

## PRINCIPLES OF PARLIAMENTARISM IN THE CONTEXT OF WESTERN ARMENIAN CONSTITUTIONAL CULTURE

Lilit Sarvazyan\*

*“The National Constitution was something equal to national liberation and national autonomy, which greatly supported the strengthening of the capabilities of the Armenians of Turkey for self-governance.”*

*Babken Kiuleseryan*

### Abstract

The Western Armenian constitutional movement, as a unique attempt in the East to modernize the national administrative system based on parliamentary principles, has been interpreted by many Armenian and foreign thinkers. In the context of the historical and political realities of the 19<sup>th</sup>-century Ottoman Empire, foreign authors tried to understand the level of the Armenian nation's constitutional and legal consciousness, its capacity for self-government, the degree of its assimilation of European culture, and the essence of its system of governance. Within national circles, Western Armenian constitutionalism has been studied from various perspectives and with certain considerations, especially with the aim of predicting the nation's political prospects. The goals and patterns of the constitutional movement, the philosophical and ideological foundations and criteria of the “National Constitution,” and the possibility and outcomes of parliamentary governance in Western Armenia have been revealed.

**Keywords:** National Constitution, parliamentary principles, national sovereignty, representative assembly, social harmony, separation of powers

After the adoption (1860) and ratification (1863) of the National Constitution, the Western Armenian constitutional movement proceeded in various directions: the legal protection of natural-national and granted administrative rights, the consolidation of the idea of constitutionalism and the constitutional order, the development of legal and political culture, and the reform of certain provisions of the Constitution. Naturally, the Constitution received diverse assessments, depending on the expectations from the Fundamental Law, the effectiveness of its implementation, the methods of arguing and resolving national issues, the conceptual approaches of national thinkers, and so on. In this context, the valorization of the National Constitution is important at two levels:

---

\* PhD, Associate Professor at the Yerevan State Pedagogical University, Head of the Department of Theory and History of Philosophy, Institute of Philosophy, Sociology and Law, NAS RA [lilit.sarvazyan@gmail.com](mailto:lilit.sarvazyan@gmail.com)  
Received 03.03.2025, revised 11.05.2025, accepted 15.06.2025

© 2025 The Author(s). This is an Open Access article distributed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License

- Theoretical-ideological: considering the goal, logic, ideological and legal-philosophical foundations of the constitutional movement, the theoretical sources of the Constitution, its fundamental principles, the criteria of national governance, and the outlining of the necessary prerequisites for the reconstruction of statehood.

- Practical-political: considering the possible ways of resolving national key issues through constitutional means in specific historical and political conditions, and the degree of flexibility of the Constitution to undergo necessary changes in new situations.

The connection of the National Constitution with the Armenian Question is undeniable, which, with its sub-problems and the urgency of its solution, is both historical and contemporary. According to Saroukhan's assertion, "The history of the Armenian Question would be presented incompletely if the National Constitution were not simultaneously studied and described. One gave birth to the other, and the two are so intertwined that they influence each other and mutually complement each other".<sup>1</sup> That is, the Constitution was a natural product of its time, one of the manifestations of Armenian freethinking and the national liberation struggle.

In contrast to the autocratic regime of the Ottoman theocracy, Western Armenian intellectuals chose the parliamentary-constitutional path of self-government. Referring to this choice, Mkrtich Khrimyan argues the counsel of a contradictory and volatile time, evaluating it as "...a time of slavery and a time of freedom... a time of destruction and a time of standing. a time of autocratic rule and a time of Constitution".<sup>2</sup>

In that complex historical period, the correct political orientation was extremely important, the starting point of which was the preservation of national identity (nationalism) as an immutable law. The existing situation gave rise to a natural aspiration of the nation to re-establish its former unity of all its parts with the right to independence. According to Armenian figures, the correct legal and political path is the establishment of a constitutional order through the adoption of the Constitution, and the creation of a constitutional nation based on the principles of constitutionalism. According to H. Ipekjian's interpretation, constitutional order ("drutiun") means the establishment of power "derived from the nation" – elected and not transferred by hereditary right. According to Servichen, the elected government is the personified nation, the embodiment of its rights: "The moment the government of the nation takes you in hand, at that moment you must be entirely the nation".<sup>3</sup>

According to Armenian thinkers, constitutional capacity is a supreme value – the legal basis for the nation's freedom of self-government, the recognition of its rights, and their legal implementation. To be constitutional ("inknoren") means to be governed by one's own national laws. According to Markos Aghabekyan's assertion, the Armenian in the Ottoman Empire, as a nation or "national fraternity," was able to preserve, develop, and govern itself "by itself" thanks to three factors: "A. The primordial and self-governing

---

<sup>1</sup> Saroukhan 1910: II-III.

<sup>2</sup> Khrimyan Hayrik 1929: 241.

<sup>3</sup> Vichenian 1851: 38.

Armenian Church with its national image, B. The Armenian family fraternity, with its special holy marriage law, C. Its public education, with its national language and schools".<sup>4</sup> Thus, under the conditions of subjugation, the Armenian Church, the family, and the educational system are the natural basis for national preservation and the necessary factors for the nation's self-government. As inalienable rights of the nation, they are enshrined in the 1860 and 1863 versions of the Constitution.

