Lawgivers in Modern Revolutions

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Abstract

How have lawgivers featured in modern revolutions? This lecture considers key moments in revolutions, including seventeenth-century Britain, eighteenth-century France and (what would become) the United States, and twentieth-century Iran. The appeal to lawgivers (including ancient ones from many cultures) in revolutionary visions and in consolidating new constitutions is a striking feature of modern politics.

Introduction

On 30 January 1649, the king of Great Britain and Ireland, Charles (I), lost his head upon the scaffold. Killing a king would become symbolic of modern revolutions: think of Louis XVI, king of France, who would be guillotined in January 1793. To be sure, not all revolutions have involved regicide. The one that began in the thirteen British colonies in North America in 1776 came and went without the death of the British monarch (who remained safely enthroned on another continent); and the Iranian Revolution resulted in Mohammed Reza Shah Pahlavi fleeing into exile in January 1979. Nevertheless, overthrowing a ruler – most dramatically through execution – has become emblematic of what modern political revolutions have come to mean.

Yet while modern revolutions are easy to picture, they are much harder fully to understand. Take the very word 'revolution'. The ancient Greeks referred to radical political change as 'to make something new' (*neōterizein*) – which was almost always seen as a bad idea. What was good in their eyes was generally what was stable and long-lasting. By contrast, as astronomical study developed, the idea of a 'revolution' referred to a cycle of rotation, not a breakout trajectory to something new but rather a return, again and again, back to the same starting point. It was only in modernity, primarily in response to the French Revolution, that the word acquired its sense of bringing in something new under the sun (though it was later retrospectively applied to England in the seventeenth century and the thirteen colonies earlier in the eighteenth). A modern political revolution came to signify, roughly, a popular uprising, throwing out an old order (perhaps through regicide) so as to make a forward-looking break with the past, lay down a new set of constitutional laws, and block any return.

But, when we look at actual cases, we find that each element of that statement has to be complicated. Popular uprisings don't exclude a role for individuals in inspiring and leading them. Forward-looking revolutionaries don't reject past models; on the contrary, they almost always invoke them. And constitutional lawgiving doesn't rule out either inherited laws (customary or divine), on the one hand, or new mundane regulations, on the other.

Each of those three dynamics – between the people and the individual; between the future and the past; and between constitutions and other kinds of laws or rules – shaped all four revolutions that I named at the outset: commonly called the English Revolution from 1642; the American Revolution from 1776; the French Revolution from 1789; and the Iranian Revolution from 1978, culminating in 1979. Each of these shook the

world, introducing something significantly new, but also engaging throughout with models of laws and lawgivers, as well as other kinds of figures, from the past. And for those who have been following this series of Gresham lectures, you will recognise cameos for the Spartan lawgiver Lycurgus, as well as Plato, Machiavelli and Rousseau, some of them appearing everywhere from London to Philadelphia to Paris to Tehran.

Still, those revolutions might appear to be very different from one another. At two apparent extremes, one of the English revolutionaries declared that 'the foundation of all law lies in the people',[1] by contrast with the foundation of law in the newly proclaimed Islamic Republic of Iran which was declared to be the divinely revealed *shari'a*. But again, that contrast is more complicated than it would seem. In fact, a role for divine sovereignty had animated many of those in seventeenth century England (including the Levellers themselves), while a role for popular consent to the political constitution would figure crucially in Iran.

In moving chronologically from one revolution to the next, of course my account of each will be necessarily quite selective and limited: choosing just one or two figures and episodes to highlight in each case. Moreover, I won't be engaged in evaluating outcomes: judging a revolution to have been a success or failure, a good thing or bad. Instead I want to focus on understanding intentions and ideas: specifically, the intentions and ideas expressed by some of those who prepared the way for a given revolution or participated in it. What role, if any, did they see for a lawgiver – and how did lawgivers and other figures in each case relate to the three dynamic relationships, between peoples and individuals, futures and pasts, and constitutions and the everyday?

English Revolution

Timeline for 17th century England

1625 Charles I takes the throne

1642-46 First Civil War in England: won by New Model Army 1645-6

1647 First General Council of the Army; Levellers' *An Agreement of the People*; Putney Debates

1648 Second Civil War in England

1649 Execution of Charles I, followed by abolition of monarchy & House of Lords: establishment of the Commonwealth without a king ('Puritan revolution')

1653 Oliver Cromwell seizes power within the Commonwealth, dissolves Rump Parliament and establishes Protectorate; opposed by 'commonwealthmen'

1658 Cromwell dies; briefly succeeded by his son Richard as Lord Protector, but he renounces Protectorate after it is abolished by Parliament in 1659

1660 Restoration of the monarchy under Charles II (son of Charles I)

1675-83 Fear of Catholic succession of James (Charles II's brother): opposition leaders include Algernon Sidney, who wrote *Discourses concerning Government* – before execution in 1683

1688-9 'Glorious Revolution': James' daughter Mary and her Protestant husband William of Orange brought to the throne

While the English Revolution had many phases and multiple protagonists, I will begin with one group, the Levellers, whose participation in the Putney Debates in 1647 involved making the famous claim that I quoted earlier: that 'the foundation of all law lies in the people', asserted by Thomas Rainsborough (or Rainborough;

