

Legislating the Progressive Arab Society: State Authority and Social Rights in the 1964 Interim Constitutions of Egypt, Iraq, and Syria

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ABSTRACT

This article examines the 1964 interim constitutions of Egypt, Iraq, and Syria as markers of a two-decade-long shift in Arab constitutional design—moving from individual liberal rights toward a new regional social contract centered on social rights. The vision of a progressive society rested on two principles of collective welfare: solidarity—expressed through constitutional commitments to collective well-being—and social justice, which aimed to ensure equality and better living standards for all. Contrary to common interpretations, these documents were not simply authoritarian bargains or tools for consolidating power. Rather, the interim constitutions were social bargains that reflected legislative social engineering during decolonization and guided both citizens and the state in building a new society. Despite the intense regional rivalries, these constitutions reflected a shared commitment to socioeconomic transformation that transcended political divides. The analysis of these constitutions shows that the difficulties in their execution extended beyond future limitations of political will or economic resources. Rather, they contained inherent legal and ideological tensions about the structure and direction of the progressive society—particularly in their approach to fundamental questions of social organization. These tensions emerged in the complex relationship between family and individual rights, the delicate balance between private and collective ownership, and the role of state patriarchy in providing social welfare.

Keywords :

Electronic Collaterals, Imāmīyah Jurisprudence, Mortgage Contract (Rahn), Virtual Possession, Islamic Banking, Digital Assets.

Introduction

On April 17, 1963, after a month of discussions known as the “Cairo talks,” Egypt, Iraq, and Syria announced the Cairo Charter, a joint declaration aimed at unifying these states under the banner of the United Arab Republic (UAR).¹ The Charter outlined plans for a federal constitution and the election of a union² president via referendum within five months, with federal constitutional bodies expected to gain full legal status after a transitional phase of no more than twenty months. The push for unification among these states was not new and extended well before the Cairo talks.³ Despite these ambitious plans, the union of the three states collapsed before it could begin, but not the close interactions among the three states. Within a year after the Cairo union talks, the three states announced new, interim constitutions.

Malcolm Kerr famously described the regional politics of the Middle East between 1958 and 1970 as an “Arab Cold War,” marked by the struggle between Egyptian President Gamal Abdel Nasser and his rivals.⁴ While Kerr’s reference to the global Cold War may suggest parallels, the term is somewhat misleading. The regional rivalries that Kerr described were about the leadership of regional projects embodied in pan-Arabism and Arab socialism, not rivalries over competing economic and political ideologies—such as capitalism versus communism or liberal democracy versus socialist democracy—as manifested in the global Cold War.

This article examines the constitutional developments in Egypt, Iraq, and Syria during the 1950s and the first half of the 1960s, revealing significant convergence in their trajectories. These interrelations significantly influenced the broader socioeconomic dynamics of the Middle East, demonstrating that even in their political division, Arab nations shared common aspirations for societal transformation and a shared vision of socioeconomic progress that persisted regardless of the political failure of Arab unity. This article demonstrates that, unlike the global Cold War, which entrenched economic and political differences between the US- and USSR-led blocs, regional rivalries in the Middle East led to significant socioeconomic and political convergence, evident in the contemporary regional constitutions, which reflected a shared vision of social progress.

Scholars have often approached regional constitutions in two primary ways: (1) as unsuccessful attempts at democratization through the establishment of liberal-constitutional regimes during the Ottoman Empire and under the mandate system and (2) as mechanisms to entrench authoritarian regimes in law after independence.⁵ In both approaches, research has

¹ Elie Podeh, “To Unite or Not to Unite – That Is Not the Question: The 1963 Tripartite Unity Talks Reassessed,” *Middle Eastern Studies* 39, no. 1 (2003): 152–3, <https://www.tandfonline.com/doi/abs/10.1080/00263200412331301627>.

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² /00263200412331301627. See US evaluation of the talks Memorandum: “‘The Cairo Unity Talks’. Memoranda On Iraq And Syria, August 28, 1963,” FO 370/2720-0004, MS The Middle East Online: Iraq, 1914–1974, The National Archives (Kew, United Kingdom), link.gale.com/apps/doc/SC5107457806/GDSC?u=bengurion&sid=bookmark-GDSC&pg=1, accessed October 15, 2023. See a short video of participants: U.A.R.: Cairo: “Unity Talks between Egypt, Syria, and Iraq,” April 8, 1963, Record ID: 919143, Reuters, 1 min., <https://reuters.screenocean.com/record/919143>.

³ Since independence in 1946, Syria has prioritized Arab unity, actively pursuing union plans with Iraq and Egypt, culminating in the United Arab Republic (UAR) with Egypt in 1958. Although Egypt, led by Nasser, later embraced Arab nationalism, it was initially hesitant, only officially adopting Arab unity between 1954 and 1956. After Ba’athist coups in Iraq and Syria in 1963, new unification efforts emerged, but they were undermined by internal and regional tensions. Eberhard Kienle, “Arab Unity Schemes Revisited: Interest, Identity, and Policy in Syria and Egypt,” *International Journal of Middle East Studies* 27, no. 1 (1995): 53–71, <http://www.jstor.org/stable/176187>; Podeh, “To Unite or Not to Unite.”

⁴ Malcolm H. Kerr, *The Arab Cold War: Gamal ‘Abd al-Nasir and His Rivals, 1958–1970*, 3rd ed. (London: published for the Royal Institute of International Affairs by Oxford University Press, 1971).

⁵ For two different evaluations of the failed attempts at democratization through the establishment of liberal-constitutional regimes, see Elie Kedourie’s *Politics in the Middle East* (Oxford: Oxford University Press, 1992) and Elizabeth F. Thompson’s *How the West Stole Democracy from the Arabs: The Syrian Arab Congress of 1920 and the Destruction of Its Historical Liberal-Islamic Alliance* (New York: Grove/ Atlantic, 2020). For discussions on constitutions as mechanisms to entrench authoritarian regimes, see Nathan J. Brown, *Constitutions in a*

predominantly studied constitutions for how they established new political orders. Nathan Brown's analysis is particularly relevant here as it aligns with the second approach, examining Arab constitutions as expressions of national sovereignty, ideology explaining the political community, and documents that define but do not limit state authority.⁵ Consequently, the socioeconomic policies embedded in these constitutions have received less attention.

To address this gap, this article centers its analysis of the 1964 interim constitutions on how they reflected calls for new, postcolonial societies. It argues that the socioeconomic policies articulated in these constitutions were intended to facilitate the transformation of regional societies into progressive models. From the 1950s and culminating in the 1964 interim constitutions, Egypt, Iraq, and Syria aimed to reshape societal behaviors, attitudes, and structures through legislative social engineering. As such, there was a shift from the liberal-constitutional tradition of constitution writing since the late Ottoman era, with constitutions being reassigned as tools to reshape regional societies, not simply representing failed democratization.

This article examines the 1964 interim constitutions as formal social contracts that established vertical, state-citizen relations as well as horizontal relations among citizens.⁶ Existing scholarship has mostly examined the vertical aspect of contemporary regional social contracts through the lens of "authoritarian-populist" or "national-populist" pacts or bargains, though not specifically focusing on the 1964 interim constitutions.⁷ Scholars employing these terms have primarily investigated the persistence or resilience of authoritarian regimes in the Middle East following the establishment of such political arrangements. Their analyses have largely centered on the outcomes of these pacts/bargains rather than their formation. Merhan Kamrava, for instance, characterized the result of top-down "ruling bargains" as an exchange where "a number of state services and functions were provided in return for general political acquiescence."⁸ Similarly, Raymond Hinnebusch posited that "A crucial leg of their [authoritarian regimes'] project was a populist social contract in which their constituencies were offered social economic benefits in return for political support."⁹ This transactional relationship bolstered authoritarian regimes as long as they maintained their end of the bargain, providing services and functions.

There is no denying that the social contracts established in Egypt, Iraq, and Syria would eventually atrophy into authoritarian bargains in years to come and increasingly thin such bargains under a search for a new socioeconomic reform since the 1970s. Nevertheless, reading them back in time as such misses their historicity; existing research has yet to fully elucidate the nature of an earlier regimes' legitimacy beyond the exchange of material benefits for political rights. Also missing is a study of the populist aspect of their making—the broad social

Nonconstitutional World: Arab Basic Laws and the Prospects for Accountable Government (Albany, NY: State University of New York Press, 2002). For a broader analysis of the role of constitutions in authoritarian regimes, see Tom Ginsburg, "Beyond Window Dressing: Constitutions in Authoritarian Regimes," in *Modern Constitutions*, ed. Rogers M. Smith and Richard R. Beeman (Philadelphia: University of Pennsylvania Press, 2020), 133–53, <https://doi.org/10.2307/j.ctv16t6mq1.8>.⁵ Brown, *Constitutions in a Nonconstitutional World*, 10–3.

