 238; GORDON, *supra* note 390, at 8.

397. KUMAZAWA MAKOTO, PORTRAITS OF THE JAPANESE WORKPLACE: LABOR MOVEMENTS, WORKERS AND MANAGERS 49–62 (Andrew Gordon & Mikiso Hane trans., 1996). One of the first examples of “production control” labor protests in Japan concerned *Youmiuri* newspaper, where the workers primary demands were “a thoroughgoing democratization of the company’s organization, better pay, [and] respect for the employees as human beings . . .” Moore, *supra* note 386, at 16. In addition, research suggests that the Japanese Communist Party was not behind most of the “production control” incidents, and workers did not seek to overthrow capitalism in Japan. *Id.* at 25–28.

398. GORDON, *supra* note 390, at 8.

399. Moore, *supra* note 386, at 14 tbl.1.3 (citing JAPAN PRIME MINISTER’S OFFICE, *supra* note 386, at 730–31).

400. Sheldon Garon & Mike Mochizuki, *Negotiating Social Contracts, in POSTWAR JAPAN AS HISTORY* 145, 156–57 (Andrew Gordon ed., 1993).

401. GORDON, *supra* note 390, at 10.

The ferocity of labor protest after World War II was not simply the product of SCAP's post-war labor reforms but rather followed in the tradition of the labor movement during the Meiji and Taisho periods.⁴⁰² For example, when faced with a challenging inflationary period after World War I, workers undertook stoppages involving a staggering 57,000 workers in 1917, 66,457 in 1918, and 63,137 in 1919.⁴⁰³ In addition, despite severe restrictions on unionization in Article 17 of the Police Law, there were 469 unions with 228,278 members in 1924, with the numbers increasing to 973 unions with 420,589 members by 1936.⁴⁰⁴ Similarly, workers' demands in the post-World War II period closely mirrored demands by earlier labor organizations from the Taisho period such as the Yuaikai, which subscribed to the ILO's platform.⁴⁰⁵ If labor's inspiration for protests had come solely from America's support for reforms, SCAP's abrupt change of heart and abandonment of labor reform ought to have derailed workers. It did not. Instead, massive protests continued in the 1950s.⁴⁰⁶

The conservative Japanese government, however, was not satisfied with merely turning back the clock on labor laws; it also sought fundamental constitutional revisions, including abolishing Article 9 (which severely curtailed Japan's ability to arm), raising the emperor's status from a symbolic leader to the unambiguous "head of state," and limiting civil liberties by adding emergency executive powers for use at the time of crisis.⁴⁰⁷ In addition to opposing all of the constitutional revisions, labor, along with other activists, took a strong stance against both the 1951 United States–Japan Security Treaty (Anpo)⁴⁰⁸ and a revised version in 1960.⁴⁰⁹ These positions closely tied labor to the broader peace movements that opposed American military bases and supported nuclear disarmament.⁴¹⁰

On the heels of a cascade of demonstrations in 1960, some drawing as many as 200,000 participants, the conservatives, now in the form of the Liberal Democratic Party (LDP), retracted their

402. See discussion *infra* Part II.B.1 (describing the labor movement during these periods).

403. GARON, *supra* note 171, at 40.

404. *Id.* at 256 app. VI.

405. See *supra* text accompanying notes 184–85.

406. Andrew Gordon, *Contests for the Workplace, in* POSTWAR JAPAN AS HISTORY, *supra* note 400, at 373, 380–81 (providing a summary of some of the most notorious strikes of the 1950s, including the 113-day strike at the Mitsui Miike Mine in 1953). The union adopted the slogan "democratization" and won a voice in highlighting safety issues, setting job and overtime allocation, and regulating output pay, and emphasized that it did not challenge managerial authority. *Id.* at 380–83.

407. GORDON, *supra* note 7, at 272.

408. GARON, *supra* note 171, at 241.

409. *Id.*

410. GORDON, *supra* note 7, at 273–74.

demand for constitutional revisions.⁴¹¹ Furthermore, while this large-scale civil society mobilization did not prevent ratification of the revised Anpo in 1960, public criticism of Premier Kishi Nobusuke's autocratic manner forced him to resign and persuaded Eisenhower to cancel a proposed visit to Japan.⁴¹² More importantly, this fierce defense of demilitarization "helped to set an informal but publicly acknowledged limit to defense budgets at no more than 1 per cent of the GDP."⁴¹³

The costly and dramatic surge in civil society protest in the 1950s and early 1960s persuaded the LDP and the business elite to seek labor's "cooperation and consent" instead of its "coercion and indoctrination."⁴¹⁴ This mirrored the success of an earlier generation of labor activists who had forced the Minseitō Party, progressive business organizations, and liberal bureaucrats to come together and solicit labor's cooperation to avert social upheaval.⁴¹⁵ Rather than the stereotype of Japan as a unique case of "corporatism without labor," where business and government bureaucrats successfully exclude labor from policy making at all levels,⁴¹⁶ post-World War II managers were forced by labor's effective resistance to absorb important portions of the "early postwar agenda into the new cooperative order."⁴¹⁷ For example, the wage system that emerged from decades of post-war labor-management conflict does not represent a victory for management but is a complicated mix of pre- and post-war wage practices that synthesize livelihood and evaluation standards.⁴¹⁸

411. *Id.* at 276, 279.

412. *Id.* at 276.

413. TIPTON, *supra* note 282, at 175. An even greater number of social movements started forming in the seventies, foreshadowing an electoral shift to the left, which, although did not dislodge the entrenched LDP, forced it to adopt social welfare measures, such as pollution legislation, improved pension, and health benefits. Moore, *supra* note 381, at 380.

414. Moore, *supra* note 381, at 365; *see also* TIPTON, *supra* note 282, at 177 (noting that although management had regained control of the workplace, employees retained the respect they had previously earned).

415. *Supra* text accompanying notes 189–93.

416. This phrase was first coined by Pempel and Tsunekawa in T.J. Pempel & Keiichi Tsunekawa, *Corporatism without Labor? The Japanese Anomaly*, in TRENDS TOWARD CORPORATIST INTERMEDIATION 23–26 (Philippe C. Schmitter & Gerhard Lehmbruch eds., 1979).

417. GORDON, *supra* note 390, at 11. Sheldon Garon goes further and argues that, taking their cue from the pre-war period, conservative labor leaders and LDP politicians sought to engage each other throughout the postwar decades, with the goal of carving some sort of an institutional role for labor at the national level. GARON, *supra* note 171, at 243.

418. ANDREW GORDON, *THE EVOLUTION OF LABOR RELATION IN JAPAN: HEAVY INDUSTRY, 1853–1955*, at 383 (1985).

Furthermore, much like Taisho activists who had triumphantly repealed Article 17 of the Police Law,⁴¹⁹ the labor movement after World War II also successfully thwarted the government's efforts to prohibit general strikes and pass a "public peace-preservation law."⁴²⁰ Post-World War II activists also won participation rights for workers in management discussion councils, thereby building on informal "citizenship rights"⁴²¹ that labor had managed to gain in certain industries during the Taisho democracy.⁴²²

In confronting reactionary challenges to Japan's post-war reforms, labor employed the same tactical strategies earlier generations had used to great effect to force compromise on several levels with both the government and corporate Japan. Labor thwarted, in a myriad of ways, the government's attempts to roll back worker's rights and constitutional protections and validated the power of social resistance "in constraining the elite's freedom of action in extending control over the enterprise and society at large."⁴²³

2. Women's Movement

With decades of activism at their fingertips, women deepened and extended democracy in post-war Japan in three ways. First, a large pool of women activists from the earlier reform period described above successfully campaigned for pro-women legislation. Second, women accelerated their organizing to address both immediate concerns, such as Japan's food shortage, and long-term issues, such as gender equality. Third, women spearheaded and played a significant role in mass social movements, including the peace and labor movements.

SCAP and General MacArthur have been routinely credited for the package of radical post-war gender reforms.⁴²⁴ Indeed, evidence

419. GARON, *supra* note 171, at 231.

420. GORDON, *supra* note 7, at 276, 279

421. Andrew Gordon, *Contests for the Workplace*, in POSTWAR JAPAN AS HISTORY, *supra* note 406, at 379. Unions eliminated some discrimination between white and blue-collar employees such as separate dining halls, leading to a company-wide single rank system. TIPTON, *supra* note 282, at 150.

422. See *supra* notes 194–96 with accompanying texts (discussing the substantial gains achieved by the labor movement). Some of the informal rights won during the Taisho Democracy included institutionalized bonuses, shorter workdays, and greater respect in the work place. Andrew Gordon, *Contests for the Workplace*, in POSTWAR JAPAN AS HISTORY, *supra* note 400, at 379.

423. Joe Moore, *Democracy and Capitalism in Postwar Japan*, in THE OTHER JAPAN: CONFLICT, COMPROMISE, AND RESISTANCE SINCE, *supra* note 381, at 355.