[1] Thomas Rainsborough, in Andrew Sharp (ed.) *The English Levellers* (Cambridge: CUP, 1988), 106; this claim was advanced to defend the claim that even the poor should have a voice in elections, in contrast to the then-obtaining franchise which (he contended) 'enslaves the people of England: that they should be bound by laws in which they have no voice at all!' (111).

the spelling also varies).[2] At that point in the revolution, the Levellers were one of many groups of soldiers in the New Model Army, who had taken up arms to defend the rights of parliament against the king (though regicide was as yet scarcely imagined). And within that army, compared to many of their fellow army officers (against whom they debated at Putney), the Levellers were relative radicals. But they were still radical parliamentarians. They were not trying to abolish the entire political structure of Great Britain and Ireland at the time. Instead they were locked in a struggle with more elitist parliamentarians and fellow soldiers about how inclusive and accountable parliamentary government should be.

The name 'Levellers' referred to their demand for a 'levelling' of the right to vote to elect members of Parliament, by eliminating property qualifications: to the point that virtually all men (still only men), however poor, would be able to vote (though they still excluded beggars and servants on the grounds that they were dependent on others).[3] The point of levelling the franchise was to reshape the membership of Parliament and the voices which it represented, so that in its future lawgiving, the interests of the poor and unpropertied would be represented alongside those of the rich and well-endowed (who had dominated even the House of Commons hitherto).

Yet in claiming that 'the foundation of all law lies in the people', Rainsborough was not arguing that all existing laws should be abolished and remade through explicit popular sovereignty. Rather, he and other Levellers harked back to constitutional laws of the past: what they called the 'ancient constitution' that they believed had obtained before the Norman invasion. In their eyes, that past model had already embodied popular consent. The 'Norman yoke' had to be lifted by the force of revolutionary action and the ancient constitution restored.

We see here a complex dynamic between the future and the past. Future-oriented fighting was necessary in order to resurrect constitutional laws rooted in the past: the past of England, as well as the Biblical models that were invoked by all parties to the English Civil Wars. What was needed was not a new lawgiver to act *ex nihilo*, but a popular effort to reestablish laws that were already there, and to bolster them with new measures to render new lawmaking by parliament more fair going forward.

In that cause, the Levellers drew on additional models as sources for the laws that they advocated in documents such as the *Agreement of the People*. These included laws intended to constrain officeholders and hold them accountable: including annual term limits forcing rotation in office; recall mechanisms; and in extreme cases, the ostracism of corrupt officials from the political community.

Where did those additional models come from? They were largely drawn from ancient Greek and Roman polities – especially as portrayed in Machiavelli's *Discourses on Livy*. The Levellers read Machiavelli to emphasize the role of the common people in asserting their strength and curbing the pretensions and potential tyrannical actions of the elite (in Rome, the struggle between the plebs and the patricians). Rotation in office and recall mechanisms had been key to holding officials accountable in ancient republican Rome, as in many polities of ancient Greece, with Athens having introduced the extreme measure of potential ostracism of anyone deemed in a popular vote to be a threat to the political community. All those mechanisms gave power to the people to curb the holders of the highest political offices. Their invocation by the Levellers (and other factions) embodied an effort to reshape the dynamic between individual and collective in the course of the revolution itself, and in English politics going forward.[4]

Yet rival voices in English revolutionary thought drew very different lessons from the ancient lawgivers and republics. Some argued that the virtue of the ancient republics came not from an elevation of popular power, but rather, from their balancing of a role for the people alongside a Senate and even – as in ancient Sparta – a role for kings. As the more elite republican thinker Algernon Sidney wrote, 'the best Governments of the

[2] As quoted above.

[3] In Sharp (ed.) *The English Levellers*, as above: the Grandee Henry Ireton offered a defence of basing political power on landed property (102-04), linked to his claim that 'those who shall choose the law-makers shall be men freed from dependence on others'. Against him, the Levellers accepted the exclusion of servants so long as they are servants (129-30), with William Petty accepting the exclusion of apprentices and those taking alms 'because they depend upon the will of other men and should be afraid to displease them' – but the Levellers rejected the application of the dependency clause to the poor in general.

[4] Samuel Dennis Glover, 'The Putney Debates: Popular versus Elitist Republicanism', *Past and Present* 164 (1999): 47–80, on which I draw for elements of both this and the preceding paragraph.

World have been composed of Monarchy, Aristocracy, and Democracy' – a form of government described since antiquity as a mixed constitution: Sidney cited as examples the Hebrew Commonwealth, along with Sparta, Athens and Rome.[5] Similarly, at Putney, the Levellers' 'Grandee' opponents appealed to the same ancient models while arguing (against the Levellers) for the retention of the monarchy, the House of Lords, and a property threshold for electors to the House of Commons.