⁶ The analysis of horizontal and vertical social contracts is based on Markus Loewe, Tina Zintl, and Annabelle Houdret, "The Social Contract as a Tool of Analysis: Introduction to the Special Issue on 'Framing the Evolution of New Social Contracts in Middle Eastern and North African Countries,'" *World Development* 145 (2021): 104982.

⁷ Among the vast literature on the authoritarian bargain, these are often cited: Steven Heydemann, "Social Pacts and the Persistence of Authoritarianism in the Middle East," in *Debating Arab Authoritarianism: Dynamics and Durability in Nondemocratic Regimes*, ed. Oliver Schlumberger (Stanford, CA: Stanford University Press, 2007), 21–38; and Mehran Kamrava, "The Rise and Fall of Ruling Bargains in the Middle East," in *Beyond the Arab Spring: The Evolving Ruling Bargain in the Middle East*, ed. Mehran Kamrava (New York: Oxford University Press, 2014), 17–45. See also a recent intervention by Raymond Hinnebusch, "The Rise and Decline of the Populist Social Contract in the Arab World," *World Development* 129 (2020): 104661. For a typology and analysis of various approaches to the authoritarian bargain, see Roel Meijer, "Citizenship, Social Pacts, Authoritarian Bargains, and the Arab Uprisings," in *The Crisis of Citizenship in the Arab World*, ed. Roel Meijer and Nils Butenschön (Leiden: Brill, 2017), 79–82.

⁸ Kamrava, *The Rise and Fall of Ruling Bargains*, 18.

⁹ Hinnebusch, *The Rise and Decline of the Populist Social Contract*, 3.

expectations originally embodied in them and the process by which regimes initially identified and determined these benefits. As this article describes, this process was concurrently path dependent and the result of historical contingency that shaped it.

This article addresses these gaps by shifting focus from a “political bargain”—where political rights were traded for economic rights—toward a “social bargain,” as embodied in the contemporary search for social solidarity that underpinned a horizontal contract among citizens. By examining how social solidarity shaped both regime legitimacy and popular expectations, it demonstrates that social cohesion was a crucial aspect in the making of a national society that was also to facilitate state and private redistribution of resources for the sake of increasing social justice. Through this lens, the article argues that the social contract offered in the 1964 interim constitutions exposes the spirit of the time—a collective regional belief and hope in creating a progressive Arab society—and reveals how regimes identified and responded to broad social expectations.

Steven Heydemann offered an analysis of a regional national-populist social pact. According to Heydemann’s “initial hunch,” the analysis of such a pact is best carried on a regional level.¹⁰ His model of this regional social pact inspires the current article, but it requires much historical detail on how and why a regional social contract came into being. Another good starting point here is Roel Meijer’s study of changing citizenship regimes in the Middle East, in which he outlined a transformation from a colonial to authoritarian pacts.¹¹ The social contracts of emerging, fully independent nation-states were clearly central to the process of decolonization in the region. Yet, an account of this process should further include a nuanced study of persistence in the making of regional social contracts—how they evolved over time, even before the postcolonial era, but also how they preserved past socioeconomic and political legacies of an earlier period.

The interim constitutions serve as important case studies in engaging with the meaning and contradictions in the emerging regional social contract, regardless of the fact that for various political reasons, none became the permanent constitution of their respective countries. During the mid-1960s, they reflected a shared regional moment of hope for change. As the following research demonstrates, this was clear in the preambles of these constitutions that outlined visions of the developmental state and the emerging, new society and in the programmatic, work-plan nature of their articles that spelled out steps toward creating this society. This aspect mostly disappeared in the study of the authoritarian bargain in the Middle East. The article uncovers a broad contemporary agreement about the progressive and developmental nature of these constitutions based on testimonies of regional political actors, diplomatic correspondence, and declassified intelligence reports from the US National Archives and academic writing of the time. The article also demonstrates a broader, global context in support of the developmental state and the search for a new society in the Middle East in an international age of development.

This article first examines the post-independence constitutions of the three states, revealing convergence in regional legislation before the mid-1960s. It suggests that central to such convergence, but previously little discussed, was a shift from an emphasis on individual rights to social rights, with the latter embodied in a growing focus on state-initiated collective welfare. The article later engages the Arabic constitutional texts and legal commentaries on the constitutions in comparing the 1964 interim constitutions of Egypt, Iraq, and Syria as constitutional blueprints for a new society.

¹⁰ Heydemann, *Social Pacts and the Persistence of Authoritarianism*, 21.

¹¹ Meijer, *Citizenship, Social Pacts*; and Roel Meijer, “Citizenship and the Transition from Colonial to Authoritarian Pacts,” in *Routledge Handbook of Citizenship in the Middle East and North Africa*, ed. Roel Meijer, James N. Sater and Zahra R. Babar (Abingdon, UK: Routledge, 2021), 85–99.

From Individual Rights to Collective Welfare

On March 23, 1964, Egyptian President Nasser announced a new interim constitution to take effect on March 25. The following day, the Syrian Revolutionary Council (SRC) revealed plans to draft a “revolutionary constitution” in response to Egypt’s announcement. This move came during a period of heightened tension between the two regimes that clearly motivated the SRC not to fall behind. A month later, on April 25, Syria unveiled its new constitution.¹²

On March 16, before the official announcement of the Egyptian interim constitution, President ‘Abd al-Salam ‘Arif, who had recently come to power in Iraq, announced that a provisional constitution would soon be proclaimed. Iraq introduced its new constitution on April 29. Unlike Syria, Iraq designed its interim constitution to facilitate a bilateral union with Egypt. Intense diplomatic activity marked this period, as Iraq and Egypt formed and later dissolved their military union. Iraq’s constitutional reform aimed to align with the Egyptian model to promote unification. According to a US intelligence report, some Iraqi newspaper editors even claimed that the Iraqi and Egyptian constitutions were identical.¹³ However, ‘Arif’s regime in Iraq faced instability and internal conflict, including tensions with the Kurds, preventing any progress toward a bilateral union with Egypt.

The sequence of announcements for the three constitutions underscores their interconnectedness and reveals a paradoxical blend of convergence in constitutional development amidst fluctuating and often antagonistic political relations. This paradox is the central focus of this section, which demonstrates that while immediate internal and regional political concerns prompted the proclamation of the interim constitutions, the drive for progressive societies had been developing in these states for years. Many provisions in the 1964 interim constitutions had their antecedents in previous regional constitutions. Furthermore, these constitutions represented a paradigmatic shift from a focus on individual rights—prominent in earlier, liberal constitutions—to an emphasis on collective welfare, which gradually emerged in the post-Second World War era and became central to constitutions by the mid-1960s.

In October 1949, under the monarchical regime and British control, Egypt promulgated a new civil code that set the framework for future civil codes in the Arab world, including those of Syria and Iraq. This code established fundamental legal principles that would underpin future constitutions. Its chief architect, ‘Abd al-Razzaq al-Sanhuri, sought to foster social solidarity and justice in Egyptian society—principles that would become foundational in postrevolutionary constitutions.

Sanhuri, a prominent jurist and politician during the final years of the monarchy, was critical of the conservative liberalism inherent in the 1923 Egyptian constitution. He believed this form of liberalism, with its excessive focus on individual rights, exacerbated social polarization, arbitrariness, and the exploitation of the weak, thereby harming Egyptian society. Sanhuri’s new civil code aimed to replace this liberal-individualistic approach with one centered on social solidarity. The code sought to advance social justice as both a moral principle and a legal mechanism, prioritizing the common good over individual interests. In essence, the civil code represented an attempt at broad, if implicit, social engineering through legislation intended to bring progress to all Egyptians.¹⁴

¹² This account is based on “Chronology, March 16, 1964–June 15, 1964,” *Middle East Journal* 18, no. 3 (1964): 320–50.

¹³ Report by Amembassy Baghdad titled “Comparison of New Iraqi and UAR Constitutions,” May 7, 1964, folder 101127-009-1048, folder title POL 15-5 IRAQ, Government: Constitution, Record Group 59, US State Department Central Files, National Archives, College Park, Maryland; Michael Eppel, *Iraq from Monarchy to Tyranny: From the Hashemites to the Rise of Saddam* (Gainesville, FL: University Press of Florida, 2004), 220.