424. Mackie and Pharr oppose this premise, but recognize that it used to be a common perspective. Vera Mackie, *Feminist Politics in Japan*, 167 NEW LEFT REV. 53, 59 (1988); Susan J. Pharr, *The Politics of Women's Rights*, in DEMOCRATIZING JAPAN: THE ALLIED OCCUPATION 221, 227–28 (Robert E. Ward & Sakamoto Yoshikazu eds., 1987).

suggests that Washington believed that Japan's anti-democratic family system directly caused its aggressive militarism.⁴²⁵ Improving women's status, it argued, was one of the key ways to democratize Japan.⁴²⁶ Despite stiff opposition by the conservative Japanese government, SCAP thus included constitutional guarantees of gender equality⁴²⁷ and championed the formation of the Women and Minor's Bureau (WMB) in the Ministry of Labor, a watchdog agency to protect women's rights after the occupation.⁴²⁸

While SCAP's role in promulgating these measures is undeniable, this account misses the extent of the role that Japanese women played in shaping legislation, which to a large degree represented a continuation of women's pre-war agenda.⁴²⁹ The evidence indicates that the American women in SCAP consulted closely with a group of Japanese women policy advisors, who in turn connected to a broad network of Japanese women leaders, including the thirty-nine women elected to the first post-war Diet, women unionists, and party activists, all of whom campaigned aggressively in support of the constitution and the establishment of the WMB.⁴³⁰

Autonomous women's organizations also shaped legislation. For example, the aggressive campaign by the League for New Japanese Women, a suffrage group founded in 1945 by leading post-war feminist Fusae Ichikawa to continue the work of her League for Women's Franchise, is often cited as one of the factors behind the

425. Pharr, *supra* note 424, at 222.

426. *Id.*

427. Article 14 of the Japanese Constitution guarantees women's equality and declares: "All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin." MEIJI KENPO [Constitution] art. 14 (Japan). The second, and more ambitious, article 24 extends women's equality to the realm of family by guaranteeing equality in marriage, divorce, property rights, inheritance, choice of domicile and spouse, and other general family law matters. *Id.* art. 24. The family law sections of the civil code were also revised to conform with the constitutional standards eliminating advantages to men. Frank K. Upham, *Unplaced Persons and Movements for Place*, in *POSTWAR JAPAN AS HISTORY*, *supra* note 400, at 325, 326. In addition, the Labor Standards Act of 1947 prohibited wage discrimination on the basis of sex; outlawed night work and dangerous work; and provided for maternity, nursing, and menstruation leave. Mackie, *supra* note 424, at 60; Upham, *supra*, at 325–26.

428. Pharr, *supra* note 424, at 223–24.

429. *Id.* at 228–29, 233.

430. *Id.* at 223, 233; *see also* Tadashi Hanami, *Japan*, in *WOMEN AND TRADE UNIONS IN ELEVEN INDUSTRIALIZED COUNTRIES* 215 (Alice H. Cook, Val R. Lorwin & Arlene Kaplan Daniels eds., 1984); Mackie, *supra* note 424, at 60 (discussing the relationship between the American and Japanese women who assisted in campaigning for the WMB); *cf.* Mire Koikari, *Exporting Democracy?: American Women, "Feminist Reforms," and Politics of Imperialism in the U.S. Occupation of Japan, 1945–1952*, 23 *FRONTIERS J. WOMEN'S STUD.* 23, 25, 33–34 (2002). Despite Koikari's criticism of the narratives of gender reform as "congratulatory", she recognizes the role of a large group of Japanese women in shepherding the reforms. *Id.* at 25, 33–34.

Diet's approval of women's suffrage.⁴³¹ Indeed, it has been argued that SCAP's "radical experiment might never have begun" without the very history of the women's movement in Japan, which informed the occupation of the existence of "a broad constituency in support of measures to benefit women."⁴³²

The unprecedented political and social rights granted to women after World War II further fueled women's activism to challenge socio-cultural norms.⁴³³ In addition to national organizations, by the end of the occupation, women had formed 14,751 regional organizations composed of 6.5 million members, encompassing approximately 28.4% of the female voting population; those numbers increased to 23,918 organizations and 7.8 million members by 1960.⁴³⁴ Issues similar to those that arose during the Taisho democracy concerned these newly formed women's groups. For example, while women's groups in the 1920s had fought for greater protection for mothers and children, the Democratic League for Childcare, founded in 1946, and Agora, founded in the early 1960s, focused on increasing the number of childcare facilities.⁴³⁵ Similarly, just as women protesters triggered the rice riots in 1918, decrying the spiraling cost of rice,⁴³⁶ women after World War II spearheaded demonstrations against food shortages.⁴³⁷

After World War II, women took the lead in organizing mass social movements in the same manner as women in the earlier reform period, many of whom had actively participated as lecturers and demonstrators in campaigns such as the FPRM.⁴³⁸ The Federation of Japanese Women's Groups (FJWG)—an umbrella group formed by one of the leading pre-war feminists, Raicho Hiratsuka, and made up of women's branches of labor unions, farmers associations, and a diverse range of autonomous women's groups—took up the cause of peace in 1953.⁴³⁹ At its peak during protests over the revised Anpo in 1960, the FJWG boasted nearly four million followers.⁴⁴⁰ Other leading organizations such as the Housewives' Council of the Japan

431. Mackie, *supra* note 424, at 120–21; Mikiko Eto, *Vitalizing Democracy at the Grassroots: A Contribution of Post-War Women's Movements in Japan*, 25 *E. ASIA* 115, 121 (2008).

432. Pharr, *supra* note 424, at 229.

433. Eto, *supra* note 431, at 122.

434. MIRIAM MURASE, *COOPERATION OVER CONFLICT: THE WOMEN'S MOVEMENT AND THE STATE IN POSTWAR JAPAN* 50 (2006).

435. Eto, *supra* note 431, at 122; MACKIE, *supra* note 270, at 151.

436. GARON, *supra* note 171, at 40.

437. Eto, *supra* note 431, at 132 (describing how women's struggle with improving the post-war rationing system, which started with fifteen homemakers in Konoike village, gave rise to a consumer movement called the Kansai Housewives Union).

438. For a discussion of women's role in the FPRM, see Sievers, *supra* note 12.

439. Eto, *supra* note 431, at 122.

440. *Id.*

Coal Miners' Union, the National Coordinating Council of Regional Women's Association, which had a large rural constituency, and the Japan Women's Council also fought for peace and against nuclear testing.⁴⁴¹ Because "peace and democracy were the key words of the immediate postwar period," women were at the helm of the largest democratic movement of the time.⁴⁴²

Women also continued their pre-war activism in the labor movement, which dated back to an 1886 strike by silk mill laborers in Kofu,⁴⁴³ by participating in the labor strikes of the post-World War II period. Within the labor movement, however, women reached beyond simply battling with employers for greater rights and looked inward to reform a sexist union system, which was unsympathetic to women's problems and often entered into sexually discriminating arrangements with management such as "agreeing to women's early 'retirement' (read "dismissal")."⁴⁴⁴

Over the vigorous objection of their male colleagues, women unionists thus started to form a greater number of women's committees within unions as well as breakaway, independent women-only unions.⁴⁴⁵ The first women-only union emerged out of the Omi Kenshi silk mill workers strike in 1954.⁴⁴⁶ Finding that the existing union was too close to management, twenty employees formed an independent, women-only union and successfully negotiated the right to work after marriage and an end to oppressive dormitory rules, including company inspection of correspondence and personal material.⁴⁴⁷ Subsequently, the Yamago silk workers also formed a women-only union in 1957 with similar success,⁴⁴⁸ and, in 1959 and 1960, unionized nurses and hospital workers also achieved comparable triumph in Tokyo.⁴⁴⁹ Thus, women played a key role in democratizing both corporate Japan and the labor movement.

441. Kathleen S. Uno, *The Death of "Good Wife, Wise Mother,"* in *POSTWAR JAPAN AS HISTORY*, *supra* note 400, at 310–11.

442. MACKIE, *supra* note 269 at 135 (internal quotation marks omitted)

443. See *supra* note 267 with accompanying text (identifying the common belief that the strike by silk mill laborers in Kofu represented Japan's first industrial labor strike involving female workers).

444. Hanami, *supra* note 430, at 229, 231.

445. Kaye Broadbent, *Pawaa Appu! Women Only Unions in Japan*, *ELECTRONIC J. OF CONTEMP. JAPANESE STUD.*, Oct. 31, 2005, <http://www.japanesestudies.org.uk/articles/2005/Broadbent.html> (providing a survey of women's committees within unions, as well as a detailed review of several independent women only unions).

446. Kay Broadbent, *Japan: Women Workers and Autonomous Organizing*, in *WOMEN AND LABOUR ORGANIZING IN ASIA: DIVERSITY, AUTONOMY AND ACTIVISM* 156, 161 (Kaye Broadbent & Michele Ford, eds., 2008).

447. *Id.*; see also GORDON, *supra* note 7, at 275 (noting that the fifteen hundred women on strike at the Omi Silk Reeling Company demanded these concessions in addition to recognition of the women-only union).

448. Broadbent, *supra* note 446, at 161–62.

449. GORDON, *supra* note 7, at 275.

Through their commitment to challenging the political status quo and dedication to social reconstruction, successive women's movements in Japan have acted as important agents of democratic reform in both the pre- and post-war periods. Women deepened Japan's post-war democracy by pressing for equal rights, better resources for families, and improved labor conditions, and by spearheading broad campaigns such as the peace movement.

B. Post-Reza Shah Iran

1. Labor Movement

Reza Shah's abdication in 1941 ushered in a period of constitutional monarchy, when the king reigned and an autonomous Majlis and executive governed.⁴⁵⁰ In this climate, new political parties were formed, a free press flourished, and the labor movement was reborn.⁴⁵¹ Skills learned from labor activism during the Constitutional Revolution and the 1920s had well-equipped a new cadre of activists in the post-Reza Shah period to clinch concessions from both employers and the government. Workers' organization and effectiveness during this era was considered "remarkable" and resulted in "a major mass threat to the regime."⁴⁵² Labor was silenced by a CIA coup in 1953 that ousted Mohammad Mossadegh, the democratically elected prime minister of Iran who served from 1951–1953, but rose up again in the 1970s to engage in large-scale protest⁴⁵³ and has continued to play an important role in the reform movement to date.⁴⁵⁴

After Reza Shah's ouster, labor veterans from the earlier "Golden Age" of labor activism after World War I returned to factories in many of the major urban areas—including Tehran, Tabriz, and Isfahan—to resurrect old unions and build new ones.⁴⁵⁵ Like their Japanese peers, they organized strikes and production controls, whereby workers locked out management and ran the enterprises themselves.⁴⁵⁶ Labor activism during this period garnered significant economic gains from employers, including paid Friday holidays and

450. LADJEVARDI, *supra* note 221, at 28.

451. *Id.*

452. Fred Halliday, *Trade Unions and the Working Class Opposition*, 71 MERIP REPORTS 7, 10 (1978).

453. *Id.* at 7.