The structure of the National Administration is defined in the National Constitution. From a constitutional perspective, the source, bearer, and sovereign of power is the nation, and all administrative bodies are accountable to the nation. The National Administration is constitutionally defined in a mixed form of governance, which combines constitutional monarchical (national leader), parliamentary, and democratic principles.

Parliamentary governance is implemented through a combination of centralization and decentralization principles, which is manifested in the vertical and horizontal relations of central and local (provincial) authorities. The central authority is represented by the National General Assembly, the Political and Religious Assemblies, the Patriarch, the National Councils and Boards of Trustees, and the Parish Councils. The provincial authority is represented by the provincial assemblies, chaired by the diocesan primates. The Patriarch is the official head of all legislative and executive departments of the national government, and the center is the Patriarchate of Constantinople. The jurisdiction of the national authority extends to all Armenians who are subjects of the Ottoman state.

In a vertical relationship, the National Assembly is at the first level of the administrative hierarchy, the highest and legislative body of the central authority. The very first article of the Constitution establishes the representative principle of governance: "The National Administration is representative. The nation shall be represented by the General Assembly, and through its mediation, the national authority shall be governed".<sup>5</sup> According to the 1860 Constitution, the National Assembly consisted of 220 members, of which 160 were elected from the districts of Constantinople, and 60 from the leading provinces. In addition to the representative principle, the principle of membership is also enshrined in the Constitution, according to which members of the Religious and Political Assemblies, the Supervisory Councils, the chairmen of the Parish Councils, national and Ottoman state officials, representatives of the clergy (bishops, vardapets (scholar-teacher), archpriests), intellectuals (writers, doctors, teachers, editors, translators), and military personnel could join the representatives. Although the number of members was initially limited to 100 individuals, many became members, and it was decided that the General Assembly "should not have more than 400 members," since a session should not be convened in the absence of the majority of representatives (at least 111 members).<sup>6</sup>

<sup>4</sup> Minutes of the General Assembly 1874: 385.

<sup>5</sup> National Constitution of the Armenians 1860, Art. 1, p. 10.

<sup>6</sup> National Constitution of the Armenians 1860, Art. 10, p. 16.

It should be noted that the authors of the Constitution had defined the principle of membership based on the merits of prominent and authoritative individuals. Their goal was to involve as many intellectuals as possible in the parliamentary processes to ensure an “elected” and educated majority. However, the principle of membership created considerable inconveniences in various processes of the National Assembly, especially since the organization of elections was quite complex in the provinces, and the membership of the planned number of intellectuals was unlikely. Moreover, the members were not elected by the people, which contradicted the democratic electoral system. Thus, no matter how justified the goals of the national figures were, Article 10 of the Constitution did not correspond to constitutional principles, and ultimately it was declared reviewable and subsequently reformed.

According to Arshak Alpayajian’s assertion, in the 1863 Constitution, “...the composition of the National Assembly was formed on a more reasonable basis, although it was again not perfectly based on justice. To be based on absolute justice, there should have been no distinction between the clerical and secular classes for both electors and the elected; in the General Assembly, Constantinople not being an exception, every province should have had its representative according to the number of its population”.<sup>7</sup> The principles proposed by Alpayajian were not reflected in either version of the Constitution. However, the constitutionalists excluded any class distinction; representatives of the clergy and secular classes are equally considered representatives of the nation in the National Assembly, performing their functions.

Regarding the disproportion of representatives from Constantinople and the provinces in the National Assembly, it was somewhat mitigated in the 1863 Constitution in percentage terms. According to the revised article, the National Assembly consisted of 140 representatives, of which 20 (1/7) were clerical, 40 (2/7) were elected from the provinces, and 80 (4/7) from the districts of Constantinople.<sup>8</sup> If previously only 60 of the 220 representatives of the National Assembly represented the provinces, then in the revised version, 40 of the 140 representatives were elected from the provinces. That is, the difference between the representatives of Constantinople and the provinces in the 1863 Constitution is 20 less than the indicators defined in the 1860 Constitution.

Members of the Religious and Political Assemblies can participate in the sessions of the National Assembly, but if they are not elected as representatives, they do not have the right to vote in the assembly.<sup>9</sup> According to the law, the sessions of the National Assembly can be convened only with the presence of the majority of representatives (at least 71 people).<sup>10</sup> This issue was also repeatedly discussed in the National Assembly, as sessions were often postponed due to the absence of many representatives.

---

<sup>7</sup> Alpayajian 1910: 416–417.

<sup>8</sup> National Constitution of the Armenians 1863, Art. 57. Since the ratified Constitution of 1863 was in effect in Western Armenia, the articles will be interpreted based on it.

<sup>9</sup> National Constitution of the Armenians 1863, Art. 58.

<sup>10</sup> National Constitution of the Armenians 1863, Art. 59.