Once the king was executed in 1649, a role for monarchy was officially off the table (that is, until, as it turned out, the monarchy was restored in 1660). But Oliver Cromwell would eventually be named 'Lord Protector' of the republic (having first 'dissolved the (Rump) parliament' and replaced it with an 'unelected Nominated Assembly', which in turn, in 'December 1653…abdicated its authority to Cromwell').[6] Cromwell did not declare himself a lawgiver or act as such. Instead, a new constitution was drafted by a handful of officers in the army (that Cromwell also led).[7] While this constitution, termed the 'Instrument of Government', would be in force until mid-1657, as the 'first written constitution to be adopted and enforced in Britain' providing 'a new and innovatory framework for the central administration of England, Wales, Scotland and Ireland',[8] its small body of collective lawgiver-authors are far from household names. This is another illustration of the dynamic relationship between individuals and a (somewhat) larger group. For while it was the small group of officers who formally acted as the lawgivers in the sense of authors, public memory would be dominated by Cromwell's role as 'Lord Protector' under the new constitution so established: abjuring the name of king, but in effect disposing of some of the old kingly prerogatives, such as the power to dissolve Parliament which he would exercise in January 1655.[9] Lawgivers are not always great individuals or household names; they may help to make a revolution but not necessarily to lead it.

American Revolution

As we move forward to the American Revolution, there is also a dimension of moving back: for several of the various colonies that would become the new (eventually 'united') states had themselves been founded by the British long before the English Revolution. For example, an early charter for the colony of Virginia has been described as having already 'granted voting privileges to all adult male inhabitants regardless of property'[10] – though not to the enslaved Africans who were already being brought there by force. And just as the English Revolutionaries had read Greek and Roman authors on lawgivers, and Machiavelli, so would the American ones – while also reading the English revolutionaries and republicans themselves, though more taken with the elite authors such as Sidney than with the more radical Levellers. At the same time, the Americans built on other aspects of political life on their own continent that had long preceded even the English Revolution: Indigenous Native American models of confederation would be widely recognized as models in the formation of the various governments founded in the wake of the revolution.

But while all these models were important, the Americans of the founding generation also took a critical attitude to aspects of them, seeing themselves as innovating in crucial ways especially in regard to the ancient Greek and Roman lawgivers. tendency among the leading figures of the American Revolution and the subsequent constitutional founding. They came not just to praise or bury the ancient lawgivers, as it were, but to rethink their work and in some dimensions fundamentally modify it for their own future purposes.

We see this already in 1776, at the very onset of the revolution, in a work called *Thoughts on Government* written by John Adams, one of the revolutionary leaders. Adams praised the 'mixed constitution' of ancient Sparta, as established by the lawgiver Lycurgus, as a model, praising its division between a Senate-like body, a popular assembly, and an executive – even, in fact, two kings. Yet he already recognised that the

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[5] Algernon Sidney, *Discourses concerning Government*, ed. T. West (Indianapolis: Liberty Fund, 1990), ch. 2, sec. 16, at 166, referring there also to the models of Venice, Genoa, Lucca, and (at 166-7), the 'Gothick polity' of German and northern states.

[6] Markku Peltonen, *The Political Thought of the English Free State, 1649–1653* (Cambridge: Cambridge University Press, 2022), 222.

[7] Peter Gaunt, 'Drafting the Instrument of Government, 1653-54', *Parliamentary History* 8, no. 1 (1989): 28–42, argues that it was then revised in key passages by Cromwell and his Council before publication several weeks later.

[8] Gaunt, 'Drafting', 28.

[9] Gaunt, 'Drafting', 34-5.

[10] Richard L. Bushman, 'English Franchise Reform in the Seventeenth Century', *The Journal of British Studies* 3, no. 1 (1963): 36–56, at 36, dating this charter to 1619, though the so-called Virginia 'Great Charter' (not issued by the king) is usually dated to 1618.

Spartan model could not be adopted in modern times just as it was. Key changes would have to be made: especially, the introduction of representation and a more distinct separation of powers (Adams also called for a 'division of legislature' though the Spartans did have a Senate-like *Gerousia* as well as an assembly). The ancient lawgivers were an important starting point. But their work had to be modified if it was to be useful.

While the revolution ended with the adoption by the several states of a loose form of 'Articles of Confederation', by 1787 it was felt by many that a more integrated form of federal union was needed, and delegates were sent by each state (except Rhode Island, which stood aside) to Philadelphia to a Constitutional Convention. The document that issued from their collective lawgiving work, the Constitution still in force today (though much amended), required ratification by the states in order to go into effect. And that gave rise to extensive public debate, much of it conducted in print under pseudonyms, between the proponents of the constitution and its critics and opponents – in part over the question of whether the changes made to ancient constitutional models were good or bad.

The most famous defence of the Constitution in the ratification debates was a series of articles written severally by John Jay, Alexander Hamilton, and James Madison, published in a single series under the joint pseudonym 'Publius', in an effort to answer criticisms of the constitution as drafted and to persuade voters in the thirteen states to ratify it. We know the authorship of most of the individual articles (though for some it is uncertain) which have become known as the *Federalist Papers*.

Like Adams in 1776 (and in Adams' own later work of 1787, *A Defence of the Constitutions of Government of the United States of America*, which focused on the state constitutions thereof), [11] the Federalists sided with those who read the long-lasting success of Sparta and Rome as having depended on their possession of senates (or senate-like bodies) that embodied wisdom without term limits.[12] In that way, they rejected the claims of the Levellers and the other radical republicans in the English Revolution who called for severely time-limited parliaments in an effort to bolster the people's power against potentially corrupt officials.