¹⁴ Guy Bechor, *The Sanhuri Code, and the Emergence of Modern Arab Civil Law (1932–1949)* (Leiden: Brill, 2007).

Both houses of parliament, which Egypt's socioeconomic and political elite still dominated, passed the civil code after thorough scrutiny. Sanhuri's legal activism resonated with widespread public sentiment for social and economic reform, and his work established him as a pivotal figure in contemporary Arab law-making, aligning with the broader regional spirit of the time. During this period, the final Wafd party governments attempted significant socioeconomic reforms based on the principles of social solidarity and justice, motivated by fears of worsening social unrest. Growing social discontent drove the "old regime" elite to accept the need for change broadly, highlighting the urgency of reform. The Wafd's failure to address this discontent effectively contributed to the outbreak of the 1952 Free Officers' Revolution.¹⁵

Since Syria's independence from France in 1946, the country has sought to realign its political system. An informal coalition emerged, bringing together Syria's capitalist class with politicians dedicated to economic modernization and reformist parties like the Ba'ath, which advocated for social reform. This coalition aimed to forge a new social contract that integrated economic and social development goals and enhanced the state's role in promoting such development—a pioneering effort in the region. This new social contract was most fully realized in the 1950 constitution.¹⁶

The 1950 constitution prominently featured social solidarity and justice.¹⁷ Sanhuri played a crucial role in shaping this constitution, building on his earlier contributions to the 1949 Syrian civil code. The 1950 constitution extended beyond the traditional liberal focus on individual legal rights to emphasize social rights, including guarantees related to education, healthcare, employment, trade unions, cooperatives, and social insurance. Notably, it introduced land reforms that limited individual land ownership by setting a maximum limit on landholdings and pledging to redistribute state lands to peasants who lacked sufficient land for a livelihood. Additionally, the constitution declared natural resources as state property and established a Standing Economic Council (SEC) to oversee the national economy and stimulate industrial development. Concessions and monopolies were to be granted only by law and for fixed periods, while the state was empowered to nationalize enterprises or economic projects of public interest, with compensation provided. Thus, the 1950 constitution mandated significant state involvement in the economy to ensure the new social rights of citizens.¹⁸

Contemporary analyses, including the aforementioned US intelligence report and Middle East scholar Majid Khadduri, praised the progressive nature of the Syrian constitution, noting its forward-looking provisions that promised to address Syria's long-standing economic and social issues. They described many articles as "programmatic," outlining concrete steps for realizing citizens' rights and fostering socioeconomic development. These included pledges for full employment, the construction of hospitals and workers' housing, rural education, literacy eradication within ten years, and state-led irrigation and electrification projects. Additionally, the constitution tasked the state with settling nomads. Contemporary commentators agreed that

¹⁵ Relli Shechter, *The Egyptian Social Contract: A History of State-Middle Class Relations* (Edinburgh: Edinburgh University Press, 2023), 70–81.

¹⁶ Steven Heydemann, *Authoritarianism in Syria: Institutions and Social Conflict, 1946–1970* (Ithaca, NY: Cornell University Press, 1999), 30–54.

¹⁷ See the constitution in Yusuf Q. Khuri, *al-Dasatir fi al-'Alam al-'Arabi: Nusūs wa-Ta'dilat: 1839–1987* [Constitutions in the Arab World: Texts and Amendments, 1839–1987] (Beirut: Dar al-Hamra', 1989), 259–71. For the English translation of the constitution, see Muhammad Khalil, *The Arab States and the Arab League* (Beirut: Khayats; London: Constable, 1962), 535–55.

¹⁸ In addition to the analysis of the 1950 constitution itself, observations on the constitution are based on contemporary studies of the constitution; see "The Syrian Constitution of September 5, 1950," January 5, 1951, OIR Report No. 5374, Department of State Office of Intelligence Research, 8; Majid Khadduri, "Constitutional Development in Syria: With Emphasis on the Constitution of 1950," *Middle East Journal* 5, no. 2 (1951): 137–60, <http://www.jstor.org/stable/4322268>; Karim Atassi, *Syria, the Strength of an Idea: The Constitutional Architectures of Its Political Regimes* (Cambridge, United Kingdom: Cambridge University Press, 2018), 155–92, <https://doi.org/10.1017/9781316872017>.

the constitution was highly detailed, outlining state commitments to social and economic goals. In doing so, it went beyond the role of a foundational state document and encroached on the domain of ordinary legislation. The analysis above reveals that the roles of the SEC and these programmatic articles blended constitutional principles with development planning, establishing a significant legacy of the 1950 constitution. In 1953, a new, interim Syrian government introduced a new, short-lived constitution primarily to reorganize political life. However, it retained much of the 1950 constitution's focus on citizens' rights, now categorized under "Democratic Guarantees," while continuing to legislate state involvement in the economy under the section "Organizing National Wealth."¹⁹

Despite being the first constitution to embody progressive, programmatic steps, the 1950 Syrian constitution reflected a regional and global trend toward promoting collective welfare alongside economic development. An illustration of this trend was the United Nations-sponsored social welfare seminars that took place in regional capitals under the guidance of the Arab League. In 1949, the first such meeting took place in Beirut, with wide participation from regional and global scholars, state officials, and politicians from across the region, including Egypt, Iraq, and Syria. In this high-profile event, participants explored various aspects of developing social welfare, from training practitioners to debating efficient ways of improving child health and education, and living conditions in rural regions and among nomads.²⁰ In 1950, a second meeting was held in Cairo. Ahmad Hussein, the Egyptian Minister of Social Affairs, introduced the proceedings of this seminar, in which he emphasized the regional need for social reform in rural regions—the main focus of the Cairo seminar and for long a central goal of his own office.²¹

In 1952, the newly established Free Officers regime in Egypt took one of its first actions: abolishing the 1923 constitution—the legal framework that underpinned the monarchical regime. In 1953, the regime formed a constitutional committee to draft a new constitution, aiming to establish a fresh legal foundation for the country's politics and society. This drafting process represented an interim stage between the old and new political orders, as the committee still included members from the established legal and political elite. Notably, Sanhuri chaired the committee, clearly indicating that the new constitution would reflect his vision of the required socioeconomic changes—a vision shared by the Free Officers. As president of the Supreme Court, Sanhuri, along with his deputy, Suleiman Hafiz, played a significant role in supporting the new regime in its formative years.²²

By 1954, Sanhuri's committee had prepared a new constitutional draft.²³ However, the political landscape soon shifted. A conflict within the revolutionary regime over a return to democratic governance (known in Egyptian historiography as the March Crisis) created a rift between Nasser and his supporters, on the one hand, and Major General Muhammad Naguib,

¹⁹ Al-Dustur al-Suri [The Syrian Constitution] (Syria: Matba'at al-Jumhuriyya al-Suriyya, 1953). For the English translation, see "Constitution of the Republic of Syria," *Middle East Journal* 7, no. 4 (1953): 521–38, <http://www.jstor.org/stable/4322546>. For an analysis, see Mary Louise Manley, "The Syrian Constitution of 1953," *Middle East Journal* 7, no. 4 (1953): 520–1, <http://www.jstor.org/stable/4322545>.

²⁰ For the topic discussed in this seminar, see Halaqat al-Dirasat al-Ijtima'iyya lil-buldan al-'Arabiyya fi al-Sharq al-Awsat [Social Studies Seminars for Arab Countries in the Middle East], v. 1 (Cairo: Matba'at Misr, 1950), 2.

²¹ Ahmad Hussein, "Muqaddima" [Introduction], *Halaqat al-Dirasat al-Ijtima'iyya lil-buldan al-'Arabiyya fi al-Sharq al-Awsat*, v. 2 (Cairo: Matba'at Sharikat al-I'lanat al-Sharqiyya), 1–2.

²² On Sanhuri's role in formulating the 1954 constitutional draft, see Bechor, *The Sanhuri Code*; 'Amru al-Shalaqani, "'Al-Sha'b Yurid l'dam al-Muhamin': Al-Sanhuri bayna al-Qanun wa-l-Thawra (1952–1954)" [The People Want the Execution of Lawyers': Sanhuri between Law and Revolution (1952–1954)] *Tabayyun* 163, no. 3, Winter (2013): n.p., https://tabayyun.dohainstitute.org/ar/issue003/Documents/Tabayyun03-2013_omoro%20chalkani.pdf, accessed 10/9/2024.