454. Ian Morrison, *Iran's New Labor*, TEHRAN BUREAU, FRONTLINE, Jan. 28, 2010, <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2010/01/irans-new-labor.html>.

455. See *supra* note 216 with accompanying text (acknowledging that Willem Floor referred to the period as the "Golden Age" of labor activity in Iran and that at least fifteen significant strikes took place between 1918 and 1925).

456. ABRAHAMIAN, *supra* note 67, at 347–48.

the forty-eight hour week.⁴⁵⁷ On the legislative side, the Majlis passed a labor insurance law in 1943 in response to growing pressure from workers.⁴⁵⁸ The law insured workers in transportation, mining, manufacturing, and commercial industries against physical disability, lost wages, medical expenses, and death due to accident or illness.⁴⁵⁹

In May 1944, the Central Council of Federated Trade Unions (CCFTU), an umbrella union organization, was formed.⁴⁶⁰ By 1946, the CCFTU claimed 335,000 members,⁴⁶¹ encompassing 75% of the industrial work force in 186 affiliated unions spanning every sector of the urban economy.⁴⁶² This astonishing level of organization built on the successes of the 1920s, when, within Iran's fledgling capitalist base, 19% of industrialized workers had joined unions by 1921.⁴⁶³

With this growth in unionization, the number of strikes increased from as few as thirty in 1942 to almost two hundred major strikes in 1945, some with enormous numbers of protestors.⁴⁶⁴ For example, sixty-five thousand workers joined a general strike on July 1946, making it one of the largest stoppages up to that date in the Middle East.⁴⁶⁵ As early as 1944, the British Ambassador stated, "[I]n Persia we are clearly at the beginning of a new era and are seeing the rise of a new social movement," noting that workers "will

457. See ABRAHAMIAN, *supra* note 67, at 355–59 (discussing labor's success in the Isfahan textile mills); *id.* at 359–69 (discussing labor's success in the oil industry of Khuzistan); Elaheh Rostami-Povey, *Trade Unions and Women's NGOs: Diverse Civil Society Organisations in Iran*, 14 DEV. PRAC. 255, 255 (2004) (Gr. Brit.).

458. LADJEVARDI, *supra* note 221, at 41.

459. Public Administrative Regulations Under the Workers' Insurance (Industrial Accidents) Act, Tehran 1322 [1943] (Iran), reprinted in THE INTERNATIONAL LABOR OFFICE, I LEGISLATIVE SERIES 1947 (1949); LADJEVARDI, *supra* note 221, at 41.

460. Ervand Abrahamian, *The Strength and Weaknesses of the Labor Movement in Iran, 1941–1953*, in MODERN IRAN: THE DIALECTICS OF CONTINUITY AND CHANGE, *supra* note 219, at 211.

461. Reza Rusta, *Mr. Rusta's Inaugural Speech to the First Conference of the Union of Railwaymen*, ZAFAR, Aug. 13, 1946, at 4. While Abrahamian accepts Reza Rusta's (the CCFTU's first secretary's) numbers, other sources dispute them. Abrahamian, *supra* note 219, at 216. The British foreign office cites a total membership of 275,000, using the Tudeh's (the Iranian Communist Party's) own numbers. THE CONDITION OF THE WORKING CLASS IN IRAN (A DOCUMENTARY HISTORY), *supra* note 207, at 297. Ladjevardi's estimates range from 100,000 members to 180,000. LADJEVARDI, *supra* note 221, at 48. Ladjevardi concludes Rusta's calculations may be viable if they include some non-industrial members, including the agricultural, road, and dock sectors. *Id.*

462. Abrahamian, *supra* note 219, at 211, 216.

463. See *supra* note 207 with accompanying text. (noting that the number was deduced from original documents of the time indicating that approximately 20,000 of Iran's 105,000 industrialized workers were union members).

464. ABRAHAMIAN, *supra* note 67, at 351, 363.

465. *Id.* at 363; see also POULSON, *supra* note 71, at 153 (noting that other large rallies including the Tudeh party rally of 1943, the 1946 anniversary of the 1907 Constitution and the May Day 1946 rally gathered between 40,000 and 60,000 people).

certainly continue to make the employers feel their newly discovered power.”⁴⁶⁶ While the Ambassador’s observations underscore labor’s strength, the movement’s impact on employers and the political landscape was not new. The successful mobilization of workers in the 1940s built upon strategic deployment of strikes in the 1920s, a few of which reshaped political boundaries. One incident occurred in January 1922,⁴⁶⁷ when the government collapsed because it could not resolve a strike by school teachers in Tehran; on a second occasion, labor used the threat of a general labor strike in June 1922 to force the government to lift a ban on several liberal newspapers and to release imprisoned union leaders.⁴⁶⁸

In response to labor’s growing strength, the government undertook new social measures. First, on April 4, 1946, the government induced employers to set up an employers’ association, the High Council of Labor, to negotiate with striking workers on more favorable terms.⁴⁶⁹ At the same time, the government chastised employers who were closing down factories in the depressed post-war climate and threatened to authorize workers to operate the factories on the owners’ behalf if the employers failed to heed the government’s warning.⁴⁷⁰ Second, on April 7, 1946, the prime minister, in a direct meeting with unionists, promised to recognize the CCFTU by decree, reduce the work-week to forty-eight hours, release all imprisoned labor activists, and allow labor representatives to participate in government discussions on labor issues.⁴⁷¹

Finally, on May 18, 1946, in consultation with labor,⁴⁷² the Council of Ministers approved a comprehensive labor law⁴⁷³ that, at the time, was deemed “the most advanced labor legislation . . . in the Middle East.”⁴⁷⁴ The new law gave workers the right to organize and to bargain; introduced the forty-eight hour week for factory workers;

466. ABRAHAMIAN, *supra* note 67, at 357.

467. *See supra* note 223 with accompanying text (recounting the school teachers’ strike of 1922 after the government had failed to pay wages for six months).

468. *See supra* note 225 with accompanying text (identifying the government’s arrest of labor leaders in response to the growing labor unrest of the period).

469. *High Council of Labor*, ZAFAR, Apr. 24, 1946, at 1; *see also* LADJEVARDI, *supra* note 221, at 60 (discussing the formation of the “Industrial Council of Iran”).

470. Minister of Commerce, Crafts & Arts, *Announcement*, ZAFAR, Apr. 10, 1946, at 1; *see also* LADJEVARDI, *supra* note 221, at 60 (stating that in April 1946, the minister of commerce warned employers not to close their factories).

471. LADJEVARDI, *supra* note 221, at 60–61.

472. *The Planning Commission for Labor Law*, ZAFAR, Apr. 23, 1946, at 1 (noting that Reza Rusta, Engineer Zavosh, and Engineer Tabrizi, all unionists, were included in the drafting process).

473. *Labor Law Approved: Workers’ Strong Fist Crushes Reactionaries. The Iranian Nation is Hungry for Reform*, ZAFAR, 20 May, 1946, at 1.

474. MAURICE HINDUS, *IN SEARCH OF A FUTURE: PERSIA, EGYPT, IRAQ AND PALESTINE* 88 (1949). For a contemporary source with a similar perspective, *see* KEDDIE, *supra* note 84, 121.

outlawed child labor for those under ten years of age; established a minimum wage tied to local food prices; and entitled women to twelve fully paid weeks of maternity leave.⁴⁷⁵ On the negative side, the law placed obstacles in the way of registering a union; permitted strikes only if the dispute had been considered by an arbitration board, the umpire, the factory council, and the Board of Settlement of Disputes; and packed the arbitration board with government and employer representatives.⁴⁷⁶ Another provision of the labor law permitted employers to negotiate with labor representatives of the employer instead of those designated by the union.⁴⁷⁷ Despite its shortcomings, the very passage of the law by a landlord-controlled Majlis “indicate[d] the strength of demands for change.”⁴⁷⁸

Labor’s successful legislative achievement built upon its earlier momentum from the turn of the century to the 1920s. During this earlier period, many Majlis deputies extensively debated the need for passing strong labor laws, and the strongly pro-labor reform agenda adopted by Democrat Party as part of its campaign platform in 1911 contained many safeguards that came to fruition in the 1946 labor bill.⁴⁷⁹

Labor’s crowning moment came in the summer of 1946, when three unionists and Tudeh leaders were invited to join the government—one in the important post of the Minister of Trade and Industry.⁴⁸⁰ Labor’s increasing powers, however, made some Iranian leaders, including the Shah, nervous; this prompted a conservative backlash and a shift to the right, beginning in autumn of 1946.⁴⁸¹ The three unionist ministers were ousted, labor leaders arrested, and union headquarters and newspapers closed.⁴⁸² Later, following an assassination attempt on the Shah in 1949, unions were banned altogether.⁴⁸³

475. The Labour Bill is reprinted in full in *THE CONDITION OF THE WORKING CLASS IN IRAN (A DOCUMENTARY HISTORY)*, *supra* note 207, at 326–35; *see also* LADJEVARDI, *supra* note 221, at 63 (outlining the significant provisions of the labor law).

476. LADJEVARDI, *supra* note 221, at 63.

477. *Id.*

478. KEDDIE, *supra* note 84, at 113.

479. *See supra* note 215 with accompanying text (explaining that from 1909 to 1911 the Democrat Party adopted a reform program, promoting safe working conditions, the abolition of child labor for those under fourteen, outlawing of forced labor, and limiting the work week to six days a week at no more than ten hours a day).

480. Abrahamian, *supra* note 219, at 211–16; *see also* POULSON, *supra* note 71, at 153. (noting that Tudeh Party members briefly served as cabinet members following large scale demonstrations in the spring of 1946).