And underlying a strong Senate was the major innovation on which the Federalists prided themselves as having improved on the ancient models. This was the institution of representation. Madison asserted that 'America can claim the merit of making the discovery [of representation] the basis of unmixed and extensive republics' (and emphasized the novelty of this system (no.14, p.104; though in no.63 allowing that the ancients knew of representation without ever using it for 'the total exclusion of the people in their collective capacity').[13] Yet while the mechanism of representation in this way was an innovation, its intention was to realize the purpose of a republic common to the ancients and the moderns: defined as 'a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure for a limited period, or during good behavior'.[14]

The drafters of the Constitution were acutely aware of their historical role – though also that they were acting as a collective body, rather than as the individual lawgivers who had (purportedly) framed constitutions in ancient Sparta, Athens, Israel and even, on some accounts, Rome. Perhaps this is why the authors of the *Federalist Papers* would choose the joint pseudonym 'Publius' – instead of, say, Lycurgus, Solon or Numa. For 'Publius' (almost certainly) was a reference to the Roman statesman Publius Valerius Publicola.[15] He was an influential consul (including a successful military commander) in the early years of the Roman republic. And he did propose some significant laws. But while roughly contemporary with the Athenian lawgiver Solon, Publius was not remembered primarily as a lawgiver, but instead, as a more general kind of

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[11] Online in e-works of John Adams (1850 edition), vol. 4: http://galenet.galegroup.com/servlet/Sabin?af=RN&ae=CY103750513&srchtp=a&ste=14. C. J. Richard has argued that with criticisms of Adams' *Defence*, other American thinkers began distancing themselves from mixed government, even as early as Madison in *Federalist* no. 10: see C. J. Richard, *The Founders and the Classics: Greece, Rome, and the American Enlightenment* (Cambridge, MA: HUP, 1994), 154, though the point is nuanced on 155. See also the criticism and revision of Richard's account of Adams in G. S. Wood, *Revolutionary characters: what made the founders different* (New York: Penguin, 2006), 175-202.

[12] *The Federalist*, no. 63 (probably by Madison), in James Madison, Alexander Hamilton, and John Jay, *The Federalist*, ed. J.R. Pole (Indianapolis, 2004) 385.

[13] *The Federalist*, no.14 (Madison), in Pole (ed.) 101 and 104; no. 63 (probably by Madison), in Pole (ed.) 387.

[14] *The Federalist*, no.39 (Madison), in Pole (ed.) 241).

[15] "Publius & Journal of Federalism · The Robert B. and Helen S. Meyner Center · Lafayette College." Accessed May 31, 2025. https://meynercenter.lafayette.edu/publius-journal/.

republican hero, noted for his military virtues and civic devotion. These three framers of the Constitution did not present themselves publicly as individual lawgivers on a par with the singular archaic ones (though they had collectively with their Convention colleagues dared to revise the ancients' wisdom in respect of representation in particular). Rather they presented themselves as Publius: an upright servant and defender of the republic. And yet, they boldly ventured to claim that their constitution would not have facilitated the fatal error of the ancient Athenians in executing Socrates: Publius (in an essay by Madison) argued that a strong Senate could have prevented the Athenians – whose Council was chosen by lot and served mainly to set the agenda for the more powerful Assembly – from 'the indelible reproach of decreeing to the same citizens the hemlock on one day and statues on the next'.[16]

French Revolution

The relative reticence of the American framers to identify themselves with the greatest singular lawgivers of antiquity, would not be felt by the protagonists of the French Revolution – who acted against the backdrop of a craze for lawgivers that had started in France far earlier. While a 'quarrel between the ancients and the moderns' had consumed French (and other) thinkers for several centuries, a willingness to compare them directly had been fostered at least by the 1770s, and this gave rise to widespread fascination with the ancient lawgivers as models for modern statesman.

The historian David Wisner has charted the role of the lawgiver or legislator throughout this period. As he notes, the economist Turgot for example, appointed by the king as Comptrolleur général (roughly, Chancellor of the Exchequer or Secretary of the Treasury), was described in a letter by Mademoiselle de Lespinasse and by others as the Lycurgus (or Solon) of the French.[17] Similar comparisons were made in the years before the Revolution in the entries to a series of public eulogy competitions: for example, the 1777 competition honouring the French statesman Michel de L'Hôpital, various entrants to which lauded him as comparable to Lycurgus, Solon, and indeed Plato.[18] And once the Revolution was well under way, a 1791 eulogy competition would be devoted to Jean-Jacques Rousseau, portraying that author himself as a venerable lawgiver.[19]