The powers of the General Assembly are: “To elect the Patriarch, the Catholicos, and the chief officials of the Nation, and the members of the Religious and Political Assemblies, to oversee the administration of the National Assemblies, to decide and resolve matters concerning these assemblies but considered beyond their competence, and to keep the National Constitution inviolable”.<sup>11</sup> All other administrative bodies are accountable to the National General Assembly. According to long-standing national custom, the General Assembly is convened once every two years, at the end of April, for the following purposes:

- To discuss the Report of the National Administration, the executive authority, on its two-year activities.
- To calculate and examine the general account of the funds collected and spent by the financial officials.
- To elect new members of the Religious and Political Assemblies.
- To decide how the National Tax should be managed in the next two years.
- To participate in the election of the Catholicos of All Armenians.
- To elect the Patriarchs of Constantinople and Jerusalem.
- To resolve disputes arising between the Religious and Political Assemblies or disagreements between the Patriarch and the assemblies. In such cases, the opposing parties in the General Assembly have only the right to speak, but not to vote.
- To review the National Constitution.
- To resolve such issues regarding which “...the decision belongs to the General Assembly”.<sup>12</sup>

Members of the National Administration are entitled to speak on all issues in the General Assembly, but “...apart from tax and election issues, they cannot vote on other issues”.<sup>13</sup> In addition to regular sessions, the National Assembly can be convened by the Patriarch with the agreement of one of the Religious or Political Assemblies, or at the request of the majority of the members of the General Assembly. To convene such extraordinary sessions, the Patriarchate is obliged to inform the Sublime Porte of the reason for convening the General Assembly in order to obtain “...its pleasure”.<sup>14</sup>

There is a special procedure for the election of national representatives in the Constitution. The 20 clerical members of the General Assembly are elected by all the clergy of Constantinople “...by secret ballot and absolute majority of votes.” Bishops, vardapets, and priests can be elected as representatives, but they must be at least thirty years old, ordained at least 5 years prior, not hold office in other places, and “...not be under any judgment”.<sup>15</sup> The term of office for clerical representatives is 10 years, but every two years, 1/5 of them are replaced by election. After the expiration of the ten-year term, the clergy are again considered eligible for re-election.<sup>16</sup>

The basis for the right to elect secular representatives is the national tax and personal merits. According to the Constitution, “For the right to vote for the national tax,

<sup>11</sup> National Constitution of the Armenians 1863, Art. 60.

<sup>12</sup> National Constitution of the Armenians 1863, Art. 61.

<sup>13</sup> National Constitution of the Armenians 1863, Point A.

<sup>14</sup> National Constitution of the Armenians 1863, Arts. 61-62.

<sup>15</sup> National Constitution of the Armenians 1863, Art. 63.

<sup>16</sup> National Constitution of the Armenians 1863, Art. 64.

the elector must pay at least seventy-five gurush of general tax per year.” Those with personal merits have the right to be elected “...those in the Imperial Divans and other offices of the State; certified doctors; authors of useful books; teachers of schools; and individuals who have rendered useful services to the nation”.<sup>17</sup> All Armenians who are subjects of the Ottoman Empire and have reached the age of 25 have the right to vote.

The following are deprived of the right to vote:

1. Criminal offenders declared “politically dead” by the Ottoman Penal Code.
2. Those involved in national-political processes who have been found to have engaged in anti-national activities or have been condemned by one of the National Assemblies, “...for whom it has been decided by the judging assembly that they should not be involved in National affairs.”
3. Those serving “deterrent” sentences by Ottoman courts whose term of punishment has not yet expired.
4. The mentally ill, those recognized as incapacitated due to insanity, “...whose complete recovery has not been legally established”.<sup>18</sup>

Those individuals of the nation who have reached the age of 30, are subjects of the Ottoman Empire, are aware of state laws, participate in national affairs, and are not deprived of the right to vote according to Article 67, have the right to be elected.

The Constitution also outlines the method of election. Every two years, a Joint Council is convened to compile the lists of representatives to be elected from Constantinople and the provinces, with the participation of the chairmen of the Political and Religious Assemblies and the Supervisory Councils. Based on the general census of the nation by the Patriarchal Divan, the number of representatives to be elected is determined. For the districts of Constantinople, the number of voters is taken as the basis, and for the provinces, the population count.<sup>19</sup>

The term of office for representatives is 10 years; every two years, 1/5 of them are replaced, and the composition of the representatives is renewed by election from both the districts of Constantinople and the provinces. This procedure was to be carried out by lot for 8 years, provided that “...if the number of voters in a district or the population of a province has increased or decreased, the number of Representatives to be given to that district or province shall also increase or decrease proportionally”.<sup>20</sup> New individuals are elected to replace deceased or resigned representatives.

Parish representatives are elected by the residents of the districts of Constantinople, and provincial representatives by the General Assembly of each province. According to the national electoral system, it is not mandatory for representatives to “...be residents of the electing district or province; it is sufficient that they reside in Constantinople, be knowledgeable in the national affairs of the district or

<sup>17</sup> National Constitution of the Armenians 1863, Art. 65.

<sup>18</sup> National Constitution of the Armenians 1863, Art. 67.