481. Abrahamian, *supra* note 219, at 217–18; *see also* POULSON, *supra* note 71, at 155 (stating that during this period, landowners, monarchists, and conservative religious groups aligned to quell the rising Tudeh popularity).

482. Abrahamian, *supra* note 219, at 217–18.

483. *Id.* at 217–18; *see also* Maziar Behrooz, *The 1953 Coup in Iran and the Legacy of the Tudeh*, in MOHAMMAD MOSSADEGH AND THE 1953 COUP IN IRAN 102, 102–

Although the labor movement was badly damaged in 1949, it retained its core attraction to workers and came back in 1950 with a succession of strikes, adding the political call to nationalize the oil industry to other core economic demands.⁴⁸⁴ Labor's massive demonstrations, which mobilized anywhere from 30,000 to 60,000 participants,⁴⁸⁵ played an important role in the election of Mossadegh's National Front government.⁴⁸⁶ Labor's strong support for a democratically elected government reprinted its role from the Constitutional Revolution, when workers, in the form of the *pishevaran*, emerged as advocates of political reform. Although the Mossadegh government was unseated through a CIA coup, what is remarkable about Iran's second experiment with democracy from 1941–1953 is not its ultimate failure, but rather the speed and magnitude with which civil society reflexes inherited from the Constitutional Revolution and its aftermath allowed labor to mobilize and to promote reform and democratic change.

2. Women's Movement

Reza Shah Pahlavi's authoritarian regime (1925–1941) absorbed the grassroots women's movement nurtured from the Constitutional Revolution through to the 1920s and substituted statist solutions to address gender inequality.⁴⁸⁷ Reza Shah's abdication in 1941 saw the

03 (Mark J. Gasiorowski and Malcolm Byrne eds., 2004) (acknowledging that after the attempt on the shah's life, the Tudeh party was declared illegal leading and forced to go underground).

484. Labor first called for the nationalization of the AIOC during a May Day parade in 1946, when a woman speaker called oil "the jewel of Iran." ABRAHAMIAN, *supra* note 67, at 361.

485. *Id.* at 368–69.

486. See, e.g., Rostami-Povey, *supra* note 457, at 255 (arguing the oil workers' strike in 1951, among others, led to Mossadegh's victory). Much is made of how labor's close relationship with the Tudeh, which troubled Britain and the United States, both in the grip of the Cold War, proved damaging to Mossadegh. It is important, however, to recognize that the labor movement was not completely dominated by the Tudeh. One of the chief coalition partners of Mossadegh's National Front, the Toilers' Party (formed in 1950), drew its support from industrial workers and intellectuals, and mixed socialist ideology with a distinctly anti-communist, anti-Soviet perspective. See Sussan Siavoshi, *The Oil Nationalization Movement, 1949–53*, in A CENTURY OF REVOLUTION: SOCIAL MOVEMENTS IN IRAN 117 (John Foran ed., 1994) (discussing the Toilers' Party). One historian goes so far as to state that "communist inroads into the labor movement is [sic] unknown." RICHARD COTTAM, NATIONALISM IN IRAN: UPDATED THROUGH 1978, at 39 (1979). Some union leaders such as Yousef Eftekhari, founder of the Union of Workers, were passionately anticommunist. ABRAHAMIAN, *supra* note 67, at 352.

487. See Nikki R. Keddie, *Women in Iran Since 1979*, 67 SOC. RES. 405, 405–07 (2000) (discussing the status of women during Reza Shah's regime). Reza Shah's reforms were somewhat inconsistent. On the positive side, he raised the age of marriage for girls from puberty (generally recognized by the Shariah as 9 years) to fifteen; allowed women limited divorce rights; transferred registration requirements for marriage and divorce from religious courts to civil bureaus; and instituted a myriad of

re-emergence of civil society forces,⁴⁸⁸ allowing women to form a second autonomous movement. From 1941 to 1953, women engaged with leftist and nationalist political parties, formed the first national women's party, and launched a diverse range of organizations and publications to lobby for a broad reform agenda, with the right to vote forming the central issue for feminists.⁴⁸⁹

A number of political parties supported women's rights during this period. *Tashkilat-e Zanan-e Iran* (Organization of Iranian Women), affiliated with the Tudeh Communist Party, called for radical equality between men and women in its publication, *Bidari-ye Ma* (Our Awakening).⁴⁹⁰ Specifically, it backed the franchise, equal pay, improved working conditions, and better social support networks such as day-care centers.⁴⁹¹ The Socialist Iran Party, a coalition partner with the National Front, also endorsed full equality between men and women.⁴⁹² Other parties, such as the Patriots Party, similarly explored the idea of endorsing equal rights for women, including the right to vote.⁴⁹³

In 1944, instead of relying on general political parties led by men, women founded the "Women's Party," *Hezb-e Zanan* (later renamed the National Council of Women).⁴⁹⁴ Led by an effective executive group with a large general membership,⁴⁹⁵ the Women's

generally favorable educational policies. HAMIDEH SEDGHI, *WOMEN AND POLITICS IN IRAN: VEILING, UNVEILING, AND REVEILING* 72–73 (2007). On the negative side, many of the provisions of alleged modern statutes on family law passed during his reign canonized the Shariah. See, e.g., *id.* at 74 (noting that some divorce laws maintained conformity with the Shariah). Reza Shah also instituted forced de veiling in 1936. SEDGHI, *supra*, at 73–76; Keddie, *supra*, at 40.

488. See PAIDAR, *supra* note 293, at 119–20 (arguing that the post abdication period witnessed the re-emergence of independent women's activities and labor unions for industrial workers); Keddie, *supra* note 487, at 405.

489. Camron Michael Amin, *Globalizing Iranian Feminism, 1910–1950*, 4 J. MIDDLE E. WOMEN'S STUD. 6, 8 (2008) (stating that as many as seventy political parties were formed during this period).

490. See AMIN, *supra* note 314, at 226 (stating that the journal *Bidari-ye Ma* (Our Awakening) published by the Organization of Iranian Women "reflected strong radical views on women's rights" and labeled Reza-Shah a dictator whose "intention was the further exploitation of women"); SANASARIAN, *supra* note 293, at 72.

491. See PAIDAR, *supra* note 293, at 123–125 (providing a thorough description of the Tudeh's and *Tashkilat-e Zanan's* position on women's equality); see also AMIN, *supra* note 314, at 226 (referring to the *Tashkilat-e Zanan* as the "forefront of the women's suffrage campaign"); SANASARIAN, *supra* note 293, at 72 (referring to the *Tashkilat-e Zanan* as the "most radical of women's groups" in its demands for equal pay, day care facilities, and an end to the exploitation of female factory workers); Janet Afary, *Steering Between Scylla and Charybdis: Shifting Gender Roles in Twentieth Century Iran*, vol. 8, no. 1 NAT'L WOMEN'S STUD. ASS'N J. 28 (Spring 1996) (stating that Our Awakening "called for greater educational and employment opportunities for women, better working conditions, vacation time, child care centers and equal pay").

492. PAIDAR, *supra* note 293, at 133.

493. AMIN, *supra* note 314, at 234.

494. Afary, *supra* note 491.

495. RUTH FRANCES WOODSMALL, *WOMEN AND THE NEW EAST* 74 (1960).

Party fought vigorously for the franchise and equal rights in a number of ways, including using the radio and press, lobbying high government officials, and even holding a direct audience with the Shah.⁴⁹⁶ Through numerous articles, interviews, and conferences, the Woman's Party's executives laid out a new argument that equal rights in Iran should be crafted along the parameters of newly emerging international standards rather than centered around notions of male guardianship emanating from traditional Islamic culture.⁴⁹⁷ By anchoring gender equality on international standards, women signaled their unwillingness to allow male reformers to compromise on women's rights in concert with conservative elements.⁴⁹⁸

Suffrage took center stage in the women's movement of this era, and debates on this issue became a regular feature in the press.⁴⁹⁹ Women's groups collected over 100,000 signatures in 1944 in support of women's enfranchisement and began looking for a deputy who, like Ru'aya in 1911, could champion their right to vote in the Majlis.⁵⁰⁰ From 1944 to 1952, three different deputies presented the Majlis with bills giving women the right to vote.⁵⁰¹ On August 12, 1944, Dr. Feraydun Keshavarz introduced an amendment to the Electoral Law that guaranteed women's suffrage.⁵⁰² The Women's Party mobilized its large membership to lobby "sympathetic deputies to support women's suffrage."⁵⁰³ Once it was clear that the amendment would never pass,⁵⁰⁴ the Women's Party formally protested to the Majlis, arguing that international law mandated equality between the sexes.⁵⁰⁵ The women's press lambasted the deputies and wondered how the Majlis could expect freedom if half of the population was classified in the same category as the insane.⁵⁰⁶

496. *Id.*

497. See Amin, *supra* note 489, at 9 (discussing how the Women's Party changed the perception of gender politics in Iran).

498. *Id.* at 6.

499. See generally AMIN, *supra* note 314, at 215–245 (providing coverage of diverse range of perspectives on women's franchise in the Iranian press post World War II).

500. SEDGHI, *supra* note 487, at 95.

501. *Id.*

502. See AMIN, *supra* note 314, at 228 (arguing that Dr. Keshavarz's proposed amendment to the Electoral Law reflected a position that "women had proved themselves worthy of equal rights" including the right to vote).

503. PAIDAR, *supra* note 293, at 126–127.

504. Amin, *supra* note 314, at 228.

505. Amin, *supra* note 489 at 6, 9.

506. See *Za'f-e Mašrū'iyat-e Mā* [*The Weakness of our Constitutionalism*], ZABĀN-E ZANĀN, June 1945, at 17. Press editorials pointed out that the seeds of women's rights that were sown globally were finally bearing fruit, and that Iran, where within a few short years women had proven themselves equal in every way to men, should follow suit. See, e.g., Maryam Mir Hādi, *Agar Zan Vakīl-e Mellat Šavad* [*If Women Become the People's Representative*], ĀTĀŠ, Apr. 27, 1946, at 4.