Yet while such comparisons of individual lawgivers to the great archaic one would recur, the real work of revolution would be done by collectivities: the National Assembly that was self-proclaimed in June 1789 by the members of what was previously just one-third of the Estates General (the body representing the common people that had been termed the 'Third Estate'), or subsequently, by smaller groups of deputies within it in the constantly shifting factions jockeying for position. One of the most important moments at the start of the revolution was the swearing of the 'Tennis Court Oath' by the deputies to the newly-declared National Assembly on 20 June 1789: a scene that was subsequently painted by Jacques-Louis David to adorn their very hall of meeting. This presented the whole assembly as lawgivers or legislators (the latter is the more common translation in this context of the French word *législateur*) in the mould of their ancient individual forebears. Wisner observes that one writer at the time compared the entire *Assemblée nationale* to lawgivers who included 'Theseus, Draco, Solon, Lycurgus, Minos, Numa, Zoroaster', all of whom have featured in my lectures this year – as well as 'Confucius, Justinian, Alfred [the Great], Charlemagne, Theodoric, and Gondebaud'.[20]

As the Revolution unfolded, the task of the National Assembly was to write a new constitution. As Keith Baker has put it, 'Between revolution and constitution there was, at the beginning, a fundamental link'.[21] Yet that project was bedevilled by the question of whether the aim was to reinstate a past constitution, or to frame an entirely new one.[22] Against those who defended what they took to be the traditional constitution involving the

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[16] *The Federalist,* no. 63 (probably by Madison), in Pole (ed.) 384: this was a reference to Socrates, whom the Athenians had put to death but later publicly commemorated.

[17] A letter to Guibert of 20 October 1775, as cited in David A. Wisner, *The Cult of the Legislator in France, 1750-1830 : A Study in the Political Theology of the French Enlightenment* (Oxford: Voltaire Foundation, 1997), 74 with n.47.

[18] Wisner, *Cult of the Legislator*, 79, citing in particular a eulogy published in 1778 (apparently having been submitted too late for the competition) by Dominique-Joseph Garat.

[19] Wisner, *Cult of the Legislator*, 104 with n.13.

[20] Wisner, *Cult of the Legislator*, 103.

[21] Keith Baker, in 'Fixing the French Constitution', in Baker, Keith Michael. *Inventing the French Revolution: Essays on French Political Culture in the Eighteenth Century*. Cambridge: Cambridge University Press, 1990, 252-305, at 252.

[22] Baker, 'Fixing the French Constitution', 253.

monarchy, the leading revolutionary thinker Emmanuel Joseph Sieyès would contend that the very idea of the nation transcended and so superseded any fixed constitution: '"Not only is the nation not subject to a constitution, but it *cannot*, it *must not* be"[23] – meaning not that no constitution could be established, but that it could not constrain the general will of the people who might choose to change it once again. But that, Baker argued, led to a destructive dynamic between the revolution and the constitution: 'The revolutionaries were to find that the conception of national sovereignty required to annihilate an old order held implications that could not be contained in defense of the new'.[24]

As constitutional negotiations wore on within the National Assembly (still well before the abolition of the monarchy had been decided or even broadly advocated), Baker notes that pressure was put on the deputies from the people outside, who called their own informal assemblies 'to threaten the recall, replacement, or punishment of recalcitrant deputies'[25] – threatening these Leveller-like institutions to push the revolution in the direction they preferred. Within the National Assembly itself, that kind of radically democratic position was supported by deputies like Salle, who defended the ancient Athenian common people against Madisonian-type charges of having irrationally killed Socrates. While a particular Athenian jury may have issued a mistaken verdict against Socrates, Salle contended, the people did not make mistakes in acting together to enact fundamental laws. In Baker's words, for Salle, 'Acting together in their capacity as a legislative body…neither the Athenians, nor the Spartans, nor the Romans had erred'.[26] The only mistake the Athenians had made was in wishing to act as judges and officials, roles that should be played by representatives instead, and that was an ancient mistake which the French could now avoid.[27] By contrast, the pro-monarchists – who opposed Salle and his comrades – appealed to the example of England, as well as the writings of the American John Adams, to argue for a bicameral legislature and a strong role for executive power[28] – though they would eventually lose out on the former, and of course, eventually, on the king as incarnating the latter.

Yet the dynamic between individually exalted lawgiver figures and the imagined popular general will, even when mediated through small committees or full assemblies of representatives – and equally, the dynamic between future projects and past models – would ultimately exhaust the Revolution. As Keith Baker put it, 'the ideological dynamic…the insoluble problem of instituting and maintaining a form of government in direct, immediate, and constant relationship to the general will — was given its force', already from the negotiations over what would eventually be proclaimed as the Constitution of 1791.[29]

To be sure, the man who would put an end to the first French Republic – Napoleon – would himself act as a singular lawgiver: issuing the Napoleonic Code that remains the basis of French law to this day (notwithstanding the overthrow of Napoleon's empire, the short-lived restoration of the French monarchy and the establishment of the Second Empire, and the later institution of French Republics two through five). Nevertheless, the failure of the Revolution was ascribed by several critical observers to its over-indulgence in what Wisner has called 'the cult of the legislator'.[30] As he observes, in 1814, Benjamin Constant signalled the surfeit of fascination with the lawgiver during the revolution in a kind of sigh: '"Plus de Lycurgue, plus de Numa'".[31]

Iranian Revolution

The Iranian Revolution is often portrayed as embodying an ideology of absolute political power, indeed, as drawing this from Plato, on whose thought the eventual Ayatollah, Ruhollah Khomeini, certainly drew. That kind of link to an absolutist Plato and absolutist power is described (for the sake of contestation), for example,