<sup>19</sup> National Constitution of the Armenians 1863, Art. 69.

<sup>20</sup> National Constitution of the Armenians 1863, Art. 6.

province they represent, and be individuals who have gained the respect and esteem of the electors through their patriotism, integrity, and fairness”.<sup>21</sup> A very important principle is enshrined in the Constitution: the principle of national representation. “The National Representatives in the General Assembly are considered Representatives not of the district or province that elected them, but of the Nation, with equal authority”.<sup>22</sup>

Thus, based on the principle of national unity and the supremacy of national interests, the constitutionalists exclude the supremacy or subordination of the interests of any district or province. If a problem arises in one of the districts or provinces, it becomes a matter of concern for all the representatives of the nation as a national issue. H. Khachatryan and G. Safaryan note in this regard: “The National Constitution enshrined the status of a free representative mandate for the deputy in the National Assembly as the representative of the general interests of the nation, and is not at all bound by its electoral body”.<sup>23</sup> We believe that the Constitution fully reveals the meaning and content of the concept of “national representative.”

The voting procedure: elections were held on the principles of universal, equal, and direct suffrage. According to the Constitution, “Voting is secret; therefore, voters must write their ballot individually so that no one else can see the names written”<sup>24</sup>, and it must be completed in one day. Voters who do not vote on the specified day can no longer submit their vote and have no right to protest. No one has the right to vote in two districts. After the completion of voting, the ballot boxes are opened in front of the Parish Council, and special examiners count the votes, comparing them with the number of voters. If a discrepancy is observed, or if the Parish Council suspects fraud, a revote is scheduled (Art. 77). It is obvious that the preservation of legality is a paramount principle, the violation of which is inadmissible.

A majoritarian electoral system was established. Among those who receive more than half of the votes of the voters, those who receive the most votes are considered elected representatives. If two individuals receive an equal number of votes, the older of the two is elected. If a majority of votes is not obtained in the first round of voting, the Parish Council announces “...the names of the two individuals who received the most votes; and the second vote shall legally be held on those two names”.<sup>25</sup> Ultimately, the candidate with the most votes was elected. The procedure for the ratification of elections is also defined in the Constitution. After the elections, each Parish Council submits the names of the representatives elected from its district and the course of the elections to the Armenian Patriarch in a special report. The reports must include the name, surname, place of residence, occupation of all elected officials, and all the circumstances of the voting. The Patriarch forwards the reports to the Political Assembly, which “...examines them and verifies the conditions of the election of the

<sup>21</sup> National Constitution of the Armenians 1863, Art. 70.

<sup>22</sup> National Constitution of the Armenians 1863, Art. 70.

<sup>23</sup> Khachatryan, Safaryan 1998: 14.

<sup>24</sup> National Constitution of the Armenians 1863, Art. 73.

<sup>25</sup> National Constitution of the Armenians 1863, Art. 80.

Representatives,” after which the Patriarch sends official notifications to the elected representatives, inviting them to participate in the formation of the General Assembly.<sup>26</sup>

In its first session, the General Assembly reviews the reports examined by the Political Assembly and “...ratifies the authority of the Representatives, whereby the General Assembly is legally formed”.<sup>27</sup> If the majority of the representatives of Constantinople are elected, the Assembly can convene without waiting for the completion of the elections of the provincial representatives. If someone is elected by several districts or provinces, they can decide which district or province they wish to represent. Otherwise, the issue is decided by a vote in the National Assembly (Art. 83).

Thus, the National General Assembly is the supreme legislative body and holds supreme authority in the national administrative system as the representative body of the nation. Consequently, the bodies of the executive power, the Auxiliary Councils, and the Boards of Trustees are accountable to the National Assembly. The latter bears political and moral responsibility only to the nation as the source of national power and the supreme subject.

The aforementioned fundamental provisions of the National Constitution give rise to the fundamental principles of parliamentary governance, which are in line with the spirit of Western classical parliamentarism. Moreover, national constitutionalism was progressive in some principles compared to the European constitutional ideology of that historical period. Armenian figures primarily argue the following principles:

- Representative principle: According to the Constitution, “For the Administration to be national, it must be Representative”.<sup>28</sup> Proclaiming the people’s right to free elections as a national-constitutional right, only positions elected by vote and ratified in the National Assembly are considered legal. According to M. Ormanian, “...it is best to heed the voice of God, which is sometimes manifested in the voice of the people and sometimes in the voice of the elders, but it is safest when both voices are in harmony”.<sup>29</sup> Through its representatives, the nation performs legislative, oversight, and accountability functions. The right to the inviolability of the representative is inalienable, which they compensate for with constitutional activity. The representative of the nation must: a) recognize the essence and responsibility of their office, b) show initiative not only in law-making but also in the logic of right-making, c) not become a passive subject of office but come forward with nationally beneficial proposals, having first weighed their usefulness, d) contribute to the constitutionalization process of the Armenian provinces, neutralizing the consequences of Ottoman autocratic administration.
- The administrative jurisdiction of the government derives from the rights of individuals. In the opinion of Retheos Berberian, the criterion for valuing new

---

<sup>26</sup> National Constitution of the Armenians 1863, Art. 81.