In 1946, Prime Minister Ahmed Qavam submitted another bill giving women the right to vote; it was also defeated.⁵⁰⁷ In 1952, one of the supporters of Premier Mossadegh introduced a motion to give women the vote, but it was ruled out of order.⁵⁰⁸ Finally, on November 2, 1952, Mossadegh successfully shepherded through the Majles a revised electoral law, which permitted women both to vote in municipal elections and to stand for local office.⁵⁰⁹ Although women ultimately failed during the post-Reza Shah era to win the right to vote on a national level, the ongoing engagement of prominent politicians in legalizing suffrage by formally submitting successive bills, as well as the number of signatures obtained in support of this cause, stand as a measure of women's growing power and activism.

While much of the focus remained on suffrage, women continued to make progress in other areas, building on the achievements of an earlier generation during the Constitutional Revolution. In the 1940s and 1950s, women won rights to pursue higher education in Iran and abroad in record numbers,⁵¹⁰ launched as many as forty-five women's publications,⁵¹¹ formed professional and ethnic organizations, and continued to launch independent charitable organizations.⁵¹² Similarly, during the first women's movement at the turn of the twentieth century, women had also launched a diverse range of publications and formed a large number of grassroots civic and political associations (the *anjoman*) that gave voice to women's desire for equal citizenship.⁵¹³ In this earlier time, through the *anjoman* and their publications, women had attacked controversial practices such as child-marriage and de veiling and had demanded full equal rights. Women also reprised their role as protestors from the Constitutional Revolution, coming out in large numbers in support of Mossadegh⁵¹⁴ and participating in labor protests.⁵¹⁵

507. SEDGHI, *supra* note 487, at 95.

508. *Id.* at 96.

509. Habib Ladjevardi, *Constitutional Government and Reform Under Musaddiq*, in MUSADDIQ, *IRANIAN NATIONALISM AND OIL* 69, 86, (James A. Bill & Wm. Roger Louis eds., 1988).

510. See Camron Michael Amin, *Propaganda and Remembrance: Gender, Education and the "Women's Awakening" of 1936*, 32 *IRANIAN STUD.* 351, 384 (1999) ("[T]he government began supporting . . . women who went overseas for their advanced education.").

511. See AL-ESLAMI, *supra* note 325, at 182–90 (providing a complete list of women's publications launched during this period); BAMDAD, *supra* note 294, app. B at 139–40 (indicating that thirty of the publications can be dated to this era with certainty, and fifteen others appear linked to this period through their editors and some of their content).

512. PAIDAR, *supra* note 293, at 128.

513. See notes 295–99, 319–36 and accompanying text.

514. See, e.g., PAIDAR, *supra* note 293, at 134 (describing how women were now participating in street protests as members of mixed political parties.); *Clash in Tehran over Votes for Women: Demonstrators' Demand*, *TIMES* (London), Jan. 2, 1953, at 6.

After the 1953 coup reinstated Mohammad Reza Shah to the throne, the women's movement was again brought under the tutelage of the Pahlavi regime.⁵¹⁶ Although change was initiated from the top by the Shah rather than through grassroots agitation, women's rights were bolstered when women were awarded the vote in 1963 and as a result of progressive legislation such as the Family Protection Law of 1967 (favorably modified in 1975).⁵¹⁷ Ironically, it was the 1979 revolution, which women supported in large numbers that in many ways reversed women's rights in Iranian society.⁵¹⁸ Nevertheless, it would be a mistake to conclude that, in spite of women's initial support for the inauguration of the Islamic Republic, Iranian women (as most of their countrymen) stayed aloof from the promise of democracy or equality. In fact, the level of civil society activism during the entire span of the Islamic Republic, of which the recent upheavals surrounding the allegedly fraudulent 2009 presidential elections are most striking and eloquent evidence, show that Iranian women not only take the residual republicanism still embedded within the country's theocratic system very seriously but also continue to campaign for women's equality under very restrictive conditions.

Indeed, under the Islamic Republic, women's organizations, on occasion in conjunction with some women members of the parliament, have been crucial in overturning regressive legislation, including the reversal of bans on women becoming police officers and judges and prohibitions on female students studying certain subjects such as agriculture and mining.⁵¹⁹ As recently as 2008, the women's movement successfully defeated a provision in the proposed Family Protection Law that would have facilitated polygamy and subsequently secured slightly improved inheritance rights for women, despite restrictions imposed by the Shariah.⁵²⁰ At the same time, women have successfully championed progressive legislation that allows them to negotiate fair terms in marriage contracts and divorce under certain circumstances.⁵²¹

515. See *supra* note 484 and accompanying text (woman protestor in Khuzestan calls for the nationalization of the oil industry).

516. Keddie, *supra* note 487, at 405–06.

517. SANASARIAN, *supra* note 293, at 82.

518. See *id.* at 69 (“After the 1979 Revolution, there was a widespread repeal of the progressive rights which women obtained during the previous government.”).

519. Parvin Paidar, *Encounters Between Feminism, Democracy and Reformism in Contemporary Iran*, in GENDER JUSTICE, DEVELOPMENT, AND RIGHTS 239, 249 (Maxine Molyneux & Shahra Razavi eds., 2002); see also Rostami-Povey, *supra* note 457, (providing a general description of women's NGOs).

520. See Ali Akbar Dareini, *Iran Bill to Ease Polygamy Angers Women*, USA TODAY, Sept. 4, 2008, http://www.usatoday.com/news/world/2008-09-04-3354033682_x.htm (discussing women's opposition to the polygamy provision).

521. Paidar, *supra* note 519, at 239, 249. For a general description of women's organizations, see also Rostami-Povey, *supra* note 457

Since the 1979 Revolution, women have also organized systematic demonstrations to protest gender discrimination. After one such demonstration was brutally disrupted on June 12, 2006, and many participants arrested, the leaders of the women's movement launched the "One Million Signature Campaign," a grassroots movement calling for the end of legalized discrimination.⁵²² During the past few years, participants in this campaign have been subject to harassment and periodic detention.⁵²³

In 1997 and 2001, women "were crucial to the landslide victory" of the reform cleric Mohammad Khatami, who in turn appointed women to several high level positions, including the first vice-president on the environment and women's issues.⁵²⁴ The growing vigor of women's activism leading up to the 2009 presidential election forced all of Mahmoud Ahmadinejad's challengers to make a commitment to women's rights.⁵²⁵ The leading reformist candidate, Mir-Hussein Moussavi agreed to (1) re-examine all discriminatory laws against women; (2) sign on to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; and (3) set a goal to include women in decision making roles as ministers and managers.⁵²⁶ Although no women were allowed to run for president,⁵²⁷ for the first time in any campaign, a candidate's partner, Zahra Rahnavard (the wife of Mir Hussein Moussavi), actively campaigned for the candidate, calling for radical improvement in women's and human rights.⁵²⁸ Rahnavard's prominent position in

522. 18 HUMAN RIGHTS WATCH, YOU CAN DETAIN ANYONE FOR ANYTHING: IRAN'S BROADENING CLAMPDOWN ON INDEPENDENT ACTIVISM 23–25 (2008).

523. Int'l Campaign for Human Rights in Iran, (UPDATE) Women's Rights Activists Arbitrarily Detained, Preventing New Year Visits, Mar. 26, 2009, <http://www.iranhumanrights.org/2009/03/12-wra-detained/>.

524. Paidar, *supra* note 519 at 239, 247.

525. NPR: *Iranian Women Set Sights on Upcoming Election: Interview with Sussan Tahmasebi*, (NPR Radio Broadcast June 6, 2009), <http://www.npr.org/templates/story/story.php?storyId=105064964>; UCLA Newsroom: *The Role of Women in Iranian Election Protests: Interview with Shiva Falsafi*, <http://newsroom.ucla.edu/portal/ucla/electoralalbum.aspx?id=5478>.

526. NPR: *Iranian Women Set Sights on Upcoming Election*, *supra* note 525.

527. Women's groups have protested the Guardian Council's implied opposition to a female president. Nahid Siamdoust, *A Woman as President: Iran's Impossible Dream?*, TIME, May 20, 2009, <http://www.time.com/time/world/article/0,8599,1899763,00.html>. A spokesperson for the Guardian Council declared that the council has never ruled directly on whether women may become candidates, but that those who put their name forward were rejected because they "lacked general competence." *Id.*

528. See, e.g., *Iran's Michelle Obama? The Woman Ahmadinejad Should Fear*, SPIEGEL ONLINE, June 10, 2009 (F.R.G.), <http://www.spiegel.de/international/world/0,1518,629729,00.html> (describing a Rahnavard speech where Rahnavard advocated greater rights for women under family law, greater job and education opportunities, and disbanding the morality police). Fatemeh Karroubi, another presidential candidate's (Mehdi Karroubi's) wife, was also active throughout her husband's campaign. Muhammad Sahimi, *The Sheikh of Reform: Mehdi Karroubi*, FRONTLINE,

the campaign galvanized women, and these women fueled broad support for Moussavi and were foremost active in the ensuing opposition protests that gripped Iran in the wake of the 2009 presidential elections.⁵²⁹

Beginning with their commitment to the progressive forces of the Constitutional Revolution at the turn of the century, through their active support of Mossadegh's reform government, and up to their embrace of the recent protest movements against the crude subversion of the electoral process in 2009, women have formed a key pillar of the Iranian civil society landscape and have been on the forefront of the collective aspiration for democracy and equality. The depth of women's engagement in the upheavals of 2009, which builds on a century-old tradition of women's activism, has made women equal partners for change and rendered the realization of their aspiration for equality the true yardstick of democratic reform in Iran.