[23] Baker, 'Fixing the French Constitution', 257.
[24] Baker, 'Fixing the French Constitution', 258.
[25] Baker, 'Fixing the French Constitution', 272-3.
[26] Baker, 'Fixing the French Constitution', 290.
[27] Baker, 'Fixing the French Constitution', 290, quoting Salle: '"let us not apply"' to the French '"the mistakes of ancient peoples who wished to judge and to govern"'.
[28] Baker, 'Fixing the French Constitution', 281-5 and *passim*.
[29] Baker, 'Fixing the French Constitution', 275.
[30] Wisner, *Cult of the Legislator,* 128 and *passim* (including the title of the book).
[31] Wisner, *Cult of the Legislator,* 125.

by Nura Hossainzadeh.[32] Now as some of you will know from my very first Gresham Lecture in 2023, as well as my publications, I think that ascribing an absolutist position of political rule to the philosopher-rulers laid out in Plato's *Republic* is a mistake.[33] And it appears to me that the same is true of the principal political ideas that animated the Islamic Revolution (though I speak on this point without special expertise, as throughout many of the cases treated in the present lecture, in which I have sought to put my series theme into a wider historical perspective mainly by drawing on the works of other scholars).

To be sure, Plato has certainly been an important philosophical influence on Islamic thought for centuries, and in particular on a number of thinkers who prepared the way for the Iranian revolution or led its advent and institutionalisation – in particular the two whom I'll briefly examine, Ali Shariati and Ruhollah Khomeini. But the label of absolutism oversimplifies all those theories. In fact, so does the lens of the role of a 'lawgiver'. For Plato's philosopher-rulers are presented as inheriting the laws from external lawgivers; they are to act as guardians of the laws (literally described as 'guards' or 'guardians'), not as lawgivers themselves. And similarly, in the complex historical traditions of Islamic political thought, one important idea is that of the law (*shari'a*) as being an inheritance from divine revelation, meaning that rulers too are not charged with acting as lawgivers themselves.

In fact, Platonic (and Aristotelian) thought, including the *Laws* as well as the *Republic*, has been influential in Islamic theology and philosophy for more than a millennium, going back to the wealth of translations of Greek philosophy into Arabic that were then read by Muslim as well as Jewish thinkers, for example, in the identification of the philosopher, ruler, prince, legislator and imam in the tenth-century scholar Al-Fārābī's *The Attainment of Happiness*. The translation of the Greek *nomos* as the Arabic *shari'a* and the Hebrew *torah* as ways of referring to law (even though each term has its own special resonances) goes back at least that far. Of course, I cannot give a full background to these ideas or others animating thinkers who would be influential in the Islamic Revolution in Iran, which would require a full study of the complex histories of Shi'ism and many different strains of Islamic mystical, religious and philosophical ideas. Nor, again, will I be engaged in evaluating outcomes: judging any one of the revolutions that I am discussing to have been a success or failure, a good thing or bad. Instead, I will limit myself to highlighting some of our themes so far – as to the inheritance of law, the role of guardianship, and the place of popular consent – as well as the influence of figures whom we have already met in this lecture and previous ones, including Plato, Rousseau and Nietzsche – in the writings of a pre-revolutionary Iranian thinker, Ali Shariati, and in the writings of Ruhollah Khomeini, in dialogue with some moments in the early course of the revolution.

A sociologist of religion and political activist, who studied in both Iran and France and gave influential lectures in Iran while being subjected to repeated political repression by the Shah's regime, Shariati appealed in some of his writings explicitly to the figure of a lawgiver. A lawgiver was needed not to replace the divine *shari'a* law, but to help form distinct Muslim peoples into subjects who would be able to achieve self-determination from their oppressors. As Arash Davari has argued, Shariati's approach can be compared to that of Jean-Jacques Rousseau, whose ideas I discussed in more detail last time: treating the lawgiver as a figure who must work through persuasion to help inculcate a new shared identity.[34] Indeed, I would add that Shariati can also be compared to Friedrich Nietzsche in one element of his literary style: similarly to the way that Nietzsche fashioned a literary figure and device out of his own presentation of the ancient Iranian prophet Zarathustra, Shariati invented a French professor whom he named 'Chandel' to present his ideas,[35] perhaps both of them doing so in the hope that the reader might ultimately overcome these fictions and achieve self-determination.

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[32] Nura Hossainzadeh, 'Ruhollah Khomeini's Political Thought: Elements of Guardianship, Consent, and Representative Government', *Journal of Shi'a Islamic Studies* 7, no. 2 (Spring 2014): 129–50, at 130, referring to 'many scholars [who] have too quickly characterized Khomeini's thought as a theory of guardianship supporting a religious absolutism', and citing to illustrate this point in n.1 [147-8] Hamid Dabashi, *Theology of Discontent* in 1983 edition (NY: NYU Press edition), 41, ascribing to him there the claim 'that Khomeini's guardian was ultimately 'the idea of philosopher king [sic] in the Platonic understanding of the term [...] Khomeini maintained that people do not know what is good for them'.