<sup>27</sup> National Constitution of the Armenians 1863, Art. 82.

<sup>28</sup> *National Constitution of the Armenians*, 1863, Fundamental Principle, Point E, p. 12.

<sup>29</sup> Ormanian 1880, No. 2695.



civilizations is the extent of freedom granted to the individual, and “The duty of the Government is to ensure that everyone... enjoys their rights... their freedom, which implies that no one violates the freedom of others”.<sup>30</sup> However, according to national constitutionalism, individuals do not directly represent their rights; they are directly represented by parish assemblies, parishes by provincial assemblies, and the latter elect the representatives of the National Assembly, who directly represent the entire nation, and indirectly also individuals. The authority of national deputies is higher, as their electors are also elected by the voice of the people, and they are the “chosen of the chosen.” It should be noted that this electoral system reflects the national trend of constitutional politics – to form a unified legal existence of Western Armenians throughout the empire through the exercise of electoral rights, as a basis for the future political unification of the nation.<sup>31</sup>

- In this context, the merits required by the Constitution for those elected are important, especially their role and the extent of their responsibility in national-political life. According to Ormanian’s observation, the rulers of the nation must recognize the following truth: “The right to vote is the greatest right by which one calls to national office the person whose principles, ideas, talents, achievements, and moral qualities not only make them absolutely worthy but also give reason to judge them suitable according to the circumstances of the time and need.” And the electors must exercise their right to oversee their future representatives, so that “...prominence and servility and private interests remain far from the ballot boxes; only merit and public benefit should determine the elected”.<sup>32</sup> That is, everyone should mind their own business, which implies the accurate performance of the essence of the office, rights, and duties, and the exclusion of unnecessary interference in other areas of activity.
- Mandatory application of the principle of constitutional consultation: no official can govern arbitrarily while maintaining individual identity. Even the most serious national issues, of which the national leader-patriarch is most aware, must be subject to constitutional discussion in the National Assembly. Moreover, the majority of Armenian patriarchs have always had secular advisors who engaged in political activities during the resolution of unpublished national issues. Although the position of a consultative body is not defined in the Constitution, the members of the General, Political, and Religious Assemblies were considered the patriarch’s associates-advisors.
- Supremacy of national interests and well-being over individual interests: the activity of the national administration is based on the principles of national sovereignty and the supremacy of constitutional laws. Therefore, personal principles must be subordinated to official requirements and accepted national-political orientations. According to Ormanian’s observation, “...it is not personal directions that should

<sup>30</sup> Berberian 1883: 83.

<sup>31</sup> See Sarvazyan 2004: 45.

<sup>32</sup> Ormanian 1880: 51-52.

prevail in office, but the calling of the office... if one is called to an office, the official direction is immediately drawn before them”.<sup>33</sup> Resigning from an elected office is constitutionally unacceptable. The political resignation of the national leader must be justified in the name of national security and interests.

- Ensuring social harmony: the Armenian public was not homogeneous; it consisted of different strata endowed with certain social rights and functions. However, the force of constitutional law extended to all members of the nation, regardless of class, property, gender, and other differences. Natural law also does not exempt any group of people from duties; all are equal before the law. The Constitution defines not the rights of classes, but of the nation and its members, the people and the authorities. Consequently, class privileges are excluded: “The Constitution... sees only electors and the elected within the Nation and never classes...”<sup>34</sup> The constitutionalists generally rejected class discrimination and the idea of class struggle, as they considered nationality and pan-national key issues to be primary.
- Equality and cooperation of secular and spiritual authorities: In the National Assembly, secular and clerical deputies have equal authority. The eligibility of clerics is conditioned by their greater awareness of specific religious issues. If they were to defend only the rights of the clergy, then apart from ecclesiastical matters, they would have no voice in the voting on national-political issues. Similarly, laypersons would have no voice in the voting on ecclesiastical issues. The consequence of this would be the division of the National Assembly, the supreme body of national authority, and it would become “...an entity... a two-bodied creature, back to back, unable to move forward or backward.” According to the principle of parliamentarism, spiritual officials enjoy the respect of laypersons, but as members of the nation, they must bow equally with them before the principle of justice and legality. Therefore, all members of the supreme national body “...equally represent the Nation and have a decisive voice with equal authority in all national issues”.<sup>35</sup>
- Constitutional correlation between the people and the authorities: The entire Armenian population is the subject of national law and the object of the national authority’s care. What is the right of the authority is the duty of the people, and what is the right of the people is the duty of the authority. According to Nahapet Rusinian’s assertion, the Constitution “...regulates the right and duty of each individual in their national relations with each other on the one hand, and on the other hand, mutually binds the Nation and the National Administration with obligations”.<sup>36</sup> The illegality of both the people and the rulers is rejected, and both tyranny and false democracy are condemned, because, in the end, both lead to anarchy. According to the thinker, when the authority is negligent, it loses its general administrative right and “...is

<sup>33</sup> Ormanian 1910: 22.