C. Post Invasion Iraq

1. Labor Movement

Much like Japan at the end of World War II, Iraq found itself totally defeated by the United States in 2003 and saddled with an economy devastated by war and more than a decade of sanctions. Unlike Japan, however, the anticipated improvement of workers' rights has not materialized, and the Iraqi labor movement has not been able to muster broad and effective support to thwart anti-labor policies.

An evaluation of the Iraqi labor movement since 2003 is dramatically handicapped by the lack of available data. As a result, it is not feasible to compare the labor movements in Iraq, Iran, and Japan by contrasting statistics on the extent of unionization or strike activity. Instead, the strength of the movement must be evaluated by considering the level of labor activism to defend workers' rights in the face of three specific challenges during the post invasion period: first, labor mobilization to resist the Coalition Provisional Authority's (CPA)⁵³⁰ decision to retain Saddam Hussein's repressive labor laws;

Oct. 19, 2009, <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2009/10/the-sheikh-of-the-reforms-mehdi-karroubi.html>.

529. Mahnaz Afkahi, *Women Are Driving Iran Toward Democracy*, WOMEN'S LEARNING PARTNERSHIP, <http://www.learningpartnership.org/advocacy/campaign/iran-women>.

530. The CPA was established by the multinational force that invaded Iraq in 2003 and exercised full authority over the Iraqi government. It was disbanded on June 28, 2004. See L. Elaine Halchin, *The Coalition Provisional Authority (CPA): Origin, Characteristics, and Institutional Authorities*, CRS REPORTS, Apr. 29, 2004.

second, labor's efforts to block a proposed new oil law deemed favorable to foreign investment and detrimental to workers; and finally, labor's reaction to Article 38 of the Iraqi Constitution adopted by referendum on October 15, 2005 (the 2005 Constitution), which deletes the right to strike and form unions and dramatically limits freedoms of expression and assembly.⁵³¹

This review demonstrates that Iraqi labor has not been able to initiate or defend democratic change as effectively as Japanese and Iranian workers in the post-World War II decades. Three factors have impeded the Iraqi labor movement: first, the sustained campaign of violence against labor leaders by the occupation, the Iraqi government, and the insurgency;⁵³² second, the Bush Administration's disdain for workers' rights, as demonstrated by its aggressive support of oppressive labor laws; and third, and most importantly, the absence of independent workers' organizations in Iraq in 2003.⁵³³ While the immediate reason for the lack of autonomous labor organizations resides in the oppressive Ba'athist political structure, it also emanates from labor's fragile history of industrial activism, which focused primarily on the fight for independence rather than the struggle for workers' rights and democratic political institutions.⁵³⁴

Labor was almost immediately impacted by the American invasion because the CPA decided to retain Saddam Hussein's repressive Law 150, which reclassified the majority of state enterprise workers as civil servants, thus taking away their rights to organize and engage in collective bargaining.⁵³⁵ In August 2005, the Iraqi government further circumvented labor activity by passing Decree 8750, which authorized the seizure of union assets.⁵³⁶ Retention of Law 150, along with other repressive measures, facilitated Washington's free market agenda for Iraq, which involved privatization of old state enterprises and encouragement of foreign

531. CONSTITUTION OF THE KINGDOM OF IRAQ art. 38.

532. For example, over a six-week period in 2005, three labor leaders were brutally assassinated by insurgents. David Bacon, *Between Soldiers and Bombs: Iraq's Fledgling Labor Movement*, *Multinational Monitor* (Sept. 1, 2005), <http://www.multinationalmonitor.org/mm2005/092005/bacon.html>.

533. See TRIPP, *supra* note 128, at 289–90, 298 (describing hostility of the Bush Administration and successive interim Iraqi governments to the public sector and trade unions); Larry Diamond, *Can Iraq Become a Democracy?*, Hoover Dig. (2003), <http://www.hoover.org/publications/digest/3057756.html> (stating that there was no civil society in Saddam's Iraq).

534. Joel Wendland, *Resistance is Not Futile: Labor and the Struggle for Iraq*, POL. AFF., Mar. 23, 2005, <http://www.iraqcp.org/members3/0050330eng.htm>.

535. 2007 Annual Survey of Violations of Trade Union Rights: Iraq, <http://survey07.ituc-csi.org/getcountry.php?IDCountry=IRQ&IDLang=EN> (last visited Feb. 15, 2010).

536. TRIPP, *supra* note 128, at 299.

ownership.⁵³⁷ In a country like Iraq, which employs over seventy percent of its population in state enterprises, the potentially catastrophic impact of job losses that follow on the heels of any large scale privatization is amplified by the absence of any social safety nets. Taking away labor's right to protest legally the impact of these devastating policies ought to have triggered significant labor upheaval, perhaps akin to that in Japan at the end of World War II. Instead, the protest activity has been rather small in scale.⁵³⁸

Independent, unaffiliated unions in the port and oil sectors have occasionally been successful in averting the hiring of foreign workers to replace Iraqis,⁵³⁹ and the Iraqi Federation of Trade Unions (IFTU), formed in May 2003, also protested these measures but without any success.⁵⁴⁰ Emboldened by the lack of effective resistance, the current Iraqi government has fully embraced the neo-liberal economic agenda engineered by the Bush Administration and international organizations. In an interview with the Agence France Presse, Iraq's planning minister, Ali Baban, declared that the government plans to reduce the public sector work force by 75% over a ten-year period.⁵⁴¹ He further declared that many parts of the economy, including the industrial and oil sectors, are suitable candidates for 100% privatization.⁵⁴²

With restrictive labor laws in place, the Iraqi cabinet ratcheted up its privatization agenda in July 2007, when it approved a new oil law, (the Oil Law).⁵⁴³ The cabinet sent the Oil Law to the Iraqi parliament, which has so far balked at ratifying it because of the inclusion of production sharing agreements with certain oil companies.⁵⁴⁴ Under the terms of the legislation, in exchange for exploration and investment, oil companies would receive long-term

537. *Id.* at 289–90 (detailing America's free market agenda in Iraq).

538. See Bacon, *supra*, note 532 (providing examples of a handful of other strikes on the heels of the occupation).

539. For example, early after the invasion in 2003, the Iraqi Federation of Oil Unions struck successfully to prevent Kellogg Brown and Root, a division of Halliburton, from replacing Iraqis with foreign workers. Shawna Bader-Blau, *Iraqi Unions vs. Big Oil*, 243 MIDDLE E. REP. 17, 20 (2007).

540. ABDULLAH MUHSIN & ALAN JOHNSON, HADI NEVER DIED: HADI SALEH AND THE IRAQI TRADE UNIONS 31 (2006). After it protested retention of Law 150 on December 6, 2004, the IFTU (now renamed the General Federation of Iraqi Workers) was raided by U.S. forces, its leaders arrested and its offices closed for over 7 months. TRIPP, *supra* note 128 at 299; see also Wendland, *supra* note 534 (describing the after effects of the invasion in 2003 on Iraqi laborers).

541. *Iraq's Top Planner Aims to Cut 75 Percent of Public Jobs*, AGENCE FRANCE-PRESSE, Nov. 9, 2008.

542. *Id.*

543. For a detailed review of the Oil Law, see Ahmed M. Jiyad, *Key Questions Over the Oil and Gas Law in Iraq*, 2 INT'L J. CONTEMP. IRAQI STUD. 7 (2008).

544. Tripp, *supra* note 128, at 290; see also Carola Hoyos, *Iraq Takes Lead by Easing Terms of Oil Projects*, FIN. TIMES (London), Feb. 27, 2009, at 6.

profit sharing rights in Iraqi oil.⁵⁴⁵ In comparison to other countries in the region, the proposed oil law allows foreign oil companies “far more say in determining the future of Iraqi oil than at any time since the British Mandate.”⁵⁴⁶ Despite the potentially devastating consequences of such a law, there has been remarkably little protest activity against it.⁵⁴⁷ Three union federations met with political leaders and initiated a grass roots education campaign to point out that with oil providing 95% of the Iraqi government’s revenue, the arrangement threatened any hope of future prosperity for Iraq.⁵⁴⁸ At the same time, certain organizations, including the Iraqi Federation of Oil Unions (IFOU), organized some strikes,⁵⁴⁹ and a conference in Basra drew only 200 people.⁵⁵⁰ News reports indicate that the government has further eased terms for oil contracts due to lower oil prices now than in July 2007.⁵⁵¹ Not only has the Iraqi government lowered production targets, it appears now that a winning bid will be entitled to 75%—rather than 49%—percent of the stakes.⁵⁵²

Workers’ rights were further limited in the 2005 Constitution. The provisional Iraqi constitution, more commonly referred to as the Transitional Administrative Law (TAL), provided unqualified protection of freedom of expression⁵⁵³ and protected the right to demonstrate, strike, and form unions “in accordance with the law.”⁵⁵⁴ After some debate, the rights to strike and form unions were expressly excluded from the 2005 Constitution, and freedoms of expression and assembly were only protected to the extent they do not violate “public order and morality.”⁵⁵⁵ More troubling, the

545. Tripp, *supra* note 128, at 290.

546. Bader-Blau, *supra* note 539, at 19.

547. *Id.* at 20 (“Technically, all of Iraq’s oil sector unions today are illegal.”)

548. *Id.* at 17–18. The Federation of Workers’ Councils and Unions in Iraq, the General Federation of Iraqi Workers and the Iraqi Federation of Oil Unions made up the bulk of the December meeting. *Id.* at 18.

549. Bill Weinberg, *Iraq’s Civil Resistance, The Secular Left Brings Together Unionists, Women’s Organizations and Students*, NATION, Dec. 24, 2007, <http://www.thenation.com/doc/20071224/weinberg>.