²³ For the constitution and its analysis, see Salah 'Isa, *Dustur fi Sunduq al-Qumama: Qissat Mashru' Dustur 1954: Dirasa wa-Wathiqat* [Constitution in the Dustbin: The Story of the 1954 Constitution Draft: A Documentary Study] (Cairo: Markaz al-Qahira li-Dirasat Huquq al-Insan, 2001).

who had officially led the revolution until that point, and his followers, on the other.²⁴ Nasser orchestrated subsequent show trials to consolidate his power, placing Sanhuri and others from the now-discredited monarchical elite among the defendants. Nasser's regime used these trials as a political maneuver to draw a sharp, albeit somewhat arbitrary, distinction between Egypt's monarchical past and its republican present.

In 1956, Egypt adopted a new constitution.²⁵ Nonetheless, a closer comparison of the 1954 constitutional draft and the 1956 constitution reveals that the two texts shared many similarities, even though Nasser proclaimed a new beginning in his speech celebrating the new constitution.²⁶ Through this constitution, Nasser strengthened his power while largely amplifying earlier visions and socioeconomic policies of development. A notable similarity was the central role assigned to the state in promoting social solidarity and justice across various areas, such as education, employment, social security, living standards, property rights, economic planning, and taxation.²⁷

A US intelligence report studying the origins of the 1956 constitution outlines the influence of the 1950 and 1953 Syrian constitutions, in which Sanhuri was heavily involved, alongside the 1954 draft (the report references an earlier 1953 version of this draft). Like the Syrian constitutions, the Egyptian constitution was also programmatic in nature. The intelligence report noted this, stating that "the pronouncements of the state's responsibility for the general welfare of its inhabitants are decidedly programmatic and sound more like a social tract than an organic law."²⁸ Indeed, the Nasser regime emphasized the programmatic nature of the 1956 constitution, framing it as a development plan rather than merely a legal document. Reflecting on this aspect, 'Abd al-Latif al-Baghdadi, a member of the Free Officers and a senior politician, asserted: "This constitution is not simply a work of law. It is also a program and a work plan."²⁹

The public and academia widely accepted the 1956 constitution as a new beginning because the 1954 draft remained just that—a draft. Moreover, the 1956 constitution spelled out more explicitly the vision it sought to implement. For example, Article 4 of the 1956 constitution explicitly established social solidarity as the foundation of Egyptian society, a provision absent from the 1954 draft despite Sanhuri's long-standing advocacy for solidarity. Sanhuri and his colleagues may have deliberately omitted this provision; as the US intelligence report suggested, the concept of solidarity was too ambiguous to be enforceable by the courts—a point that Sanhuri and his committee members likely understood well. From this perspective too, the 1956 constitution was in fact a social tract, as suggested in the intelligence report above.

In Syria, the failure to achieve a broad socioeconomic transformation under the new social contracts outlined by the 1950 and 1953 constitutions led to renewed political strife, partly because the partial increase in state provisioning raised social expectations for more comprehensive reforms. In 1958, this sociopolitical strife was a core factor motivating Syria to establish a union with Egypt under the UAR.³⁰ Such a political union would have been improbable without a broad public-political agreement on a common purpose between the two states, as indicated by the analysis of their constitutions.

²⁴ Hazem Kandil, *The Power Triangle: Military, Security, and Politics in Regime Change* (Oxford University Press, 2016), 231–46.

²⁵ Khuri, *al-Dasatir fi al-'Alam al-'Arabi*, 559–67. For the English translation of the constitution, see Khalil, *The Arab States and the Arab League*, 499–520.

²⁶ Nasser's speech, from January 16, 1956, introduced the new 1956 constitution before a large audience in the Republic Square (Maydan al-Jumhuriyya) in Cairo. See this speech in Jamal 'Abd al-Nasir, *al-Majmu'a al-Kamila* [The Complete Collection], 496–511, Al Manhal, <https://platform.almanhal.com/Reader/Book/2818>, accessed 27 April 2020.

²⁷ For a comparison between the 1954 draft and the 1956 constitution, see Shechter, *The Egyptian Social Contract*, 92–7.

²⁸ *Egypt's New Constitution: A Document Written for, Not by, the People*, February 29, 1956, folder 003150-001-0754, National Archives, College Park, Maryland.

²⁹ Appeared in *al-Ahram* on January 1, 1958, and cited in 'Abd al-Mun'im Faraj al-Saddah, *Muhadarat fi al-Qanun al-Madani* [Lectures on Civil Law] (Cairo: Jami'at al-Duwal al-'Arabiyya, Ma'had al-Dirasat al-'Arabiyya al-'Aliyya, 1958), 210.

³⁰ Atassi, *Syria, the Strength of an Idea*, 192–203; Heydemann, *Authoritarianism in Syria*, 53–4.

The framers of the 1958 interim constitution of the short-lived UAR (abrogated in 1961) focused primarily on unification and creating a sovereign republic, which defined its people as part of the Arab nation.³¹ The framers likely intended for a more detailed constitution to replace this relatively thin constitution for the new state in the future. Nevertheless, the second part of the constitution, titled “Principles of Society,” which consisted of only four articles, still reiterated the founding socioeconomic principles of the earlier Syrian and Egyptian constitutions that preceded it. First, the constitution established solidarity as the basis of society. Second, state planning would guide the economy with the aim of establishing social justice, increasing production, and raising standards of living. Third, the constitution guaranteed private property, but law would regulate its social role; the state could confiscate property only when required for the public good and after providing just compensation according to the law. Fourth, social justice would guide taxation and public expenditures. Social solidarity and social justice were at the forefront of the principles guiding society, and while private rights (property) still held, they became subjugated to the public good.

Of the three states discussed in this article, Iraq was the last to gain full independence and, consequently, the last to formulate a constitution. During 1958, and after a brief episode in which the monarchies of Iraq and Jordan countered the UAR through formulating the Arab Union, a military coup ended the monarchy in Iraq. Brigadier ‘Abd al-Karim Qasim’s new republican regime quickly introduced an hastily drafted interim constitution.³² Briefly drafted and shortly discussed, the constitution included only thirty articles in four parts. The main purpose of the constitution was to facilitate a political transition; its introduction further explained the role of the army as the carrier of the sovereignty of the people.³³

The Iraqi interim constitution was partly based on the interim 1958 constitution of the UAR, indicating a new Iraqi political affinity with the recent union. Moreover, similarities between the two constitutions indicated a shared socioeconomic worldview. For example, Article 13 of the Iraqi constitution regarding private property was copied from that of the UAR. Yet, a broader statement on the state’s role in socioeconomic development did not find its way into the constitution that had more immediate sociopolitical tensions to resolve, such as those related to the Kurdish question—the constitution stipulated that Arabs and Kurds are equal partners in the land.

In September 1961, Syria’s secession from the UAR led to a period of political instability and frequent changes in government, particularly over issues such as reuniting with Egypt and implementing the 1958 constitution on matters like land reform and nationalization. A year later, in September 1962, Khalid al-‘Azm’s government sought to revive the earlier political order where older politicians wielded dominance by restoring an amended version of the 1950 constitution.³⁴ The preamble to the short-lived 1962 constitution makes it clear that restoring the 1950 constitution was not solely about a return to democratic governance—although that was a significant aspect—but also about reestablishing the principles of an earlier social contract. In the preamble, the representatives of the Arab people in Syria pledge to establish justice on a solid foundation, guarantee general rights to all citizens, and promote a spirit of brotherhood and national consciousness among them. The state committed to creating an economic and

³¹ Khuri, al-Dasatir fi al-‘Alam al-‘Arabi, 567–70. For the English translation of the constitution, see Khalil, *The Arab States and the Arab League*, 610–17.

³² Khuri, al-Dasatir fi al-‘Alam al-‘Arabi, 340–41. For the English translation of the constitution, see Khalil, *The Arab States and the Arab League*, 30–32.

³³ Ra’d Naji al-Jaddah, *Al-Tatawwurat al-Dusturiyya fi al-‘Iraq* [Constitutional Developments in Iraq] (Baghdad: Bayt al-Hikma, 2004), 76–88; Majid Khadduri, *Republican Iraq: A Study in Iraqi Politics since the Revolution of 1958* (London: Oxford University Press, 1969), 64–6. See also in Juan Romero, *The Iraqi Revolution of 1958: A Revolutionary Quest for Unity and Security* (Lanham, Md.: University Press of America, 2011), 138–139.