[33] Melissa Lane, 'Plato and the Idea of Political Office', Gresham Lecture, 19 October 2023: https://www.gresham.ac.uk/watch-now/plato-office; see also Melissa Lane, *Of Rule and Office: Plato's Ideas of the Political* (Princeton: Princeton University Press, 2023).

[34] Arash Davari, 'Paradox as Decolonization: Ali Shariati's Islamic Lawgiver', *Political Theory* 49, no. 5 (2021): 743–73.

[35] Davari, 'Paradox'.

While Shariati did not live to see the Iranian Revolution, its leader Ruhollah Khomeini had already also begun to articulate his own ideas in pre-revolutionary writings, some of which resonated with the actions taken in the early course of the Revolution. Khomeini treated *shari'a* as revealed law given by the divine lawgiver, leaving no room or need for a human lawgiver on the model of the Greeks or Romans. Yet he did build on elements of earlier Islamic thinking in insisting on a role for popular consent to the new political constitution.

Indeed, as I was thinking about this lecture, I was struck by an unexpected resonance on this point with one of the Levellers in seventeenth-century England, John Wildman, who wrote that 'the undeniable maxim of government: that all government is in the free consent of the people'.[36] Notice that whereas Rainsborough had asserted the people as the source of law – a point with which Khomeini would (I venture to assert) not have agreed – Wildman puts the origin of government as an institutional structure as requiring popular consent. And in fact, after the Shah had fled, the Iranian revolutionaries had called a general popular referendum held on 30-31 March 1979 which had voted to change the constitution from a monarchy to an 'Islamic Republic'.[37] Within the same year, the new Islamic Republic convened an Assembly of Experts who were directly elected by the people to draft a new constitution.[38] (Compare the directly elected members of what became the French National Assembly, in contrast to the American Constitutional Convention of 1787 whose delegates were chosen by the various states [with the exception of Rhode Island, which chose not to send delegates].)

Moreover, as Nura Hossainzadeh has argued, while in Khomeini's pre-revolutionary work *Islamic Government* he argued that an Islamic parliament should have no role in making law in the fullest sense (since *shari'a* already exists), parliament can engage in 'planning', that is, issuing concrete decisions and determinations which enable shari'a law to be implemented (she cites his observation that in modern times there are three branches of government, including 'the legislative or planning body' which is 'the assembly or parliament'.[39] Hossainzadeh argues elsewhere (that in Khomeini's writing, while a law that contradicts the *shari'a* is necessarily illegitimate, a law which implements it or is simply not at odds with it (but perhaps addressing modern circumstances that had not been explicitly covered in the revealed law) is one that the government can rightfully make and enforce, '"if they are meant to secure the well-being of the country, even if they are not included in the law of Islam"'.[40]

Within the constitution of the Islamic Republic, the role that Khomeini himself would occupy was not the executive office of President (who was to be popularly elected), but a more general and encompassing oversight office termed the Leader (after his death, the constitution would be amended to have future Leaders elected at one remove, by a popularly elected group of experts). Again, I was struck in thinking about the different revolutions in this lecture by a comparison to Oliver Cromwell as 'Lord Protector'. The two positions are of course not at all the same, but the idea of guardianship is present in both and has recurred in many different constitutions – including those inspired by Plato – which again have been evaluated in many ways both positively and negatively by different scholars. Hossainzadeh explains that:

> 'Khomeini's justification for guardianship extends back to the political role of the Prophet Mohammad. One of the Prophet's duties was to be an executor of the law, and the Prophet, according to the Shi'a perspective, had to appoint a successor for that purpose. Shi'a doctrine entails the continuity of religious and political leadership and guidance after the Prophet's death and extending through the leadership of the twelve imams'[41] –

the twelfth of whom has been subject to 'Occultation' or hiding, during which period the role of guardian must be played by someone who is superior in knowledge and virtu but will not be infallible as the twelve imams and the Prophet were understood to be.[42]

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[36] Sharp (ed.), *The Levellers*, 116.
[37] Hossainzadeh, 'Ruhollah Khomeini's Political Thought', 132.
[38] Hossainzadeh, 'Ruhollah Khomeini's Political Thought', 132.
[39] Hossainzadeh, 'Ruhollah Khomeini's Political Thought', 141-2, quoting from 142.
[40] Hossainzadeh, 'Ruhollah Khomeini's Political Thought', 143. Seee also Nura Hossainzadeh, 'Democratic and Constitutionalist Elements in Khomeini's *Unveiling of Secrets* and *Islamic Government*', *Journal of Political Ideologies* 21, no. 1 (2016): 26–44.
[41] Hossainzadeh, 'Ruhollah Khomeini's Political Thought', 143.
[42] Hossainzadeh, 'Ruhollah Khomeini's Political Thought', 143.

Indeed, the scholar Hamid Dabashi has claimed that Khomeini's idea of the role of the Guardian Jurist 'was ultimately the idea of a "philosopher king" in the platonic understanding of the term' (albeit that, as Davari also noted, Islamic philosophy had for its part developed different senses of the specific ideas 'king' and 'philosopher' which did not apply here).[43] Dabashi pointed to what he called the 'long historical translation of the platonic ideal into the fabric of Islamic political philosophy', giving rise in this case to 'the notion of "the perfect man" (*al-insan al-kamil*), whereby, in the mystical tradition, the path to spiritual perfection (rendered into political truth) is guided by a master (or *morshed*)'.[44] Yet given the existence of a popularly elected President and assembly as well as other bodies, (as in Plato of other offices under the philosopher-rulers), the role of the Iranian Guardian Jurist, or Leader, does not involve absolute power, but rather, is embedded in a complex constitutional structure.