550. Bader-Blau, *supra* note 539, at 20–21.

551. See, e.g., *Deals with Iraq Are Set to Bring Oil Giants Back*, N.Y. TIMES, June 19, 2008, <http://www.nytimes.com/2008/06/19/world/middleeast/19iraq.html> (providing an example of a news report showing that the government of Iraq eased terms for oil contracts since July 2007).

552. Hoyos, *supra* note 544, at 6.

553. The Law of Administration for the State of Iraq for the Transitional Period art. 13(B), Mar. 8, 2004, available at www.cpa-iraq.org/government/TAL.html.

554. *Id.* art. 13(C), (E). The qualification “in accordance with the law” leaves the scope of the right entirely in lawmakers’ discretion to define, and because the CPA retained Law 150, this limitation severely impeded many state workers’ rights to organize).

555. Article 38 of the Constitution states, “Freedom of expression . . . freedom of press . . . and freedom of assembly and peaceful demonstration” are conditioned on public order and morality. IRAQ CONST. art. 38.

document does not define “public order” or “morality,” leaving the interpretation of these terms in the hands of the federal Supreme Court, which is made up of theologians and legal scholars.⁵⁵⁶ The use of such broad and vague terms provides enormous ammunition to Iraq’s government to silence labor activity, either on the grounds of national security or because such actions may be offensive to some notion of morality or public order.⁵⁵⁷ Other than the IFTU’s formal protest to the United Nations in August 2005,⁵⁵⁸ there has been remarkably little backlash against these constitutional limitations.

Labor’s failure during the monarchy (1921–1958) to protest the government’s repeated, crude subversion of elections and democratic institutions—focusing instead on an anti-colonial campaign centered around the loathed Anglo–Iraqi Treaty—deprived the movement of a strong history of activism. As a result, labor has proven a somewhat marginal “emancipatory force” during the post-2003 period,⁵⁵⁹ but there have been some encouraging signs among the autonomous gas and oil workers that a stronger movement may slowly be nurtured.⁵⁶⁰ By contrast, labor in Japan was one of the core groups in the post-war democratic movement, repeatedly holding elite dominance at bay and forcing the business community to incorporate much of labor’s early post-war program into the new corporate order.⁵⁶¹ Similarly, after Reza Shah’s abdication, industrial labor, although small, “became a major radical force in Iran,”⁵⁶² securing favorable social legislation for workers⁵⁶³ and organizing massive demonstrations in support of the democratically elected Mossadegh government.⁵⁶⁴

2. Women’s Movement

Much like the labor movement, any evaluation of the women’s movement in Iraq is hampered by a lack of data. As a result, it is not possible to compare the women’s movements in Iraq, Iran, and Japan by contrasting the number of organizations formed, members

556. Pursuant to Article 92(2) of the Constitution, the Federal Supreme Court, the ultimate interpreter of the Constitution, is made up of “experts in Islamic Jurisprudence,” as well as legal scholars and judges. IRAQ CONST. art. 92(2).

557. An editorial in the *Journal Inquirer* calls this “a loophole big enough for a tyrant to get lost in.” Editorial, *J. INQUIRER* (Manchester, Conn.), August 30, 2005; see also Debra Pickett, *Lack of Detail Bedevils Iraq’s New Constitution*, *CHI. SUN-TIMES*, Aug. 26, 2005, at 2 (showing that such loopholes may have even graver consequences for the ability of women to form groups and protest government action).

558. MUHSIN & JOHNSON, *supra* note 540, at 74.

559. See Weinberg, *supra* note 549 (quoting Gilbert Achcar as lamenting the fact that emancipatory forces in Iraq are marginal due to “historical defeat”).

560. *Id.*

561. See GORDON, *supra* note 7, at 11; Moore, *supra* note 381, at 359.

562. KEDDIE, *supra* note 84, at 129.

563. LADJEVARDI, *supra* note 221, at 60–61.

564. Rostami-Povey, *supra* note 457, at 255.

recruited, or publications launched. Instead, this Article attempts to gauge the strength of the women's movement through its response to three specific political challenges: first, women's reaction to their exclusion from organizations responsible for designing key institutions of Iraq's nascent democracy; second, women's attempt to prevent the repeal of the Unified Law of Personal Status of 1959 (hereinafter referred to as the "1959 Law"), the collection of family law measures in place prior to the 2003 war; and finally, women's objections to potentially damaging provisions in the 2005 Constitution.⁵⁶⁵

This review demonstrates that Iraqi women have not been able to act as agents of democratic change in the same manner as Japanese women after World War II or to mobilize as much collective support for their agenda as Iranian women after Reza Shah's abdication in 1941. Three factors have impeded women's actions in Iraq: first, the level of violence against women;⁵⁶⁶ second, the Bush Administration's ambivalent position on women's rights; and third, and most significantly, the lack of independent women's organizations inside Iraq in 2003.⁵⁶⁷ While the immediate cause for the scarcity of women's groups can be found in the oppressive climate prior to 2003, Iraqi women were also hampered by the weak history of activism.⁵⁶⁸ From 1932 to 1958, women's organizations and publications in Iraq retained a social and literary focus rather than a political one and failed to address controversial sources of women's inequality.

From the onset of the occupation, women were excluded to some degree from the political process. Washington did not support

565. Discussion *supra* Part III.A–C.

566. The violence against women comes in a variety of shapes: as a by-product of war and civil upheaval; as a tool in creating a theocracy; and finally, in the form of intimidation by the occupying forces. According to an Iraqi Red Crescent report in June 2008, despite improvement, over two million people have been displaced since the Iraq war started, with women and children under twelve making up eighty-two percent of the displaced. Disaster Management, Dept., Iraqi Red Crescent Org., *Update 35, INTERNALLY DISPLACED PEOPLE IN IRAQ*, June 30, 2008, at 1, available at <http://www.iraqredcrescent.org/reports.html>. At the same time, to achieve their goal of a religious state, both the insurgency and the Shia militia, who view women's participation in society as a symbol of Western domination, have used rape, acid attacks, beatings, and murder to keep women out of political and civil society. Yifat Susskind, *Promising Democracy, Imposing Theocracy: Gender-Based Violence and the US War on Iraq*, MADRE NEWS, Mar. 2007, <http://www.madre.org/index.php?s=4&news=65>. Indeed, fearing for their security, many women have chosen not to go to university or seek out a career. Finally, the debacle at Abu Gharib prison has demonstrated that there is also extensive violence against women by the occupying forces, including rape, torture, and unwarranted detention. NADJE AL-ALI & NICOLA PRATT, *WHAT KIND OF LIBERATION? WOMEN AND THE OCCUPATION OF IRAQ* 158–59 (2009).

567. AL-ALI & PRATT, *supra* note 566, at 89.

568. See discussion *supra* Part II.B.3.

quotas,⁵⁶⁹ and only three women were appointed to the twenty-five-member ICG, although anywhere from 54% to 60% of Iraqis were female.⁵⁷⁰ Even more glaring, women were completely excluded from both the nine-member rotating presidential council and the drafting committee for the TAL. Finally, when a twenty-five-member interim cabinet was formed in August 2003, a woman filled only the position of Minister of Municipalities and Public Works.⁵⁷¹ To complete the picture, the CPA failed to appoint a single woman to any of the eighteen governorships.⁵⁷²

Women also were excluded by and large from the process of drafting the 2005 Constitution. Women made up “only nine out of fifty-five committee members [and] none . . . were appointed as heads to the subcommittees in charge of drafting different parts of the constitution.”⁵⁷³ After the December 2005 elections, the number of women ministers was reduced to four.⁵⁷⁴ Many activists question the value of current posts occupied by women and argue that women ministers and general directors lack any real power or fiscal independence; for example, civic posts such as the Minister of State for Women’s Affairs are “dressed up to look like a government agency” and lack a substantial budget.⁵⁷⁵ However, the lack of formal support for gender equality did not generate effective, large-scale protests, perhaps due to the shortage of a pool of women activists who could step into the new political space to advocate for women’s rights.

With women largely absent from political and civil society, repeated attempts were made to repeal the 1959 Law, which was rooted in a fairly liberal, non-sectarian interpretation of the Shariah.⁵⁷⁶ Although the 1959 Law was condemned wrongly by the religious right in Iraq as secular, it did eliminate the clergy’s

569. Nadje Al-Ali & Nicola Pratt, *Women in Iraq: Beyond the Rhetoric*, 239 MIDDLE E. REP. 18, 19 (2006).

570. Sundus Abass, the director of Women in Leadership Institute, calls the selection of only three women for the twenty-five member ICG “shameful and laughable.” WOMEN LIVING UNDER MUSLIM LAWS, OCCASIONAL PAPER 15: IRAQ: WOMEN’S RIGHTS UNDER ATTACK: OCCUPATION, CONSTITUTION AND FUNDAMENTALISM 32 (Sarah Masters & Caroline Simpson, eds., 2006), available at <http://www.wluml.org/english/pubs/pdf/occpaper/web-ocp15-e.pdf>.

571. FREEDOM HOUSE, WOMEN’S RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: CITIZENSHIP AND JUSTICE 99 (Sameena Nazir & Leigh Tomppert eds., 2005).

572. *Id.*

573. AL-ALI & PRATT, *supra* note 566, at 110. Of the nine, six women belonged to the religious UIA party. *Id.*

574. *Id.* at 116.