³⁴ Karol R. Sorby, “The Separatist Period in Syria, 1961–1963,” *Asian and African Studies*, 18 no. 2 (2009): 165–6.

social regime that would promote social justice, protect the worker and the peasant, and safeguard the vulnerable.³⁵

While scholars commonly see the secessionist (infisal) period (1961–1963) as an interregnum between the end of the UAR and the rise of the Ba‘th Party, the preamble of the 1962 constitution and al-‘Azm’s government’s concrete steps to restore solidarity and social justice demonstrate that Syria had achieved a broad consensus on the need for transformative change.³⁶ The eventual Ba‘thist consolidation of power can be seen as the formalization—or “Ba‘thization”—of this widely accepted consensus, much like the “Nasserization” of similar ideas in Egypt a few years earlier, as embedded in the 1956 socialist constitution.

In November 1961, partly in response to the dissolution of the UAR, President Nasser launched a new initiative to redefine Egypt’s social contract—the National Charter. To advance this initiative, Nasser convened a National Congress of Popular Forces to better represent the diverse Egyptian social fabric and involve various societal groups in cooperative political and economic decision-making. The National Charter emerged as the foundational document of Arab socialism in Egypt. Yet, Nasser and his government positioned the charter as an interim measure at the time of its introduction—an opportunity to encourage broader popular participation in shaping Egypt’s socialist direction through the public ratification of a new constitution.³⁷

The interim 1964 constitution that followed aimed to institutionalize the principles of Arab socialism as a permanent feature of Egypt’s political and legal framework. In doing so, it turned Nasser’s political vision, as articulated in the National Charter, into a binding social contract between the state and its citizens, with active public endorsement of these principles.³⁷ Simultaneously, the 1964 constitution codified many of the ideas presented in the National Charter, thereby legitimizing Nasser’s vision and embedding it firmly within the state’s legal and political structures.

Economist Bent Hansen, a long-time participant in Egypt’s efforts at economic development, commented on the National Charter by observing that “the charter mainly post-rationalized and codified reform and institutional change actually undertaken since 1952.”³⁸

The Sixth National Convention of the Ba‘th Socialist Party in October 1963 demonstrated a similar pattern through its decisions, which came after two significant Ba‘thist coups on February 8 in Iraq and March 8 in Syria. The convention aimed to foster a bilateral union between Iraq and Syria and reaffirmed a shared commitment to Arab socialism and Arab nationalism.³⁹

The decisions of the Sixth National Convention echoed the Egyptian National Charter in reaffirming the state’s past commitments to economic and social development, emphasizing the provision of state services to society. In the convention’s decisions (Article 11), these services included expanding education at all levels, providing free medical services for all, and increasing state support in rural areas and among the poor.⁴⁰ The National Charter presented a

³⁵ Khuri, *al-Dasatir fi al-‘Alam al-‘Arabi*, 287–8.

³⁶ Karim Atassi, *Syria, the Strength of an Idea: The Constitutional Architectures of Its Political Regimes* (Cambridge, UK: Cambridge University Press, 2018), 215–8; Matthieu Rey, *When Parliaments Ruled the Middle East: Iraq and Syria, 1946–1963* (Cairo; New York: The American University in Cairo Press, 2022), 196–201, refers to this change as a new type of citizenship. ³⁷ Shechter, *The Egyptian Social Contract*, 97–100.

³⁷ See the emphasis on popular participation in drafting and legitimizing the 1964 constitution in its Preamble: Khuri, *al-Dasatir fi al-‘Alam al-‘Arabi*, 583; for English translation, see Sami A. Hanna and George H. Gardner, *Arab Socialism: A Documentary Survey* (Leiden: Brill, 1969), 386–7.

³⁸ Bent Hansen, *The Political Economy of Poverty, Equity and Growth: Egypt and Turkey* (New York: World Bank, 1991), 115.

³⁹ Podeh, “To Unite or Not to Unite,” 152.

⁴⁰ “Decisions of the Sixth National Convention of the Arab Ba‘th Socialist Party, 1963,” in Kamel Abu Jaber, *The Arab Ba‘th Socialist Party: History, Ideology, and Organization* (Syracuse, NY: Syracuse Univ. Press, 1966) 157–65.

more detailed version of these commitments, defining state services as fundamental rights of every citizen, such as access to medical treatment, education, employment, and social insurance. It also outlined state responsibilities for child welfare, women's rights, and family protection.⁴¹ The 1964 interim constitutions enshrined these social rights and other pledges articulated in both documents.

In all three states—Egypt, Syria, and Iraq—the interim constitutions were part of broader efforts to stabilize local politics, although they faced opposition. In Egypt, nearly a decade into Nasser's presidency, the 1964 interim constitution represented the culmination of a sustained campaign against perceived enemies of the Revolution, such as feudalism and exploitative capital, as outlined in the National Charter. This constitution further promoted the socialization of the economy and advanced the idea of a social democracy that would lead to political democracy, aiming to prevent reactionary forces from obstructing the ongoing revolution.

In Syria, the announcement of the 1964 interim constitution immediately provoked concrete opposition against its intended socialist direction. On April 15, 1964, the government suppressed a revolt in Hama led by groups that the regime labeled as feudalists and reactionaries. Just days later, on April 19, the bazaars of Damascus went on strike to protest against socialism and in support of the revolt in Hama. The Syrian government, under President Amin Hafiz, responded harshly, quelling all such opposition and blaming foreign powers—implicitly including Egypt—for instigating these disturbances.⁴² In Iraq, the interim constitution, which took a similarly socialist turn as a step toward a potential future union with Egypt, also faced challenges. On June 2, the Iraqi Minister of Union Affairs declared that Iraq would not necessarily adopt the socialist measures implemented in Egypt under the proposed union between the two countries.⁴³

By the mid-1960s, collective welfare had become a core organizing principle for both the economy and society in Egypt, Syria, and Iraq, signaling a decisive shift from prioritizing individual and liberal rights to emphasizing social rights. While this trend persisted across all three states during national and regional political upheavals, these very upheavals may have accelerated it. Internal political instability in Syria and Iraq led them to seek broader regional cooperation and, consequently, similar regional solutions to national socioeconomic challenges. In Egypt, the twin imperatives of sustaining the revolution and maintaining regional dominance drove the radicalization of its socioeconomic reforms.

The emphasis on social rights was closely connected to a broader transformation toward state-led, authoritarian efforts to manage both economic and social order. Importantly, social rights were not simply traded for citizens' political rights, despite the authoritarian nature of these regimes. Rather, the relationship between state and society was more complex: regimes adapted to and built upon existing social expectations rather than imposing purely top-down dictates.

Constitutional Blueprints for a New Society

The convergence of state policy and social expectations in these three countries culminated in a remarkable moment of constitutional synchronicity. This section examines the shared approach to socioeconomic progress outlined in the 1964 Egyptian, Iraqi, and Syrian interim constitutions.⁴⁴ While these constitutions were interim in nature, they articulated long-standing, common principles and programmatic actions for building new societies. As such, they reflected

⁴¹ Nissim Rejwan, *Nasserist Ideology: Its Exponents and Critics* (New York: Wiley, 1974), 244–5.

⁴² "Chronology, March 16, 1964–June 15, 1964," 345–7.

⁴³ "Chronology, March 16, 1964–June 15, 1964," 329.

⁴⁴ See the 1964 interim constitutions in Khuri, *al-Dasatir fi al-'Alam al-'Arabi*, 559–67 (for Egypt), 345–50 (Iraq), 301–304 (Syria); for English translations, see Hanna and Gardner, *Arab Socialism*, 386–408, for Egypt; *The Interim Constitution*, folder 101127-009-1048, folder title POL 15-5 IRAQ, Government: Constitution, Record Group 59, US State Department Central Files, National Archives, College Park, Maryland, for Iraq; and Abu Jaber, *The Arab Ba'th Socialist Party*, 175–83, for Syria.

widely accepted regional blueprints that were to bring about new societies in the Arab Middle East, despite their temporary status.

How did the interim constitutions envision the new societies? The preamble of the 1964 Egyptian Constitution, for example, outlined the aim to create a society of prosperity, in which “equal opportunities are ensured to individuals and class differences are liquidated.”⁴⁵ Similarly, the preamble of the Iraqi Constitution emphasized the goal “to correct the social situation and build a better society that provides comfort, culture, learning, and health while working to raise future generations in a spirit of Arabism, Islam, and love of country and complete unity.”⁴⁶ While their specific objectives differed slightly, both constitutions—along with the Syrian interim constitution, which was issued without a preamble—presented reformist frameworks for creating more egalitarian and prosperous societies.

The comparison of these reformist frameworks in the interim constitutions focuses on key sections: “Elements of Society” and “Public Rights and Duties” in the Egyptian and Iraqi constitutions and “Basic Principles” in the Syrian constitution, which contains similar provisions. Relevant articles from other parts of the constitutions are also considered. This analysis seeks to delineate the foundational principles each constitution set out to guide their respective societies and to examine the role of the state in realizing these principles, particularly through the provision of social services. It further exposes internal tensions between such principles.