Conclusion

We have seen that the idea of a modern political revolution is not nearly as simple or straightforward as it might first seem to be. While revolutionaries might seem to be sweeping out the past entirely, they are often fascinated by past political models, and sometimes see themselves as working within inherited laws. Indeed that latter perspective – of working within inherited laws – generated some unexpected similarities between the English revolution of the seventeenth century and the Iranian revolution of the twentieth. Meanwhile, those revolutions that invoke an existing body of law (whether or not already in force in a given country before the revolution in question) might seem to leave little room for the figure of a lawgiver: yet they can still have room for popular consent to government, and for popular enactment of laws or plans needed to give an ancient legal order full force. Finally, where lawgivers have been explicitly invoked in revolutions and constitution-making, as especially in Philadelphia and Paris, the questions of whether they are singular individuals or collective assemblies, and whether they follow or correct lawgivers of the ancient past, have arisen both across different revolutions and in the course of a given one. The Janus-faced figure of the lawgiver – both imparting revolutionary change, and stabilizing it – whom I introduced in the thinking of ancient lawgivers, turns out likewise to symbolize many of the most profound challenges of modern politics.

[43] Hamid Dabashi, *Theology of Discontent: The Ideological Foundation of the Islamic Revolution in Iran*. London: Routledge, 2017, 413, using 'platonic' in lower case here and *passim.* (This is a revised edition of the work cited in a 1983 edition by Hossainzadeh, 'Ruhollah Khomeini's Political Thought', 130 with n.1.)

[44] Dabashi, *Theology of Discontent* [2017 edn], 413.

References and Further Reading

Primary Sources

Adams, J. (1850). *The Works of John Adams, Second President of the United States: with a Life of the Author, Notes and Illustrations, by his Grandson Charles Francis Adams* (Boston: Little, Brown and Co., 1856). 10 volumes. Vol. 4.

Madison, J., Hamilton, A., & Jay, J. (2004). *The Federalist* (J. R. Pole, ed.). Indianapolis.

Sharp, A. (Ed.). (1988). *The English Levellers*. Cambridge University Press.

Sidney, A. (1990). *Discourses concerning government* (T. West, Ed.). Liberty Fund.

Secondary Sources

Baker, K. M. (1990). Fixing the French constitution. In *Inventing the French Revolution: Essays on French political culture in the eighteenth century* (pp. 252–305). Cambridge University Press.

Bushman, R. L. (1963). English franchise reform in the seventeenth century. *The Journal of British Studies*, *3*(1), 36–56.

Dabashi, H. (2017). *Theology of discontent: The ideological foundation of the Islamic Revolution in Iran*. Routledge.

Davari, A. (2021). Paradox as decolonization: Ali Shariati's Islamic lawgiver. *Political Theory*, *49*(5) 743–773.

Gaunt, P. (1989). Drafting the Instrument of Government, 1653-54. *Parliamentary History*, *8*(1), 28–42.

Glover, S. D. (1999). The Putney Debates: Popular versus Elitist Republicanism. *Past and Present*, *164*, 47–80.

Hossainzadeh, N. (2014). Ruhollah Khomeini's political thought: Elements of guardianship, consent, and representative government. *Journal of Shi'a Islamic Studies*, *7*(2), 129–150.

Hossainzadeh, N. (2016). Democratic and constitutionalist elements in Khomeini's unveiling of secrets and Islamic government. *Journal of Political Ideologies*, *21*(1), 26–44.

Kincaid, J. (n.d.). *Publius & Journal of federalism · The Robert B. and Helen S. Meyner center · Lafayette college*. The Robert B. and Helen S. Meyner Center · Lafayette College. https://meynercenter.lafayette.edu/publius-journal/

Lane, M. (2023). *Of Rule and Office: Plato's Ideas of the Political.* Princeton University Press.

Peltonen, M. (2022). *The political thought of the English Free State, 1649–1653*. Cambridge University Press.

Richard, C. J. (1994). *The founders and the classics: Greece, Rome, and the American enlightenment*. Harvard University Press.

Wisner, D. A. (1997). *The cult of the legislator in France, 1750-1830: A study in the political theology of the French enlightenment*. University of Michigan.

Wood, G. S. (2006). *Revolutionary characters: What made the founders different*. Penguin.

Further Reading

Edelstein, D. (2025). *The Revolution to Come: A History of an Idea from Thucydides to Lenin.* Princeton University Press.

Foxley, R. (2013). *The Levellers: radical political thought in the English Revolution.* Manchester University Press.

Walzer, M. (1985). *Exodus and Revolution.* Basic Books.

Wood, G.S. (2008). *Representation in the American Revolution*, rev. edn. University of Virginia Press.

Zaman, M.Q. (2012). *Modern Islamic thought in a radical age: religious authority and internal criticism*. *Cambridge University Press.*