575. Huda Ahmed, *Women in the Shadows of Democracy*, 239 MIDDLE E. REP. 24, 25 (2006).

576. See generally Noga Efrati, *Negotiating Rights in Iraq: Women and the Personal Status Law*, 59 MIDDLE E. J. 577, 581 (2005) (discussing proposals to repeal the law). It is important to recognize that the 1959 law was not secular but was based on the Shariah. *Id.* In its first manifestation in 1959, it reached for gender equality in matters of inheritance and severely limited polygamy. *Id.*

privilege to interpret family law, instead transferring this power to the courts.⁵⁷⁷ The first alarm signal came in December 2003, when the ICG passed, without any public debate, Resolution 137, which voided the 1959 Law and replaced it with some of the most conservative interpretations of Shariah.⁵⁷⁸ Women demonstrated in Baghdad, Kirkuk, and Sulaymaniyya,⁵⁷⁹ and lobbied the ICG and Paul Bremer.⁵⁸⁰ Although the ICG repealed the resolution two months later, the Islamists subsequently abolished the 1959 Law through Article 41 of the 2005 Constitution, which declares, "Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law."⁵⁸¹

Women's absence from the political process also deprived them of the opportunity to shape the 2005 Constitution. The Constitution opens boldly by declaring all Iraqis equal before the law and prohibiting discrimination on the basis of gender and other categories,⁵⁸² but it contains several detrimental provisions to women's rights. The possibility of a secular family law is eliminated in Article 2(1), which declares that "[n]o law may be enacted that contradicts the established provisions of Islam."⁵⁸³ By abolishing the 1959 Law, the drafters hint that they may not support a liberal interpretation of the Shariah as the basis of family law. More importantly, Article 41 fragments family law by allowing it to be administered based on religious sect.⁵⁸⁴ This splintering of family law is further aggravated by Article 120, which devolves power to each region to set their own regulations.⁵⁸⁵ As a result, Iraqi women will find their lives governed based on a patchwork of standards that depend on where they live and the religious sect into which they were born.

577. Susskind, *supra* note 566, at 4–5.

578. FREEDOM HOUSE, *supra* note 571, at 93–94. The proposed 137 Resolution would have facilitated polygamy, greatly limited women's custody rights, and would have placed the administration of family law squarely back into the purview of clerics. Pamela Constable, *Women in Iraq Decry Decision to Curb Rights: Council Backs Islamic Law on Families*, WASH. POST, Jan. 16, 2004, at A12; Efrati, *supra* note 576, at 578.

579. As evidence of the diverse perspectives among women's groups, 500 women in Najaf held a counter demonstration in support of substituting the 1959 law with religious doctrine. Lucy Brown & David Romano, *Women in Post-Saddam Iraq: One Step Forward or Two Steps Back?*, 18 NWSA J. 51, 52 (2006).

580. Efrati, *supra* note 576, at 577.

581. IRAQ CONST. art. 41.

582. *Id.* art. 14.

583. *Id.* art. 2 (1) (a).

584. Compare *supra* note 427 (citing arts. 14 and 24 of the post-war Japanese Constitution, which specifically extended gender equality to the realm of civil family law).

585. IRAQ CONST. art. 120.

At the same time, women's ability to contest these restrictions has been significantly curbed because, under Article 38, the 2005 Constitution conditions the freedoms of expression and assembly on "public order and morality," hence providing broad loopholes for the government to declare women's activism immoral or disruptive and, therefore, illegal.⁵⁸⁶ Any ambiguities inherent in Articles 2(a)(1), 41, 120, and 38 are to be resolved by the Federal Supreme Court, increasing the likelihood of a conservative Islamist interpretation of these provisions.⁵⁸⁷

In the midst of this bleak picture, there are some small encouraging signs that an effective women's movement may be slowly coming to life. Section 30(c) of the TAL set guidelines (rather than a quota) that the "Electoral Law aim to achieve the goal of having women constitute no less than one-quarter of the members of the National Assembly."⁵⁸⁸ Drafters of the 2005 Constitution attempted to eliminate the guideline for electing a certain number of women to the National Assembly but were thwarted by demonstrations organized by secular women's groups.⁵⁸⁹ While this serves as a positive example of how women's activism helped retain a constitutional benefit, some observers today lament that women's seats in the National Assembly are mostly filled by conservative Islamist women—nominated by the religious political parties—who are not interested in fighting for women's rights.⁵⁹⁰

Bereft of a strong history of collective action and "disadvantaged by the lack of independent women's organizations inside Iraq before the invasion," Iraqi women failed to garner the necessary political force to decisively influence the political process after 2003.⁵⁹¹ As a result, women were unable to muster adequate collective support to counter the Iraqi political elites' drive to abolish the 1959 Law and to integrate damaging provisions within the 2005 Constitution.⁵⁹² By contrast, Japanese women, who at the end of World War II also faced a conservative Japanese elite bent on thwarting women's rights, were

586. *Id.* art. 38.

587. *Id.* art. 93(2).

588. The Law of Administration for the State of Iraq for the Transitional Period art. 30(c), Mar. 8, 2004, available at www.cpa-iraq.org/government/TAL.html.

589. Neil McDonald & Rasan Dhiya, *Constitution May Reduce Women's Rights, Iraqi Campaigners Say*, FIN. TIMES (London), July 26, 2005, www.ft.com/cms/s/eda83f4e-fd71-11d9-b224-0000e2511c8.html.

590. One of the conservative women parliamentarians from the United Iraqi Alliance, a political party made up of mostly Shia groups, declared, "If you say to a man he cannot use force against a woman, you are asking the impossible. So we say a husband can beat his wife, but he cannot leave a mark." Catherine Philp, *Iraq's Women of Power Who Tolerate Wife-Beating and Promote Polygamy*, TIMES (London), Mar. 31, 2005.

591. AL-ALI & PRATT, *supra* note 566, at 89.

592. *As the Clock Turns Back*, GUARDIAN (U.K.), July 28, 2005, <http://www.guardian.co.uk/world/2005/jul/28/iraq.gender>.

able to reach back to their history of activism and resurrect dynamic civic constituencies to ensure women's presence in the legislative and political process.⁵⁹³ Likewise, Iranian women living in the post-Reza Shah era rejected compromise on the basis of religion or tradition and for the first time linked their rights to international standards.⁵⁹⁴ In addition to playing an important role in centrist and left-wing political parties, Iranian women launched their own party, the *Hezb-e Zanan*, and formed an important constituency in the mass movement that supported Mossadegh's democratically elected government.⁵⁹⁵

IV. CONCLUSION

In *Between Facts and Norms*, Habermas argues that civil society generates communicative power, which represents the most effective tool for preserving and maintaining the vitality of the deliberative process in liberal democracies.⁵⁹⁶ Although civil society does not exercise political power, it influences, through deliberative and communicative process, the state organs and institutions⁵⁹⁷ that otherwise could become disconnected from social realities.

While Habermas proposes that civil society is only a rejuvenating necessity for—and a corrective to—established deliberative democracies that already benefit from a liberal rationalized political culture,⁵⁹⁸ in this Article, I demonstrate that civil society has equal bearing on the prospects of transient societies seeking democratic governance. Moreover, this expansive examination of social movements across three nations reveals that democratization is not solely contingent on the strength of civil society at the time of transition; rather, it also depends on the history

593. See discussion *supra* Part III.B.1.

594. See discussion *supra* Part III.B.2.

595. See discussion *supra* Part III.C.2.

596. In *Between Facts and Norms*, Habermas affirms that

[e]ven in established democracies, the existing institutions of freedom are no longer above challenge, although here the population seems to press for more democracy rather than less. I suspect, however, that the unrest has a deeper source, namely, the sense that in the age of a completely secularized politics, the rule of law cannot be had or maintained without *radical democracy*.

HABERMAS, B, *supra* note 4, at xiii (emphasis added).

597. Habermas calls the power, which the state and its organs yield, the "administrative power" (*administrative Macht*) which may incorporate and realize (*umsetzen*) the impulses emanating from the civil society: "[t]he flow of communication between public opinion-formation, institutionalized elections, and legislative decisions is meant to guarantee that influence [*publizistisch erzeugter Einfluß*] and communicative power [*kommunikativ erzeugte Macht*] are transformed through legislation into administrative power." *Id.* at 371.

598. *Id.*

of social movements—even those seen as lacking immediate political impact at the time. The same evidence also suggests the converse, namely that the absence of past civic activism dramatically curtails the chances of instituting political reform successfully and may, at best, lead to an “illiberal democracy.” This insight explains why the singular focus on elections and establishing democratic institutions in societies that have not been exposed to the genuine workings of civil society may prove futile, as these communities fail to exhibit the collective preparedness for political reform.

Furthermore, a comparison of Iraq’s turbulent history with Japan’s and Iran’s suggests that nationalist waves, which look outward with the aim of exorcising colonial domination, cannot serve as precedent for democratic reform. Instead, civil society activities that lead to democratic change tend to focus inward and engineer domestic political reforms. This Article adds another layer to this insight by observing that the breadth of the groups striving for political reform in the aforesaid civil societies directly corresponds to the strength of the legacy of civil society action for a future shift to democratic governance; the greater the breadth of these groups, the stronger their democratic legacy. To this end, this Article hypothesizes that the health of women’s and labor movements is indicative of successful transitions to democracy because they express the inclusion—or exclusion—of a broad cross-section of the population.

Based on these standards, it is readily apparent that the Japanese succeeded in transitioning to democracy after World War II by building on their own fertile history of civic activism during the Meiji and Taisho periods to resist a conservative backlash in 1947.⁵⁹⁹ On the other hand, despite a noble past of colonial struggle, the current failure to sow democracy in Iraq stems directly from the attempt to graft elections on a political system almost completely devoid of any contemporary or historic indigenous reform movement.⁶⁰⁰ Promisingly, the vitality of past civil society movements in Iran mirrors that in Japan much more closely than that in Iraq, suggesting that Iran is ripe for transition to democratic governance under the stewardship of domestic civic forces despite the absence of strong representative institutions.

This Article’s conclusion—namely that a country’s aptitude for democratic transition can be defined by the historic sweep of its social movements—may prove useful to a diverse range of countries seeking to institute political reform and may factor into global foreign policy approaches. Iran’s ongoing reach for democratic reform, which still reverberates today in the wake of massive protests against the official

599. See discussion *supra* Part III.A.

600. See discussion *supra* Part III.B.

results of the 2009 presidential election, represents the most immediate practical application of this theory.