A close examination of these constitutional sections reveals several common themes and challenges. Most notably, in all the interim constitutions, there was an implicit tension between the desire to bring about a new society while avoiding potential social strife that such transformation could entail. To avoid such strife, “Elements of Society” sections in both the Egyptian and Iraqi constitutions introduce social solidarity as the basis of societal organization (Articles 6 and 4, respectively), emphasizing a solidarity that would underpin the national society’s structure. Notably, this concept of solidarity is absent from the Syrian constitution, a surprising omission given its prominence in earlier foundational texts of the Ba’th Party, such as the Ba’th Party’s own constitution.⁴⁷ Despite this absence, solidarity still plays a central role in shaping various articles of the Syrian constitution.

In all three constitutions, there is ambiguity regarding the basic unit of society on which solidarity is based—is it solidarity among individuals or families? Further questions arise about how gender and age intersect with this solidarity. For example, Articles 8 and 6 in the Egyptian and Iraqi constitutions, respectively, guarantee equality of opportunity for all. In the Syrian constitution, equality of opportunity is grouped with other fundamental legal rights—liberty and safety—under Article 8. Conversely, Articles 7 and 5 in the Egyptian and Iraqi constitutions, respectively, state that “the family is the basis of society.” Similarly, Article 20.1 of the Syrian constitution designates the family as the fundamental unit of society and places it under state protection. Article 20.2 further pledges that “the state shall protect and encourage marriage and shall remove material and social impediments to it,” thus linking the state’s role to supporting the family as society’s core unit. In all three constitutions, these articles position the family alongside individual citizenship as the foundation of society.

The ambiguity of citizenship in the constitution—is it individual or family based—is further spelled out in the basic unit to which collective welfare is conferred and, more so, to the reasoning behind state provisioning of social services. State patriarchy, where the state acts as a patriarchal authority, is evident in Articles 19 and 20 of the Egyptian constitution and the

⁴⁵ Hanna and Gardner, *Arab Socialism*, 387.

⁴⁶ “The Interim Constitution,” National Archives.

⁴⁷ “Constitution of the Arab Ba’th Socialist Party,” Abu Jaber, *The Arab Ba’th Socialist Party*, 167–74. Solidarity is presented in two interrelated contexts: first, as a universal human value (168) and, second, as a principle among all citizens that plays a role in advancing the Arab revolution (174).

corresponding Articles 15 and 16 of the Iraqi constitution. Article 19 of the Egyptian constitution affirms the state's responsibility to support the family and protect motherhood and childhood. Article 20 extends state responsibility to provide aid in cases of old age, sickness, incapacity to work, and unemployment through social insurance. These articles blur the lines between the state's role in protecting social dependents within the family (women and children) and within society (the elderly, sick, and unemployed). This conflation is even more pronounced in Article 19.1 of the Syrian constitution, which states, "The state will provide every citizen and his family in emergency cases, illness, disability, orphanage, or old age." Here, the male-dominated notion of citizenship defines the right to social welfare.

State patriarchy is also apparent in the realm of education, where the state assumes responsibility for youth upbringing. The Egyptian and Iraqi constitutions contain similar provisions (Articles 38 and 33, respectively), stating, "The State gives special care to the physical, mental, and moral growth of youth." Similarly, Article 17 of the Syrian constitution asserts, "The state is interested in the growth of a generation strong in body, mind, and character, with faith in the spiritual heritage and pride in its Arab virtues." In all three constitutions, the state adopts roles traditionally held by the family in raising children.

The attempt to avoid social strife while bringing social change is well present in the constitutional attempt to eradicate social exploitation, without explicitly identifying the exploiters. In the constitutions, preventing exploitation appears to be both an economic and social remedy, thus a positive solution for myriad socioeconomic problems. In the Egyptian constitution (Article 9), the socialist system prohibits exploitation to ensure the twin foundations of sufficiency and social justice. Similarly, in the Iraqi constitution (Article 7), the goal of economic organization is to achieve economic growth and social justice while preventing any exploitation. In this context, economic growth replaces sufficiency, likely due to Iraq's oil-dependent economy. Article 23 of the Syrian constitution also seeks to prohibit exploitation through state planning, aiming to increase national income and ensure its fair distribution.

The three constitutions did pledge extensive employment rights as another safeguard against exploitation. Articles 40 and 35 of the Egyptian and Iraqi constitutions, respectively, guarantee employment rights, such as fixed working hours, wage supervision, and vacation entitlements. They also ensure social insurance, health insurance, and protection against unemployment. Article 18.2 of the Syrian constitution similarly offers state protection to workers, including fair compensation, limited working hours, and the right to rest and vacation. Additionally, Articles 41 and 18.3 of the Egyptian and Syrian constitutions, respectively, affirm the right of labor to organize—a right notably absent from the Iraqi constitution. In the three constitutions, the protection of labor against exploitation mitigates a potential class struggle between labor and employers. However, private property is also protected within certain boundaries, as we shall see below.

Another measure against exploitation was land reform, which limited land ownership and was considered the most decisive action for achieving equality in agrarian economies while improving agricultural production. Land reform is guaranteed in the Egyptian and Iraqi constitutions (Article 17 of the Egyptian constitution and Article 13 of the Iraqi constitution). The Egyptian constitution further defines measures to protect small landowners, while the Iraqi constitution sets a maximum limit on land ownership to prevent the establishment of feudalism. Land reform is absent from the Syrian constitution, possibly due to its focus on collective ownership of the means of production and corporatism that included agricultural production.

To sustain social solidarity, the constitutions attempted to balance public and private property rights. Articles 11 of the Egyptian constitution and 9 of the Iraqi constitution designate "natural wealth" (natural resources) as state property, with the state responsible for their proper use. These articles were especially pertinent following recent nationalization efforts in Egypt and

the oil sectors of Egypt and Iraq. Article 24.1 of the Syrian constitution declares natural resources the property of the people, managed by the state.

Article 14 of the Egyptian constitution affirms the subordinate role of private capital, stating that ownership must serve the national economy and not conflict with the general welfare. However, Article 16 of the Egyptian constitution provides some protection for private ownership while organizing its social function by law, allowing expropriation only for the public good and with fair compensation. Similarly, Article 26 of the Syrian constitution protects private property, but the law regulates its social function, allowing for expropriation for public interest with just compensation. Article 29 allows for the nationalization of firms or establishments for public interest, while Article 27 limits private property, and Article 28 promotes cooperation and protects cooperative establishments as a counterbalance to private property.

In Iraq, Article 12 of the constitution offers somewhat stronger protection for private property: “Private property is to be protected.” However, the use of private funds is bound by social principles determined by law. While the sanctity of private property is guaranteed, it can be appropriated for public interest with compensation determined by law. Though public sector ownership and cooperative ownership are not explicitly mentioned, Article 14 indicates that the state will encourage and oversee cooperative institutions, suggesting their nascent state in Iraq.

Collective ownership was proposed as a middle ground between private and public property. The Egyptian constitution (Article 13) identifies three forms of ownership: (1) state ownership, aligned with people’s ownership and embodied in the public sector, serving as the main vehicle for implementing the state development plan; (2) cooperative ownership, a midpoint between state and private ownership where members share ownership; and (3) private ownership, allowed but subordinate, conditioned upon its role in development and compliance with the state plan. Similarly, the Syrian constitution (Article 25) divides ownership into state, collective (cooperative), and private, with the public sector playing a central role in the economic plan and being responsible for public utilities, major transportation, and production means that meet people’s basic needs. Like the Egyptian constitution, private ownership in Syria is permitted as long as it does not hinder public sector growth or socialist economy-building.

Public (social) rights bound individual rights, similar to how they bound private property rights. In the “Public Rights and Duties” sections of the Egyptian and Iraqi constitutions, and drawing from a familiar liberal tradition seen in previous constitutions, the first articles in each document establish the rule of law, ensuring citizens’ equality before the law, protecting against arbitrary application of the law, and guaranteeing basic freedoms such as movement, speech, and religious practice. These same principles are reflected in the “Basic Principles” section of the Syrian constitution. However, these individual rights were restricted; for example, Article 22 of the Syrian constitution grants individual rights but conditions them on not infringing “the safety of the fatherland, national unity, the basis of the Republic, and the popular Socialist aims of the revolution.” This constitutional framework reflected a broader ideological shift: individual rights, while preserved, were now explicitly subordinate to public rights and collective revolutionary aims.