<sup>34</sup> Minutes of the General Assembly 1870: 21.

<sup>35</sup> Minutes of the General Assembly 1870a: 22.

<sup>36</sup> Rusinian, National Collection, Constantinople (n.d.): 25.

morally considered dissolved and ruined before its former rights and laws”.<sup>37</sup> And when the people are negligent, they lose their constitutional rights.

The people have the right to evaluate the activities of the parliament, determining its legality and fairness. But the people must also recognize the rights of the national authority, obeying the laws. Moreover, according to M. Khrimyan, they must also be aware of the laws of the ruling state, so that “...lawbreakers do not dare to oppress even by law due to the ignorance of the people”.<sup>38</sup> Grigor Odian recalls the constitutional principle that the people elect the officials of their nation with trust, realizing that “...they themselves will not be able to exercise the right to govern themselves well... [they] entrust it to those who know”.<sup>39</sup> Therefore, the people have no right to interfere unnecessarily in the activities of the authority, guaranteeing its freedom to act. The constitutional order is established for the sake of freedom, which also implies constitutional responsibility. According to Nerses Varzhapetyan, the nation is obliged to protect the authority and honor of its own power; otherwise, “...we lose the right to demand the same from foreigners. If we strengthen ourselves internally with unity, we will be respectable and powerful externally”.<sup>40</sup> Accepting the judgments of senior political figures, Ormanian also emphasizes the correct guidance of the people’s potential, having the national perspective as a mindset, because “The first element of nationality and national essence is to feel it in one’s will with force and firmness”.<sup>41</sup>

The constitutionalists call the nation’s deputies the “natural advocates” of the people, whose supreme duty is the protection of national rights, especially in volatile geopolitical conditions. They believe that national rights should under no circumstances be sacrificed to political considerations, keeping the national spirit invulnerable and impenetrable to harmful external influences. In such situations, Gr. Odian’s advice is: “...wait until the time comes, and act when the time arrives, this is... my principle in politics”.<sup>42</sup> The people should not be incited to struggle unprepared and with doubtful consequences.

- Proportionality of centralized and decentralized governance principles: Armenian traditional politics is characterized by two trends: on the one hand, the strengthening of centralized power, and on the other hand, the protection of local autonomies<sup>43</sup>. From Ormanian’s viewpoint, “When times are difficult, it is useful to gather around the authority from all sides, forming a single and united union, and with it to fight against all kinds of difficulties”.<sup>44</sup> Naturally, in a complex political situation, centralized governance is justified, and the role of the central National Administration increases,

<sup>37</sup> Minutes of the General Assembly 1874: 84.

<sup>38</sup> Khrimyan Hayrik 1929b: 437.

<sup>39</sup> National Constitution and Mejmu'a 1861: 4-5.

<sup>40</sup> Minutes of the Representative General Assembly 1870a: 6.

<sup>41</sup> Ormanian 1880a: 44.

<sup>42</sup> Grigor Odian 1931: 145.

<sup>43</sup> See Sarvazyan 2010: 134-142.

<sup>44</sup> Ormanian 1879: 34.

“...because it is the one that unites all individuals of the nation as the natural and legal head of the Armenian nation”.<sup>45</sup> Nevertheless, even in this case, it is not right to prohibit individual activity in the fields of education, charity, economy, and culture; on the contrary, it is necessary to support the people’s initiative: “...everything that belongs to the nation must not escape the supervision of the national center, so that nothing completely alien and separate remains on the national body as something inappropriate”.<sup>46</sup> In the 19<sup>th</sup> century, the principle of decentralized governance became one of the fundamental constitutional ideas. If in intra-national relations the centralization of national potential around the national authority was important, then in the status of subjugation, decentralized national self-government was necessary. The adoption and implementation of the Constitution was a unique manifestation of this principle, as the first stage of the restoration of statehood.

- Freedoms of debate, opinion, and conviction as essential conditions for parliamentary activity: National issues receive legitimate solutions only through debate and free discussion, which continue until a constitutional way of resolution emerges, new ideas are born, truths are revealed, and falsehoods are refuted. According to the principle of constitutionalism, freedom of speech is meaningful by the usefulness of the proposed goal, that is, not for that part of the people who presented it, but for the entire nation. According to N. Varzhapetyan, “...all essences must unite on the single Ego, that is, on the nation; in the circle of love, every person is great and at the same time small”.<sup>47</sup>

The constitutionalists consider the free press a means of illuminating national key issues and monitoring the implementation of constitutional principles. But there are also issues that, under conditions of tyranny, they are forced to discuss secretly. These should be covered within national-official circles, in the presence of official correspondents, so that they “...do not mislead public opinion by receiving false information, the anchor of the Constitution”.<sup>48</sup> In the very first months of the Constitution’s implementation, it was proposed in the National Assembly to create a charter guaranteeing the freedoms and rights of the national press, as well as a national official gazette (it became the “Masis” periodical of Constantinople).