The tension between individual and public rights took on particular significance in the economic sphere, where the 1964 constitution established robust guarantees for citizens. Moving beyond merely granting legal rights, these constitutions outlined programmatic provisions for education, health, and employment, detailing specific steps for their implementation. Education emerged as the cornerstone of these economic rights, reflecting its perceived role as a long-term catalyst for reform and development. This emphasis on education had historical precedent, particularly in Egypt’s tradition of state education, which began with the introduction of free and compulsory elementary education in its 1923 constitution. The 1964 constitution expanded these educational commitments: Articles 38 and 39 of the Egyptian constitution and Articles 33 and 34 of the Iraqi constitution established education as a

citizenship entitlement, making the state responsible for establishing and expanding educational and cultural institutions as well as regulating and supervising public education. Education at all levels was to be provided free of charge. The Syrian constitution similarly enshrined education as a universal right in Article 17.

The commitment to public welfare extended to healthcare, with all three constitutions guaranteeing state-provided health services. The Egyptian and Iraqi constitutions contained identical pledges in Articles 42 and 36, respectively, committing the state to establish and expand hospitals and health institutions. The Syrian constitution echoed this commitment in Article 19.2, which mandated state protection of citizens' health through the provision of hospitalization and medicine.

Employment represented another pillar of constitutionally guaranteed economic rights. Articles 21 and 17 of the Egyptian and Iraqi constitutions, respectively, established employment as a basic right of citizenship. The Syrian constitution went further in Article 18.1, explicitly linking employment guarantees to the construction of a socialist national economy. Whether explicit, as in the Syrian constitution, or implicit, as in the Egyptian and Iraqi ones, the right to employment is guaranteed through state employment.

While these constitutions established extensive economic rights in education, healthcare, and employment, they simultaneously articulated ambitious goals for rapid economic development. However, the financial commitments to these rights were not contingent on the state's ability to achieve economic growth. This fundamental disconnect between fixed welfare obligations and uncertain economic resources would later impose significant burdens on these economies.

The realization of these economic rights and development goals demanded reciprocal obligations from citizens. Taxation emerged as a crucial mechanism for financing the redistribution of economic rights and was enshrined as a fundamental civic duty. The Egyptian and Iraqi constitutions (Articles 44 and 38, respectively) explicitly established taxation as a duty while guaranteeing its legal basis. The Syrian constitution notably omitted taxation from its enumerated duties, though Article 78 did require legal authorization for tax measures.

Military service stood as the most exalted of civic obligations, elevated to the realm of the sacred and transcending economic duties of citizenship such as taxation. This elevation was consistent across all three constitutions: the Egyptian and Iraqi constitutions (Articles 43 and 37, respectively) declared the defense of the homeland a sacred duty and established compulsory conscription. The Syrian constitution similarly emphasized this sacred obligation in Article 21.1 and reinforced its mandatory nature in Article 21.2. In Egypt and Iraq, the sacred status accorded to military service reflected a broader conceptualization of the army as both a military and social institution. Beyond traditional external defense, the army was assigned an internal, civilian function. The Egyptian constitution's Article 23 explicitly positioned the army as part of the people, tasking it with protecting "the socialist gains of the popular struggle." The Iraqi constitution similarly expanded the army's mandate in Article 77, assigning it responsibility for safeguarding national unity. The Syrian constitution, notably, omitted such explicit provisions about the army's domestic role. While all three armies wielded significant political influence in practice, the constitutions eschewed this reality, instead presenting military service as an instrument for strengthening both national defense and social cohesion.

The constitutions' approach to civic duties extended beyond military service, notably transforming certain fundamental rights into reciprocal obligations. While guaranteeing employment as a right, all three constitutions simultaneously declared work both a duty and an honor for every able citizen (Articles 21, 17, and 18.1 in the Egyptian, Iraqi, and Syrian constitutions, respectively). This dual characterization established clear expectations for citizens to contribute diligently to national development. The protection of public resources emerged as another critical duty connected to economic rights. The Egyptian constitution's Article 15 explicitly defined public funds as the foundation of the socialist system, the source of prosperity for working people, and the strength of the nation, making their protection a civic

obligation. The Iraqi constitution echoed this approach in Article 11, linking the protection of public funds to rising living standards and national power. Though the Syrian constitution lacked an equivalent provision, it incorporated the protection of public funds and prevention of corruption within its broader concept of “honor work.”

The constitutions’ transformation of rights into duties was further exemplified in their treatment of political participation. In Egypt and Iraq, while Articles 45 and 39, respectively, guaranteed voting rights according to law, they simultaneously framed citizen participation in public life as a national duty. This dual characterization of voting, mirroring the approach to employment, emphasized citizens’ obligation to engage in political processes. The Syrian constitution departed markedly from this pattern, omitting individual voting rights entirely. Instead, it vested political authority in the National Revolutionary Council, charging it with electing the president, vice president, and members of the executive council (Articles 32, 32.1), while limiting public participation to a constitutional plebiscite (Article 32.3).

A defining feature of all three constitutions was their blurred distinction between state and society, particularly in the realm of economic control. The Egyptian constitution (Article 12) exemplified this ambiguity by declaring popular control over the means of production while simultaneously empowering the state to manage these resources through development planning, directing revenues toward investment, and raising living standards. The Iraqi constitution (Article 10) adopted a similar approach, stipulating that capital should serve national economic interests while requiring its alignment with general welfare—effectively placing it under state control. The Syrian constitution (Article 24.2) likewise proclaimed collective ownership of the means of production as the foundation of a socialist society, while implying state management of these assets. In all three cases, the constitutions established nominal popular ownership while vesting practical control in the state, thereby institutionalizing state authority over economic resources under the banner of collective welfare.

The relationship between the state, society, and religion in the constitutions of Egypt, Iraq, and Syria is marked by ambivalence. Articles 7 and 5 of the Egyptian and Iraqi constitutions, respectively, place religion as a foundational pillar of society, alongside morality and patriotism (or nationalism in the Iraqi constitution). However, despite this rhetorical emphasis, the role of religion in shaping society is scarcely evident elsewhere in these constitutions. This indicates that, while religion is acknowledged symbolically, the state is positioned as the primary foundation upon which society is built. Similarly, the Syrian constitution presents a complex stance: Article 3 declares Islamic jurisprudence a principal source of law and identifies Islam as the state religion, yet Article 16 asserts that the state respects all religions and guarantees freedom of belief. Like the Egyptian and Iraqi constitutions, the Syrian constitution provides limited detail on the actual role of religion in public life, revealing a preference for state authority over religious influence in governance and societal organization. Thus, all three constitutions use religion’s symbolic authority as a rhetorical device, but ultimately, they underscore the state’s dominance in defining societal structures.

Conclusion

Despite the political fragmentation and rivalries of the period, the 1964 interim constitutions of Egypt, Iraq, and Syria reflected a shared regional aspiration for socioeconomic transformation. These constitutions, regardless of their ephemerality, represented a social bargain rather than what scholars have termed an authoritarian bargain. Rather than representing a simple exchange of political rights for economic benefits, these documents established a more complex relationship centered on social solidarity and state-led social justice. This social bargain formed the core of a new contract both between state and society and among citizens themselves, designed to achieve a progressive society. Understanding these constitutions through the lens

of social bargain rather than authoritarian bargain reveals how they reflected broader societal aspirations rather than merely serving as tools of political control.

The social bargain embodied in the interim constitutions sought to balance individual, liberal rights with collective social rights, promoting this equilibrium through programmatic articles that guaranteed state-led initiatives in education, healthcare, employment, and economic development. This arrangement highlighted the state's role as the primary driver of socioeconomic transformation, positioning it to establish collective welfare and galvanize a new society, while clearly delineating both the rights and obligations of citizens within this emerging social framework.

The social engineering envisioned by the interim constitutions contained significant ambivalences. By 1964, the traditional landed elite that had dominated politics in Egypt, Iraq, and Syria had lost its position of power—a transformation that profoundly reshaped regional societies alongside land reforms and new initiatives for economic development. While the interim constitutions both reflected and advanced these changes, they simultaneously revealed a deeper tension: even as they outlined plans for collective welfare and a revolutionary new society, they preserved substantial elements of the existing social structure. The constitutional vision of social engineering was thus constrained by the persistent social norms and institutions of a patriarchal state and society, a limitation evident in the contradictions embedded within their frameworks.

This tension between revolutionary aims and traditional structures was particularly evident in the constitutions' treatment of social rights. Despite their progressive stance, state patriarchy shaped how rights were allocated among men, women, and children, especially in domains such as marriage, child education, and care for the sick and elderly. Similarly, while the constitutions emphasized social solidarity as the foundation of societal organization, they remained ambiguous about its fundamental unit—whether solidarity should be based on individual citizenship or the family unit.