The existence of an official gazette was meaningful not only within national circles but also within and outside the borders of the Ottoman state: to publicly proclaim national and civil rights, to officially declare national issues and goals in the name of the nation, to demand solutions to issues related to the empire in the name of the nation, and to refute falsehoods about the nation in the foreign press. The National Parliament also has the right to discuss imperial decrees. If the decrees are not favorable to the

---

<sup>45</sup> Ormanian 1880: 19.

<sup>46</sup> Ormanian 1880: 20.

<sup>47</sup> Minutes of the General Assembly 1874: 6.

<sup>48</sup> Minutes of the General Assembly 1884: 518.

Armenians, the nation is authorized not to implement them, sending a response-protest in the name of the nation.

N. Rusinian interprets the limits of platform freedom in the national parliament. He considers the parliament's platform the "high national public square" from which one speaks to the nation and the world. Moreover, every word spoken is subject to the judgment of the nation and foreigners. Therefore, only well-considered issues should be presented from this platform. And since the limit of Armenian platform freedom is intra-national life, then, according to R. Berberian, everything should be spoken "...in the name of truth, in the name of justice, in the name of brotherhood, in the name of the Fatherland and God".<sup>49</sup> But the right to the inviolability of the national representative is proclaimed inalienable; unjustly slandering, depriving of mandate, exiling, or killing them is a gross violation of constitutional principle. If a representative commits a violation of the law within national circles, only the national authority has the right to condemn them, and if the crime is against the empire, they are punished by Ottoman laws.

Therefore, if the freedom established by natural-divine law is absolute and inalienable, and it is an ideal for humankind in general, then the manifestations of that freedom within a specific human community, within the framework of national existence, have mandatory boundaries, the violation of which endangers even the permitted freedom. According to constitutional ideology, it is necessary to recognize the limits of freedom and not to propose unsolvable problems in the existing conditions.

The constitutionalists proclaimed the people's right to discuss and criticize the activities of the national authorities: "the people know how to respect authority, they know how to honor the Administration, but they cannot remain silent against negligence, and apart from not remaining silent, they also know how not to recognize that Administration which does not protect their rights and justice".<sup>50</sup> However, criticism must be reasoned and lawful, observing the rules of civility. The people also have the right to present issues or petitions through public appeals, without dictating the methods of their resolution, the jurisdiction of which belongs to the National Assembly. Because the people presenting a petition, no matter how numerous, do not represent the entire nation. Accepting the people's free will and the right to free speech, Armenian figures warn against resorting to radical rebellious means by the subjugated people, considering peaceful, harmonious relations between the authorities and the people as primary. It is extremely dangerous under conditions of tyranny to provoke a reason to suspend the implementation of the Constitution; rather, it is necessary to protect the achievements of the constitutional order with law-abidingness, as they are the foundation of national sovereignty. Moreover, since the mid-19<sup>th</sup> century, the main demand of popular petitions to the authorities has been the implementation of the Constitution, not bringing the nation to an "anarchic state," and its well-being. "The

---

<sup>49</sup> Berberian 1907: 329.

<sup>50</sup> Minutes of the National Assembly 1870b: 333.

nation expects nothing else from you, if not the Constitution and its implementation”<sup>51</sup>, one of the petitions states.

In summarizing the above, it can be concluded that the protection of the nation's rights in intra-national life implied the resolution of a number of issues. Based on the fundamental principle of “right and duty,” the activities of the constitutionalists were aimed at constitutionally organizing national life and preserving the nation's sovereignty and internal independence. Along with the implementation of the latter, they tried to solve a more complex problem: the protection of the rights of a subjugated but self-governing nation within the empire. At this level, the issue was posed on two planes: the demand for equality of rights between Muslims and non-Muslims (the ruling people and the subjects), as well as between Slavic Christians and Armenian Christians (subject nations).

In addition, Armenian figures argued the issue of human rights in the context of both the rights and freedoms of the human being, and the rights and duties of the human-citizen. On the human being plane, the natural rights of the nation were defended, rejecting tyranny, while on the human-citizen plane, the principles of universal equality, justice, peaceful coexistence of all peoples, the establishment of solidarity, and the recognition of the equality of nations were emphasized.

If in intra-national existence the will of the Armenian people was expressed by constitutional principles through national authorities, then at the second level, it was the will of the entire nation to freely choose its own way of life. In protecting the natural rights of the nation established by natural law, the jurisdiction of the national authority is not limitable, while the applicability of positive law depended on the degree of authority granted by the empire to the subject nation. “Internal independence” is the right of the nation, accepted by the ruling power.

The constitutionalists repeatedly proclaimed in the National Assembly the right to information about the political and legal status of the divided parts of Armenia, as they too sought the protection of laws and equality, striving not to lose their innate national essence. Specifically addressing the situation of Eastern Armenians, M. Aghabekyan asserts that the blows of the Russian nation are in themselves “civilizing,” that is, corrupting morals, and “...its administration is not world-destroying or nation-destroying, but world-transforming or nation-circulating”.<sup>52</sup> Therefore, it is not the physical existence or material property of the nation that is endangered, but its spiritual existence, which leads to greater devastation. Armenian figures emphasize the strengthening of cultural-educational and compatriotic-spiritual ties through publicism, translated literature, as well as awareness of Russian imperial laws and state and social norms, to understand what influence their compatriots are subjected to.

Thus, the aforementioned principles of parliamentary governance can be evaluated both by a specific-historical principle and in the context of contemporary political realities. Naturally, under foreign subjugation, it was impossible to apply all

---

<sup>51</sup> Minutes of the Representative General Assembly 1874: 914.

<sup>52</sup> Aghabekyan 1878: 111.

those principles of parliamentary governance that are applicable in independent and legal states. However, in terms of their ideological-political potential, they have not lost their relevance and, as theoretical-philosophical foundations, can serve as a scientific-methodological basis for modern political concepts.

### **Conclusion**

The article interprets the principles of parliamentarism in the context of Western Armenian national constitutionalism. The role and supremacy of constitutional laws, the significance of representative democracy, the principle of separation of powers, and the Armenian nation's capacity for self-governance are substantiated. The Constitution includes a model of a rule-of-law state, on the basis of which a national parliamentary government was formed.

The National Constitution was intended to guarantee: a) the possibility of preserving the nation's freedom and rights, b) a balance between centralized and decentralized governance principles, c) the supremacy of the National Assembly as the legislative power, d) the administrative equality of the Political and Religious Assemblies, e) the neutralization of class discrimination and social harmony. Many articles of the Constitution are devoted to the rights and duties of the nation's representatives, as well as the relationship and cooperation of socio-political forces, to regulate political processes in national life. Freedom of thought, freedom of speech, freedom of activity, the right to vote, and the equality of all peoples before the law are proclaimed.

### **BIBLIOGRAPHY**

National Constitution of the Armenians, Constantinople, 1860.

National Constitution of the Armenians, Constantinople, 1863.

National Constitution and Mejmu'a, Constantinople, 1861.

### **STUDIES**

Alpoyajian A. 1910. The National Constitution, Its Origin and Application, Comprehensive Calendar of the St. Savior National Hospital of the Armenians, Constantinople: H. Matteosian (In Arm.).

Aghabekyan M. 1878. On the Nationality of the Armenian World, Nation, and Church. Constantinople: Aramyan (In Arm.).

Berberian R. 1883. A Concise Political Economy. Constantinople: Nshan Perperyan (In Arm.).

Berberian R. 1907. Eloquence, School and Education. Vienna: Mekhitarian Printing House (In Arm.).

Grigor Odian 1931. Grigor Odian's Jewels, Vol. 2. Constantinople: M. Kazmararyan (In Arm.).

- Khachatryan H., Safaryan G. 1998. The "National Constitution" of Western Armenians and Its Historical Significance, Key Issues of the Theory and History of State and Law of Armenia. Yerevan: YSU printing house (In Arm.).
- Khrimyan Hayrik 1929a. Time and Its Counsel, Complete Works. New York: Kochnak printing house (In Arm.).
- Khrimyan Hayrik 1929b. Sirak and Samuel (Educational Lessons of a Good Father), Complete Works. New York: Kochnak Printing House (In Arm.).
- Minutes of the National Assembly 1870a. Minutes of the Representative General Assembly. Constantinople: Sagayan (In Arm.).
- Minutes of the National Assembly 1870b. Minutes of the National Assembly of the 1860-1870 Session. Constantinople: Sagayan (In Arm.).
- Minutes of the General Assembly 1874. Minutes of the Representative General Assembly of the 1870-74 Session. Constantinople: H. Mihentisyan (In Arm.).
- Minutes of the General Assembly 1884. Minutes of the Representative General Assembly of the 1883-1884 Session. Constantinople: M. Sarian (In Arm.).
- Ormanian M. 1880a. Armenian Youth (Speech). Constantinople: A.A. Gantar (In Arm.).
- Ormanian M. 1880b. We Are in Need (Speech). Constantinople: unknown printing house (In Arm.).
- Ormanian M. 1910. Memoir of a Twelve-Year Patriarchate, Vol. 1. Constantinople: V. and H. Der-Nersesian (In Arm.).
- Ormanian M. 1879. The Soul of Armenians (Speech). Constantinople: P. Kirishjian (In Arm.).
- Rusinian N. National Collection, Constantinople, (place and date of publication unknown) (In Arm.).
- Saroukhan 1910. The Armenian Question and the National Constitution in Turkey (1860-1910). Tiflis: Epokha printing house (In Arm.).
- Sarvazyan L. 2004. The Issue of Human Rights in Western Armenian Constitutional Ideology, Key Issues of Human Rights and Democracy (Collection of Articles). Yerevan: Lingva (In Arm.).
- Sarvazyan L. 2010. Arguments for the Principles of Centralized and Decentralized Governance, Armenia. Finance and Economics 11. Yerevan: Tigran Mets (In Arm.).
- Speech of His Eminence 1880. Speech of His Eminence T. Ormanian 1880, No. 2695. Constantinople: Printing house "Masis" Newspaper (In Arm.).
- Vichenian S. 1851. Moral Principle. Constantinople: H. Mihentisyan (In Arm.).

***Translated from Armenian by Gevorg Harutyunyan***