The concept of solidarity itself embodied further contradictions. While intended to prevent class struggle and social exploitation, the constitutions failed to clearly define how these potentially conflicting aims would be achieved. Solidarity served a dual role—appearing simultaneously as the goal of various articles and as a prerequisite for their implementation. This ambiguity extended to economic matters: though the constitutions sought to balance public and private interests, they never fully resolved how a statedominated economy would coexist with private enterprise, leaving critical questions about managing this dual economic system unanswered. These unresolved tensions within the social bargain highlighted fundamental challenges in reconciling competing visions of societal organization, challenges that existed even before the implementation of these constitutions began.

Such inherent tensions suggest that the difficulties these constitutions later faced cannot be attributed solely to insufficient political will or economic resources. While these documents would eventually devolve into what scholars later termed authoritarian bargains, their original formulation as social bargains reflected a more complex and ambitious vision of societal transformation. The challenges they encountered stemmed from both their internal contradictions and their sweeping attempt to reshape society through the principle of social solidarity. In hindsight, these constitutions offer a compelling historical case study of the challenges in translating progressive ideals into sustainable social realities. While the 1964 interim constitutions may not have achieved their vision of a progressive society, analyzing them as social bargains rather than merely authoritarian arrangements reveals a critical moment when an alternative future for the Arab world appeared possible—one whose aspirations for social justice, development, and effective governance continue to resonate in contemporary regional debates.

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2. Since independence in 1946, Syria has prioritized Arab unity, actively pursuing union plans with Iraq and Egypt, culminating in the United Arab Republic (UAR) with Egypt in 1958. Although Egypt, led by Nasser, later embraced Arab nationalism, it was initially hesitant, only officially adopting Arab unity between 1954 and 1956. After Ba‘athist coups in Iraq and Syria in 1963, new unification efforts emerged, but they were undermined by internal and regional tensions. Eberhard Kienle, “Arab Unity Schemes Revisited: Interest, Identity, and Policy in Syria and Egypt,” *International Journal of Middle East Studies* 27, no. 1 (1995): 53–71, <http://www.jstor.org/stable/176187>; Podeh, “To Unite or Not to Unite.”
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4. For two different evaluations of the failed attempts at democratization through the establishment of liberal-constitutional regimes, see Elie Kedourie’s *Politics in the Middle East* (Oxford: Oxford University Press, 1992) and Elizabeth F. Thompson’s *How the West Stole Democracy from the Arabs: The Syrian Arab Congress of 1920 and the Destruction of Its Historical Liberal-Islamic Alliance* (New York: Grove/Atlantic, 2020). For discussions on constitutions as mechanisms to entrench authoritarian regimes, see Nathan J. Brown, *Constitutions in a Nonconstitutional World: Arab Basic Laws and the Prospects for Accountable Government* (Albany, NY: State University of New York Press, 2002). For a broader analysis of the role of constitutions in authoritarian regimes, see Tom Ginsburg, “Beyond Window Dressing: Constitutions in Authoritarian Regimes,” in *Modern Constitutions*, ed. Rogers M. Smith and Richard R. Beeman (Philadelphia: University of Pennsylvania Press, 2020), 133–53, <https://doi.org/10.2307/j.ctv16t6mq1.8>.
5. Brown, *Constitutions in a Nonconstitutional World*, 10–3.
6. The analysis of horizontal and vertical social contracts is based on Markus Loewe, Tina Zintl, and Annabelle Houdret, “The Social Contract as a Tool of Analysis: Introduction to the Special Issue on ‘Framing the Evolution of New Social Contracts in Middle Eastern and North African Countries,’” *World Development* 145 (2021): 104982.
7. Among the vast literature on the authoritarian bargain, these are often cited: Steven Heydemann, “Social Pacts and the Persistence of Authoritarianism in the Middle East,” in *Debating Arab Authoritarianism: Dynamics and Durability in Nondemocratic Regimes*, ed. Oliver Schlumberger (Stanford, CA: Stanford University Press, 2007), 21–38; and Mehran Kamrava, “The Rise and Fall of Ruling Bargains in the Middle East,” in *Beyond the Arab Spring: The Evolving Ruling Bargain in the Middle East*, ed. Mehran Kamrava (New York: Oxford University Press, 2014), 17–45. See also a recent intervention by Raymond Hinnebusch, “The

- Rise and Decline of the Populist Social Contract in the Arab World,” *World Development* 129 (2020): 104661. For a typology and analysis of various approaches to the authoritarian bargain, see Roel Meijer, “Citizenship, Social Pacts, Authoritarian Bargains, and the Arab Uprisings,” in *The Crisis of Citizenship in the Arab World*, ed. Roel Meijer and Nils Butenschøn (Leiden: Brill, 2017), 79–82.
8. Kamrava, *The Rise and Fall of Ruling Bargains*, 18.
9. Hinnebusch, *The Rise and Decline of the Populist Social Contract*, 3.
10. Heydemann, *Social Pacts and the Persistence of Authoritarianism*, 21.
11. Meijer, *Citizenship, Social Pacts*; and Roel Meijer, “Citizenship and the Transition from Colonial to Authoritarian Pacts,” in *Routledge Handbook of Citizenship in the Middle East and North Africa*, ed. Roel Meijer, James N. Sater and Zahra R. Babar (Abingdon, UK: Routledge, 2021), 85–99.
12. This account is based on “Chronology, March 16, 1964–June 15, 1964,” *Middle East Journal* 18, no. 3 (1964): 320–50.
13. Report by Amembassy Baghdad titled “Comparison of New Iraqi and UAR Constitutions,” May 7, 1964, folder 101127-009-1048, folder title POL 15-5 IRAQ, Government: Constitution, Record Group 59, US State Department Central Files, National Archives, College Park, Maryland; Michael Eppel, *Iraq from Monarchy to Tyranny: From the Hashemites to the Rise of Saddam* (Gainesville, FL: University Press of Florida, 2004), 220.
14. Guy Bechor, *The Sanhuri Code, and the Emergence of Modern Arab Civil Law (1932–1949)* (Leiden: Brill, 2007).
15. Relli Shechter, *The Egyptian Social Contract: A History of State-Middle Class Relations* (Edinburgh: Edinburgh University Press, 2023), 70–81.
16. Steven Heydemann, *Authoritarianism in Syria: Institutions and Social Conflict, 1946–1970* (Ithaca, NY: Cornell University Press, 1999), 30–54.
17. See the constitution in Yusuf Q. Khuri, *al-Dasatir fi al-‘Alam al-‘Arabi: Nusus wa-Ta’dilat: 1839–1987* [Constitutions in the Arab World: Texts and Amendments, 1839–1987] (Beirut: Dar al-Hamra’, 1989), 259–71. For the English translation of the constitution, see Muhammad Khalil, *The Arab States and the Arab League* (Beirut: Khayats; London: Constable, 1962), 535–55.
18. In addition to the analysis of the 1950 constitution itself, observations on the constitution are based on contemporary studies of the constitution; see “The Syrian Constitution of September 5, 1950,” January 5, 1951, OIR Report No. 5374, Department of State Office of Intelligence Research, 8; Majid Khadduri, “Constitutional Development in Syria: With Emphasis on the Constitution of 1950,” *Middle East Journal* 5, no. 2 (1951): 137–60, <http://www.jstor.org/stable/4322268>; Karim Atassi, *Syria, the Strength of an Idea: The Constitutional Architectures of Its Political Regimes* (Cambridge, United Kingdom: Cambridge University Press, 2018), 155–92, <https://doi.org/10.1017/9781316872017>.
19. *Al-Dustur al-Suri* [The Syrian Constitution] (Syria: Matba‘at al-Jumhuriyya al-Suriyya, 1953). For the English translation, see “Constitution of the Republic of Syria,” *Middle East Journal* 7, no. 4 (1953): 521–38, <http://www.jstor.org/stable/4322546>. For an analysis, see Mary Louise Manley, “The Syrian Constitution of 1953,” *Middle East Journal* 7, no. 4 (1953): 520–1, <http://www.jstor.org/stable/4322545>.
20. For the topic discussed in this seminar, see *Halaqat al-Dirasat al-Ijtima‘iyya lil-buldan al-‘Arabiyya fi al-Sharq al-Awsat* [Social Studies Seminars for Arab Countries in the Middle East], v. 1 (Cairo: Matba‘at Misr, 1950), 2.